

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



# CITY OF PORTLAND

## BUILDING PERMIT

This is to certify that BURNHAM, ARMS ANNEX LLC  
ARMS ANNEX LLC BURNHAM

Located At 629 CONGRESS

Job ID: 2011-07-1585-SOB

CBL: 046 - - D - 027 - 001 - - - -

has permission to build parking lot

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

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise closed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner before this building or part thereof is occupied. If a certificate of occupancy is required, it must be

\_\_\_\_\_  
Fire Prevention Officer

\_\_\_\_\_  
Code Enforcement Officer / Plan Reviewer

**THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY**  
**PENALTY FOR REMOVING THIS CARD**

## BUILDING PERMIT INSPECTION PROCEDURES

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

or email: [buildinginspections@portlandmaine.gov](mailto:buildinginspections@portlandmaine.gov)

With the issuance of this permit, the owner, builder or their designee is required to provide adequate notice to the city of Portland Inspections Services for the following inspections. Appointments must be requested 48 to 72 hours in advance of the required inspection. The inspection date will need to be confirmed by this office.

- **Please read the conditions of approval that is attached to this permit!! Contact this office if you have any questions.**
- **Permits expire in 6 months. If the project is not started or ceases for 6 months.**
- **If the inspection requirements are not followed as stated below additional fees may be incurred due to the issuance of a "Stop Work Order" and subsequent release to continue.**

The project cannot move to the next phase prior to the required inspection and approval to continue, REGARDLESS OF THE NOTICE OF CIRCUMSTANCES.

IF THE PERMIT REQUIRES A CERTIFICATE OF OCCUPANCY, IT MUST BE PAID FOR AND ISSUED TO THE OWNER OR DESIGNEE BEFORE THE SPACE MAY BE OCCUPIED.



# PORTLAND MAINE

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Director of Planning and Urban Development  
Penny St. Louis

Job ID: 2011-07-1585-SOB

Located At: 629 CONGRESS

CBL: 046 - - D - 027 - 001 - - - -

## **Conditions of Approval:**

### **Zoning**

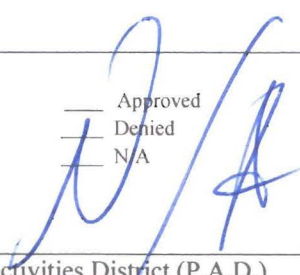
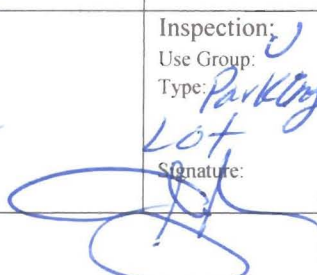
1. Separate permits shall be required for any new signage.
2. ANY exterior work requires a separate review and approval thru Historic Preservation.  
This property is located within an Historic District.

### **Historic**

- \* Arborvitae to be maintained as a hedge and kept at a height of no more than 8'.

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

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

Job No: <b>2011-07-1585-SOB</b>	Date Applied: <b>6/28/2011</b>	CBL: <b>046 - - D - 027 - 001 - - - -</b>	
Location of Construction: <b>629 CONGRESS STREET</b>	Owner Name: <b>ARMS ANNEX LLC BURNHAM</b>	Owner Address: <b>PO BOX 6816 SCARBOROUGH, ME - MAINE 04074</b>	Phone: <b>332-6200</b>
Business Name:	Contractor Name: <b>Burnham Enterprises - HP Burnham</b>	Contractor Address: <b>same as above</b>	Phone:
Lessee/Buyer's Name:	Phone:	Permit Type:	Zone: <b>B-3</b>
Past Use: <b>Vacant Land</b>	Proposed Use: <b>To install a parking lot for eight new parking spaces</b>	Cost of Work: <b>\$10,000.00</b>	CEO District:
		Fire Dept: <div style="text-align: center;"> <input type="checkbox"/> Approved  <input type="checkbox"/> Denied  <input checked="" type="checkbox"/> N/A         </div> Signature: 	Inspection: Use Group: <input checked="" type="checkbox"/> Type: <b>Parking Lot</b> Signature: 
Proposed Project Description: <b>Multi - Car Parking Lot</b>		Pedestrian Activities District (P.A.D.)	
Permit Taken By: Lannie		<b>Zoning Approval</b>	

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

## Special Zone or Reviews

- ☐ Shoreland **N/A**
- ☐ Wetlands
- ☐ Flood Zone
- ☐ Subdivision

## Site Plan

#10 - 79900023

☒ Maj ☒ Min ☐ MM

Date: **7/18/11**

## CERTIFICATION

## Zoning Appeal

- ☐ Variance
- ☐ Miscellaneous
- ☐ Conditional Use
- ☐ Interpretation
- ☐ Approved
- ☐ Denied

Date:

## Historic Preservation

- ☒ Not in Dist or Landmark
- ☐ Does not Require Review
- ☐ Requires Review
- ☐ Approved
- ☒ Approved w/Conditions
- ☐ Denied

Date: **7/12/11**

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

SIGNATURE OF APPLICANT

ADDRESS

DATE

PHONE

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE

DATE

PHON



## Marge Schmuckal - 629 Congress Street - parking lot

**From:** Marge Schmuckal  
**To:** Barbara Barhydt ; Philip DiPierro; Shukria Wiar  
**Date:** 7/8/2011 1:23 PM  
**Subject:** 629 Congress Street - parking lot

HI,

Our office has received a permit application for the parking lot. Can this permit be issued? Can I get a stamped approved plan?

thank you,  
Marge

Wait for Planning  
Sign off before Issuing



# General Building Permit Application

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

Location/Address of Construction: <u>629 CONGRESS ST</u>		
Total Square Footage of Proposed Structure/Area <u>NO STRUCTURE</u>		Square Footage of Lot <u>7650</u>
Tax Assessor's Chart, Block & Lot Chart#      Block#      Lot# <u>46</u> <u>D027</u> <u>001</u>	Applicant * <b>must be owner, Lessee or Buyer</b> * Name <u>BURNHAM</u> Address <u>POB - 2282</u> City, State & Zip <u>SCAR, ME, 04070</u>	Telephone: <u>207-</u> <u>332-6200</u>
Lessee/DBA (If Applicable) <u>N/A</u>	Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work: \$ <u>10,000</u> C of O Fee: \$ Total Fee: \$ <u>30<sup>00</sup></u>
Current legal use (i.e. single family) _____ If vacant, what was the previous use? <u>PARKING lot</u> Proposed Specific use: <u>PARKING lot</u> Is property part of a subdivision? <u>NO</u> If yes, please name _____ Project description: <u>MULTI-CAR PARKING LOT - APPROVED BY PLANNING + HISTORICAL BOARDS - SEE PLANS.</u>		
Contractor's name: <u>BURNHAM ENTERPRISES - H.P. BURNHAM</u> Address: <u>POB 6816</u> City, State & Zip <u>SCARBOROUGH, ME, 04070</u> Telephone: <u>207-332-6200</u> Who should we contact when the permit is ready: <u>ABOVE ↑</u> Telephone: _____ Mailing address: _____		

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

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

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

Signature: H.P. Burnham

Date: 6-28-11

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

RECEIVED  
JUN 29 2011  
Dept. of Building Inspections  
City of Portland, Maine

FENCE PARTS		
Name	Qty	Item
1101-72 PICKET	13	1
70-1/2" - 13 HOLE IND. STRINGER	3	3
2-1/2" POST	2	4
2-1/2" ALUMINUM POST CAP	2	5

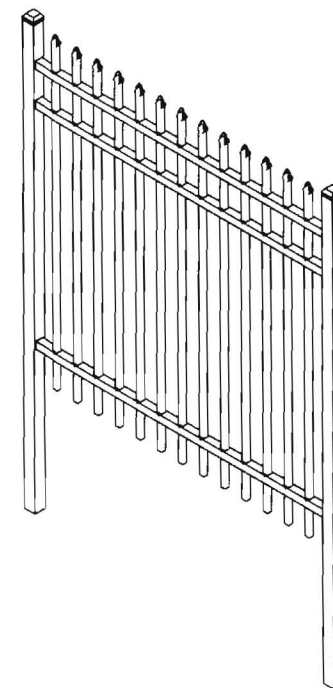
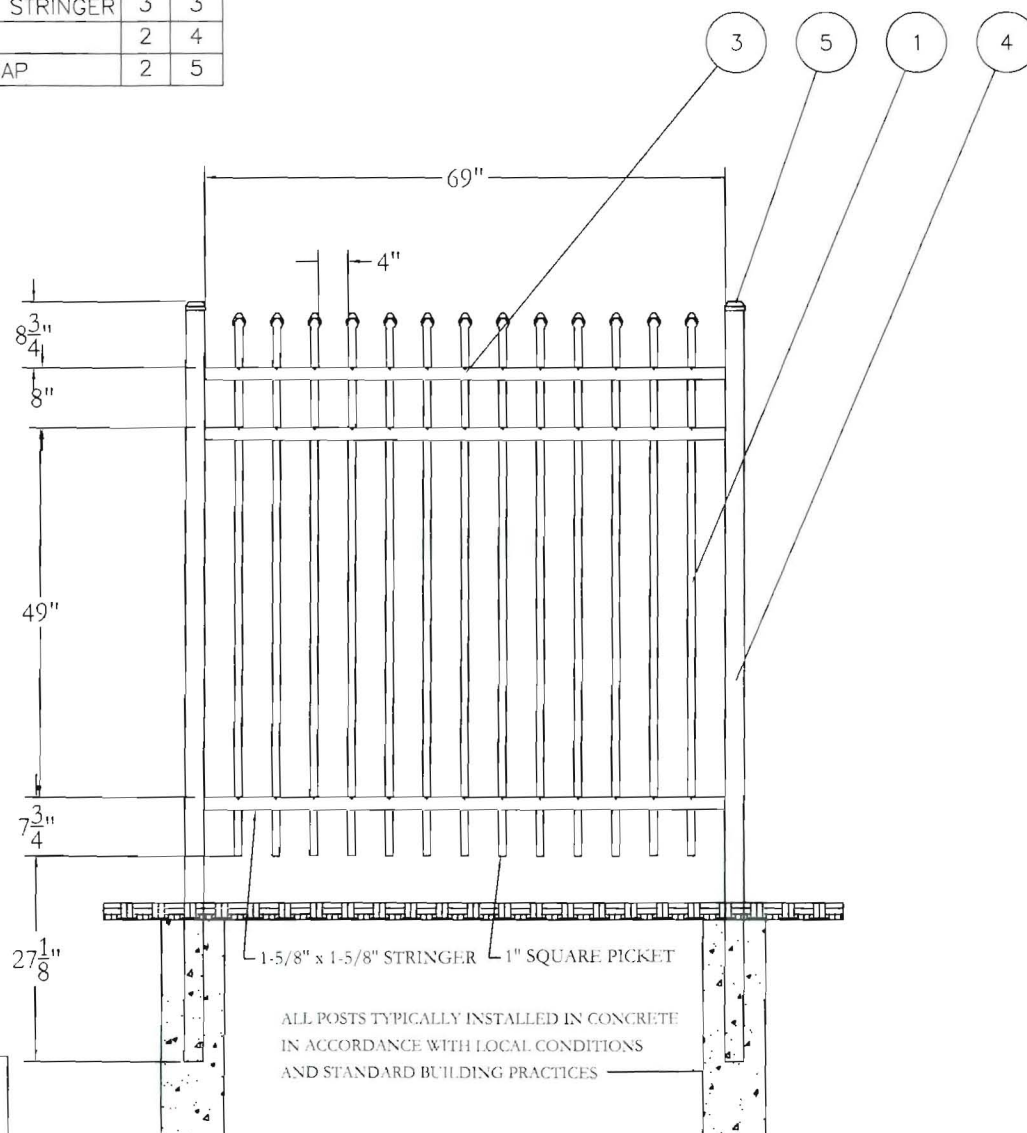
DATE	REV	DESCRIPTION	DATE	APPROVED
-	NC	INITIAL RELEASE		

D

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A

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*Jerith*<sup>®</sup>  
Manufacturing Co., Inc.  
Philadelphia, PA 19154  
(800)344-2242

DRAWING:

INDUSTRIAL FENCE  
STYLE #101 - 72" HEIGHT

SIZE D	DWG NO. IN72U101SN	REV NC
SCALE	DATE 1-1-05	SHEET 1 OF 1



6-28-11

PERMIT FOR 629 Congress ST. 46-D27-001

1. PARKING LOT GRADING.

2. FENCE INSTALLATION.

3. LANDSCAPING.

4. LIGHTING. - ELECTRICIAN WILL OBTAIN PERMIT.

THESE ATTACHED PLANS HAVE BEEN

APPROVED BY THE PLANNING BOARD  
& HISTORICAL BOARD.

Phil DiPierro has completed his  
pre construction site visit please  
contact him for details. 874-8632.

Barbara Barhydt & Deb Andrews have  
direct info. on this site work.

Call me w/ ANY Questions As the city  
is requesting we begin work by  
July 8th. - A \$3000 check is enclosed as  
INSTRUCTED BY ABOVE PERSONS.

Harold Page Burnham



Memorandum  
Department of Planning and Urban Development  
Planning Division

---



**To:** Phil DiPierro- Development Review Coordinator  
Assessor's Office  
Matt Doughty- Public Services  
Jeff Tarling- Public Services  
Marge Schmuckal- Zoning Administrator  
Bill Clark- Public Services  
Leslie Kaynor- Public Services (CD only)

**From:** Shukria Wiar, Planner

**Date:** June 15, 2011

**RE:** 627 Congress Street- Surface Parking lot

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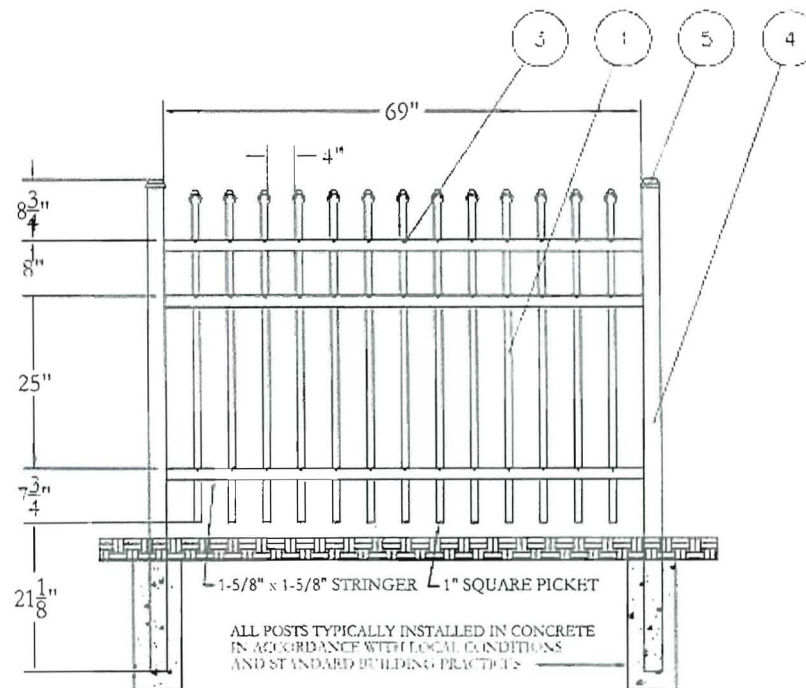
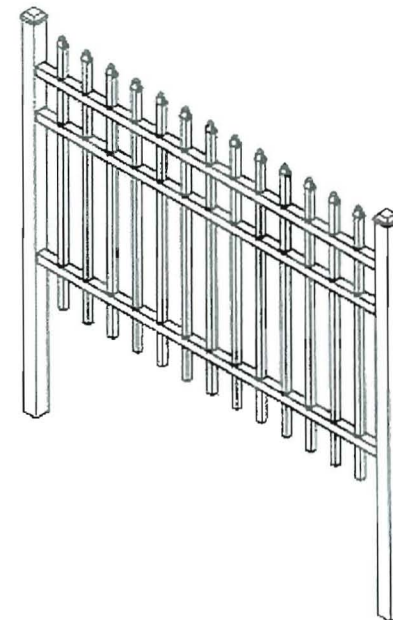
Attached are the final site plans for the above project. If you have any questions, please let me know.

RECEIVED

JUN 16 2011

Dept. of Building Inspections  
City of Portland Maine

FENCE PARTS		
Name	Qty	Item
101-48 PICKET	13	1
70-1/2" - 13 HOLE IND. STRINGER	3	3
2-1/2" POST	2	4
2-1/2" ALUMINUM POST CAP	2	5



CITY OF PORTLAND  
 APPROVED SITE PLAN  
 Subject to Dept. Conditions  
 Date of Approval: 7-2-2010

PLANNING DEPT

**Jerith Manufacturing Co., Inc.**  
 Philadelphia, PA 19154  
 (800)344-2242

---

DRAWING: **INDUSTRIAL FENCE**  
**STYLE #101 - 48" HEIGHT**

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SIZE: D	DWG. NO.: IN48U101SN	REV: NC
SCALE:	DATE: 1-1-04	SHEET: 1 OF 1

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**Planning & Urban Development Department**  
Penny St. Louis Littell, Director

**Planning Division**  
Alexander Jaegerman, Director

March 7, 2011

Burnham Arms Enterprises  
Attention: Harold Page Burnham  
PO Box 6816  
Scarborough, ME  
04070-6816

David Lloyd  
Archetype, P.A.  
48 Union Wharf  
Portland, ME 04101

**Project Name:** Congress Street - 627-629; Burnham Arms Annex Parking;  
**Project ID:** 10-79900023  
**Project Address:** 627 Congress St **CBL:** 046 - D-028-001

Dear Mr. Burnham:

On February 24, 2011, I received an e-mail from David Lloyd requesting an extension for the completion of the project approved by the Planning Board and Historic Preservation Board (e-mail attached). He specifically asks that the completion date be moved from May 15<sup>th</sup> to July 15, 2011. We are aware of the constraints that this winter may place on planting, so we are granting an extension to **June 1, 2011** to complete the approved parking improvements, including but not limited to grading of the parking lot, installing lighting, installing the fence and planting landscape material.

Thank you and if you have any questions, please let us know.

Sincerely,

Barbara Barhydt  
Development Review Services Manager

cc Penny St. Louis, Director, Department of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Deb Andrews, Historic Preservation Manager  
Tammy Munson, Inspection Division Director  
Shukria Wiar, Planner  
— Marge Schmuckal, Zoning Administrator  
Phil DiPierro, Development Review Coordinator  
Steve Blais, 780 Broadway, South Portland, ME 04106

RECEIVED

MAR - 8 2011

Dept. of Building Inspections  
City of Portland Maine

\\Inspections\data\Home\PLANS\SHAR\PLAN\Dev Rev\Congress St. - 627 (Burnham Parking Addition)\2009-08-04, Burnham Parking-Congress Street\Extension Letter.docx

City of Portland  
Development Review Application  
Planning Division Transmittal form

**Application Number:** 10-79900023

**Application Date:**  
08-03-10

**Project Name:** BURNHAM ARMS PARKING

**Address:** 627 Congress Street **CBL:** 046 - D-028-001

**Project Description:** Congress Street - 627-629; Burnham Arms Annex Parking; Burnham Enterprises

**Zoning:** B3C

**Other Reviews Required:**

**Review Type:** CONDITIONAL USE AND MINOR SITE PLAN

**Applicant:**

Steve Blais  
780 Broadway  
South Portland ME 04106

**Applicant:**

Steve Blais  
780 Broadway  
South Portland ME 04106



11/10/10

**Distribution List:**

<input type="checkbox"/> Planner	Shukria Wiar	<input type="checkbox"/> Parking	John Peverada
<input checked="" type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Stormwater	Dan Goyette	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Keith Gautreau	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> Outside Agency	
		<input type="checkbox"/> DRC Coordinator	Phil DiPierro

**Final Comments needed by: December 17, 2010; the Planning Board public hearing for this item is on November 23, 2010.**



**Zoning Administrator Marge Schmuckal**

August 24, 2010

Zoning review is pending; comments will be forwarded at a later date.

**Marge Schmuckal, Zoning Administrator  
September 17, 2010**

This property is located in a B-3 Zone with a Historic Overlay Zone. This is the second site plan submittal. The City received the first site plan submittal on July 27, 2009 (#09-79900006). I have reviewed the most current proposal. The controlling section of the Ordinance for zoning is #14-218(b)5 which allows surface parking under a conditional use appeal approval before the Planning Board. It is my understanding that this permit came in before the site plan changes went into effect and is considered a minor site plan review. I will let Planning make the final decision concerning the level of review for this application.

Section 14-218(b)5 goes on to state that a lot undergoing a minor site plan review, no new surface parking spaces, parking aisles, or vehicle lanes shall be allowed within 35' of any street. It is my understanding that this lot is not undergoing a major site plan review which has even more stringent requirements.

Based upon the above minor site plan requirements of the Ordinance, I have measured that all new parking spaces are meeting the 35' setback requirement of section 14-218(b)5a. The applicant has also mentioned that those parking spaces are not encumbered by any lease or other commitment exceeding 24 months. If there are actual leases, the applicant should submit such leases for review and compliance. If the applicant does not have written leases, there should be more detail as to how the spaces are actually leased out – monthly with apartment rents?

I am also concerned, as I was in the past application, that this lot will not be paved and therefore it will not be able to be striped. I suggest that as part of the approval that 2x4s end-up be buried up to the surface to delineated where the approved parking spaces are located. That way there will be no increase in spaces that were never allowed.

## **Zoning Administrator Marge Schmuckal**

August 24, 2010

Zoning review is pending; comments will be forwarded at a later date.

## **Marge Schmuckal, Zoning Administrator September 17, 2010**

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I am also concerned, as I was in the past application, that this lot will not be paved and therefore it will not be able to be striped. I suggest that as part of the approval that 2x4s end-up be buried up to the surface to delineated where the approved parking spaces are located. That way there will be no increase in spaces that were never allowed.

## **November 18, 2010**

I have reviewed the most current plans received on November 10, 2010. The plan is now showing a total of 8 proposed “new” parking spaces along the side of the existing building. It is noted that there are 5 existing parking spaces that are located close to Deering Street Place.

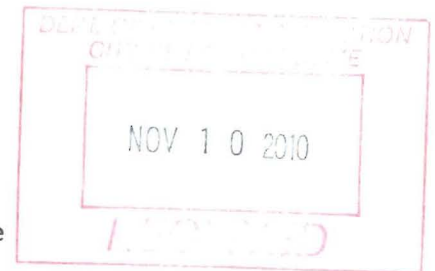
The eight new parking spaces are meeting the 35' setback from street lines as required under 14-218(b)5a of the Ordinance. It is stated that the location of the parking stalls are to be delineated on the adjoining building façade.

The proposal is meeting the required Zoning Ordinance requirements.

November 8, 2010  
BCE File.: 09111

Ms. Shukria Wiar  
City of Portland  
Planning Division  
389 Congress St.  
Portland, ME 04101

**Re: Response to City Comments – Minor Site Plan and Conditional Use  
Burnham Parking Addition, 627-629 Congress St. Portland, Maine  
Project ID #:09-799000006**



Dear Ms. Wiar:

The following responses from the applicant, Archetype Architects and, Blais Civil Engineers address comments received from the City of Portland, in regards to the above-referenced project:

**A. Planning Shukria Wiar:**

1. *Is the applicant proposing this parking lot to be temporary?*

The Burnhams are actively working toward building a commercial/housing unit fronting Congress Street. They have recently submitted a "TIFF" to the City of Portland.

2. *The existing condition sheet shows the lot in review as three parcels: Parcel 1, Parcel 2 and Parcel 3. This is not a subdivision but rather the property is described as such in the warranty deed. Since the parcels are under a single ownership, the City will conduct the review as if the parcels are of one lot.*

There are no proposed changes to Parcel 1. This building will be torn down with the construction of the future building.

3. *Is the "5 existing parking spaces" on sheet LI part of the application? If yes, who will be using these spaces?*

These spaces are to be leased by the owner. To the best of our knowledge, these are existing spaces and will remain.

4. *Is there any lighting being proposed for the open spaces along Congress Street?*

No lighting is proposed along Congress Street.

**RECEIVED**

NOV - 8 2010

5. *Since this property is in the Congress Street Historic District, this project will also need to be reviewed by Portland's Historic Preservation Board. Contact Deb Andrews, HP Program Manager at 874-8726 or [dga@portlandmaine.gov](mailto:dga@portlandmaine.gov) for more information.*

The Historic Preservation Board has reviewed the project. Their comments are listed at the end of this letter.

6. *Since surface parking lots are conditional use in this zone (Section 14-218 (5)), this application will be reviewed by Portland's Planning Board.*

Acknowledged. We submitted a conditional use application on July 28, 2010

7. *In a narrative, explain how this project is meeting the B-3 zoning requirements, Section 14-218 (5) and Section 14-340 of the Zoning Ordinance.*

A B-3 narrative was provided with the submission on July 28, 2010.

8. *There seems to be no formal entry into the parking lot. Is there a curb cut? Explain how the parking lot be accessed.*

The proposed parking will be accessed from the end of Deering Place. The southern portions of Deering Place are not well defined by sidewalk or curbing. This parking lot does not propose a curb cut.

9. *During the site visit, the building on the east side of the parking lot seemed unsafe, what is the proposed plan for this part of the project.*

The subject building is existing and is not part of this project. There are no plans to renovate this building.

10. *All of the parking spaces will need car stops in the form of either curbing or guardrails.*

This is an open parking lot and subject to snow. The applicant does not wish to install car stop as they prevent clearing of snow and can be destroyed by snowplows.

**B. Zoning Administrator Marge Schmuckal:**

1. *Zoning review is pending, comments will be forwarded at a later date.*

Acknowledged.

**C. Deputy City Engineer David Margolis-Pineo:**

1. *It is requested that the applicant not only replace the concrete band around the brick sidewalk on Congress Street but to also remove and replace all the bricks for the entire sidewalk area with the Pinehall Paver for the entire frontage on Congress Street:*



*approximately 79 feet. The applicant has indicated that they intend to replace the existing concrete sidewalk. Let's be clear that the sidewalk will be replaced along the entire frontage to the property. A revised brick sidewalk detail is shown on the following web site: w:\Technical Manual-2010\2010 Technical Manual.*

The Burnhams do not wish to replace sidewalk at this time. Their future proposed multi-use building will require demolition of sidewalk to build foundation and bring in utilities. It does not seem logical to rebuild the city sidewalk at this time and demo it in the near future. We would also wish to note that the sidewalk is in serviceable condition and runs from this site past the recently renovated Baxter Library to High Street in the same condition as exists in front of the this Site.

2. *Please modify Crushed Stone Filter Strip using 1 ¼" vs. ¾" crushed stone and one foot deep vs. 6" deep. Please change to 1 ¼" to 1 ½" crushed stone.*

Detail has been modified to reflect 1 ¼" to 1 ½" crushed stone and 1 foot deep.

3. *The applicant has not indicated how the snow will be dealt with. Will snow be stored on site? If so where? Or does the applicant intend to truck the snow from the site?*

The applicant intends to truck the snow from the Site.

4. *The applicant is requested to provide pedestrian access from the parking lot to the sidewalk on Congress Street*

The applicant does not wish to provide access from Congress Street to their parking lot. Providing a passage way is opening the Site to numerous liabilities with trespassers. In discussions with the Historic Board, it was apparent that the Board would prefer no passage and a solid hedge to screen the parking lot.

**D. Traffic Engineer Tom Errico:**

1. *The plan notes access to five parking spaces on an abutting property, is an access easement required? If maneuvering into and out of these spaces does not require encroaching onto the subject parcel, consideration of a physical barrier is suggested.*

These parking spaces are on parcel one of the subject property.

2. *I would strongly recommend that pedestrian access to Congress Street be provided.*

See response to item C(4) above.

3. *The site is proposing compact parking spaces. I find this to be acceptable.*

Acknowledged

4. *I'm concerned about the lack of pavement on the site such that parking spaces can be delineated. During a field review, I observed an unorganized parking lot. In my opinion this condition will continue in the future. The applicant should elaborate on how parking will be managed.*

The owner's preference is for the gravel parking lot surface. Parking spaces will be numbered and marked on the side of the two adjacent buildings. For the past six years, the applicant has not experience disorderly parking on this lot by the people who have legally used it. Illegal, trespass parking has been the cause of disorderly parking problems, mainly because the lot has easy access to Congress Street.

When the future building is built, the owner intends to pave the lot. The unorganized parking lot is a result of illegal parking due to easy access to Congress Street.

5. *The width of the driveway at the end of Deering Street Place is 20 feet wide and does not meet City standards. I need to look at this in the field before rendering a decision on a waiver.*

Acknowledged.

6. *Signage should included that notes the open space is not for parking and vehicle will be towed.*

A note has been added to the Drawing C1 showing a sign indicating that no parking is allowed in the open space area and that violators will be towed.

**E. Consulting Engineer, Stormwater Dan Goyette:**

1. *The Project Data sheet reports a site area and existing impervious area of 7,956 square feet (parcel 2 and 3), and a proposed impervious area of 6,208 square feet. These values do not agree with other parts of the submission, such as the written statements, which report a site area of 12,744 square feet (all three parcels), and the stormwater management report, which reports an existing impervious area of 10,968 square feet and a proposed impervious area of 9,304 square feet. These discrepancies should be clarified so that the values are consistent throughout the application.*

The Project Data sheet has been updated to reflect a total site area of 12, 744 square feet, 12,744 square feet of existing impervious area and a proposed impervious area of 11,080 square feet.

2. *Sheet L1 notes that there are five existing parking spaces. These existing spaces were not accounted for in the project data sheet. This discrepancy should be fixed so that the application is consistent.*

The Project Data sheet has been revised to reflect the existing five parking spaces.

3. *The City of Portland recommends ten inches of aggregate course, type "A" gravel and clean sand swept into the joints of bricks for a brick sidewalk. The brick sidewalk detail provided did not meet these specifications.*

We proposed adding 6 inches of type "A" gravel over the existing 12 inches of existing gravel. The suitability of the existing gravel will be verified in the field during construction. The applicant plans to pave the parking surface upon City approval of the aforementioned future building. Please refer to response to comment C.1 with respect to the brick sidewalk.

**F. City Arborist, Jeff Tarling**

1. *The proposed landscape plan is acceptable as shown, the 'Armstrong' Red Maple shown at 1.5-2" should be 2" minimum size. The proposed tree & landscape plan should be a good improvement for the now barren site, shade trees should be 2-2.5" caliper vs. the smaller size shown on the plan. Ornamental trees should be 1.75-2" caliper (Katsura Tree).*

Based upon workshop discussions with the Historic Board the landscape plan has been adjusted. A fence with hedge and grass beyond was preferred.

2. *Pedestrian access-the plan should provide a way for pedestrians to pass through the site from the parking lot to Congress Street. The landscape plan should be adjusted to show this route. (This could include a gate if needed for security).*

See response to item C.4 above.

3. *Winter snow load-the landscape plan should consider winter plowing and snow load to minimize damage to landscape plants.*

See response to item C.3 above.

**G. Fire Prevention, Captain Keith Gautreau**

1. *Fire Department's review is pending. Any and all comments will be forwarded at a later date.*

Acknowledged .

**H. Portland Historic Board, Deb Andrews**

- *Regarding the issue of adding fencing, hedge, grass and trees along Congress Street.*

A fence has been provided adjacent to the Congress Street sidewalk as well as provisions for landscaping. Please refer to the attached Landscape Plan for fencing and landscaping.

- *Regarding the request to remove parking which results in cars facing Congress Street.*

The two parking spaces facing Congress Street have been removed and one has been added to the project on the east side of the existing building. Please refer to the Parking Layout Plan (A1) for revised parking layout.

We trust we have addressed the City's concerns adequately. We look forward to presenting this project at the November 23rd, 2010 [that's the submittal date not the meeting date...] Planning Board workshop. In the meantime, please call me if you have any questions or require further information.

Sincerely,

BLAIS CIVIL ENGINEERS

  
FOR Steve Blais, PE

encl:

cc: Burnham Enterprises – Owner

Barry Yudaken – Archetype PA



## PROJECT DATA (updated 11/08/10)

The following information is required where applicable, in order complete the application

Total Site Area 12,744 sq. ft.  
Proposed Total Disturbed Area of the Site 12,744 sq. ft.  
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)

### IMPERVIOUS SURFACE AREA

Proposed Total Paved Area \_\_\_\_\_ sq. ft.  
Existing Total Impervious Area 12,744 sq. ft.  
Proposed Total Impervious Area 11,080 sq. ft.  
Proposed Impervious Net Change 1,664 sq. ft.

### BUILDING AREA

Existing Building Footprint \_\_\_\_\_ sq. ft.  
Proposed Building Footprint \_\_\_\_\_ sq. ft.  
Proposed Building Footprint Net change \_\_\_\_\_ sq. ft.  
Existing Total Building Floor Area \_\_\_\_\_ sq. ft.  
Proposed Total Building Floor Area \_\_\_\_\_ sq. ft.  
Proposed Building Floor Area Net Change \_\_\_\_\_ sq. ft.  
New Building \_\_\_\_\_ (yes or no)

### ZONING

Existing B-3C  
Proposed, if applicable \_\_\_\_\_

### LAND USE

Existing Parking  
Proposed Parking

### RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units \_\_\_\_\_  
Proposed Number of Residential Units to be Demolished \_\_\_\_\_  
Existing Number of Residential Units \_\_\_\_\_  
Proposed Number of Residential Units \_\_\_\_\_  
Subdivision, Proposed Number of Lots \_\_\_\_\_

### PARKING SPACES

Existing Number of Parking Spaces 5  
Proposed Number of Parking Spaces 9  
Number of Handicapped Parking Spaces \_\_\_\_\_  
Proposed Total Parking Spaces 14

### BICYCLE PARKING SPACES

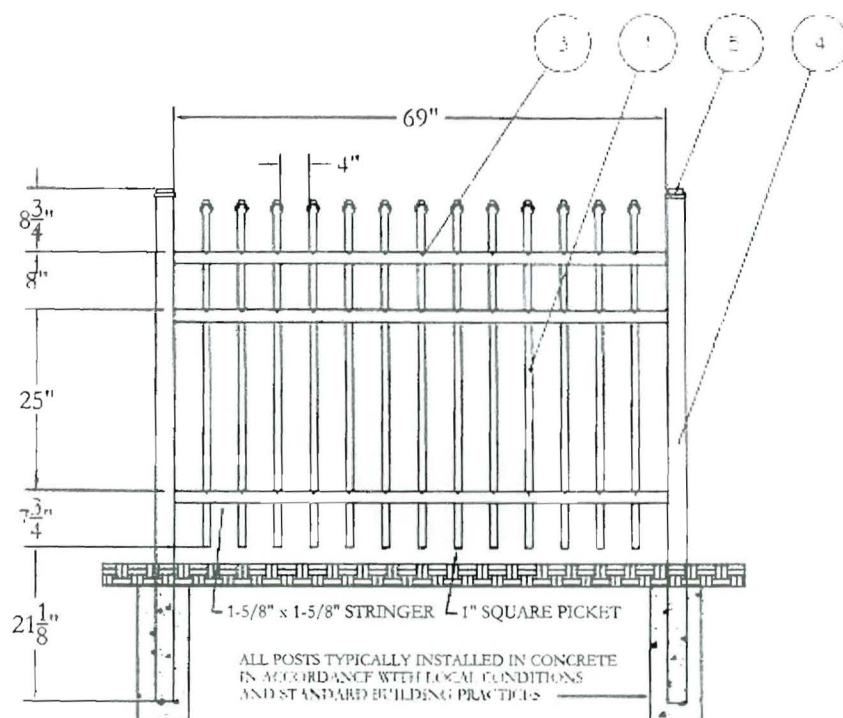
Existing Number of Bicycle Parking Spaces \_\_\_\_\_  
Proposed Number of Bicycle Parking Spaces \_\_\_\_\_  
Total Bicycle Parking Spaces \_\_\_\_\_

### ESTIMATED COST OF PROJECT

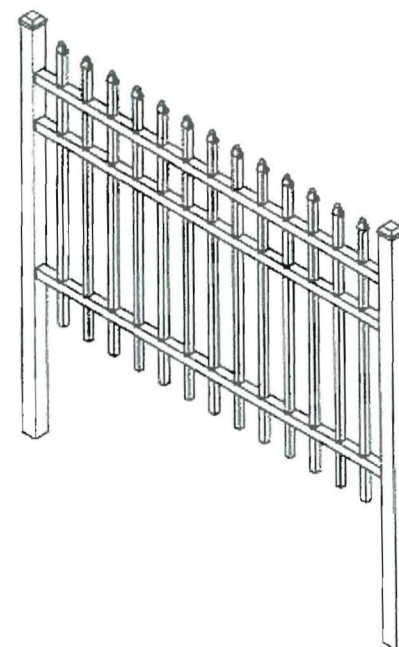
Please answer the following with a Yes/No response on all that apply to the proposed development

Institutional	<u>No</u>	Change of Use	<u>No</u>
Parking Lot	<u>Yes</u>	Design Review	<u>Yes</u>
Manufacturing	<u>No</u>	Flood Plain Review	<u>No</u>
Office	<u>No</u>	Historic Preservation	<u>No</u>
Residential	<u>No</u>	Housing Replacement	<u>No</u>
Retail/Business	<u>No</u>	14-403 Street Review	<u>No</u>
Warehouse	<u>No</u>	Shoreland	<u>No</u>
Single Family Dwelling	<u>No</u>	Site Location	<u>No</u>
2 Family Dwelling	<u>No</u>	Stormwater Quality	<u>No</u>
Multi-Family Dwelling	<u>No</u>	Traffic Movement	<u>No</u>
B-3 Ped Activity Review	<u>No</u>	Zoning Variance	<u>No</u> (or date)
Change of Use	<u>No</u>	Historic Dist./Landmark	<u>No</u>
		Off Site Parking	<u>No</u>

FENCE PARTS		
Name	Qty	Item
1101-48 PICKET	13	1
70-1/2" - 13 HOLE IND. STRINGER	3	3
2-1/2" POST	2	4
2-1/2" ALUMINUM POST CAP	2	5



ALL POSTS TYPICALLY INSTALLED IN CONCRETE  
IN ACCORDANCE WITH LOCAL CONDITIONS  
AND STANDARD BUILDING PRACTICES



*Jerith*  
Manufacturing Co., Inc.  
Philadelphia, PA 19154  
(800)344-2242

DRAWING

INDUSTRIAL FENCE  
STYLE #101 - 48" HEIGHT

© 2005. This drawing may not be altered  
or reproduced without the permission of  
Jerith Manufacturing Co., Inc.

SIZE	DRG. NO.	REV
17	IN48U101SN	NC
SCALE	DATE	SHEET
	1-1-04	1 OF 1







# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

Penny St. Louis Littell, Director of Planning and Development  
Marge Schmuckal, Zoning Administrator

## Meeting Information

DATE: 10/25/10 ZONE: B-3 / Historic / PAID

LOCATION: 627 Congress St

PEOPLE PRESENT: DAVID Lloyd - Deb A - BARBARA B

Shukria W - Ann Freeman - Marge

DISCUSSION: Deb → where HP left off -

4 story → commercial on 4<sup>th</sup> floor or higher - fall 2011  
major site plan review

30 day Appeal period for the 35' setback for the existing  
parking lot proposal has already lapsed

There would be a new interpretation when we get a  
New Application - A REAL Application, not just a concept  
<sup>AKA PARKING</sup>

Discussion about a text amendment to the B-3 35' parking  
setback off Deering Street PLACE

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at [www.portlandmaine.gov](http://www.portlandmaine.gov).



**Marge Schmuckal - Fwd: RE: 627 Congress Street**

**From:** Deb Andrews  
**To:** Barbara Barhydt; Marge Schmuckal; Shukria Wiar  
**Date:** 10/22/2010 11:50 AM  
**Subject:** Fwd: RE: 627 Congress Street

Marge and all:

We are really trying to encourage the Burnhams to redevelop the front portion of the lot. They have some fairly detailed plans for new construction, but are skittish about moving forward or pursuing financing without getting further clarification from the City. I know everyone has met with them before either individually or collectively, but I think it would be helpful to brainstorm about what, if any, options are available to them to remove some of the apparent roadblocks to development. As this is a critical site within the downtown, I think it makes sense to give it more of our time.

Deb

>>> Shukria Wiar 10/22/2010 10:00 AM >>>

Yes, this projects been on our agenda for a while now (for a couple of years, at least for site plan).

The HP Board has had a workshop with them and had recommendations. One of the recommendation was to remove the two parking spaces that faces Congress Street (I believe spaces 8 and 9). In order to get these two parking spaces back, they are proposing adding them in the 35' setback off Deering Place. They want to know what options they have and the process of going to the ZBA.

They also have to redesign the landscaping part along Congress Street, as well.

>>> Marge Schmuckal 10/22/2010 9:52 AM >>>

Thank you. What will be discussed? We've met with the applicant on this site several times. So I am wondering, what don't they understand?

Marge

>>> Shukria Wiar 10/22/2010 9:49 AM >>>

Hi:

I just called David Lloyd's office and we are confirmed for Monday, October 25th at 2:00 PM. We will be meeting in the Planning Conference Room.

Thanks.

Shukria

>>> Barbara Barhydt 10/22/2010 9:41 AM >>>

Yes, Monday afternoon works for me.

>>> Shukria Wiar Friday, October 22, 2010 9:19 AM >>>

Barbara and Marge,

Will Monday afternoon work for you? Deb can make this time. Please let me know so I can confirm with David Lloyd (applicant's consultant).

Thanks.

Shukria

>>> Shukria Wiar 10/21/2010 9:19 AM >>>

Hello:

We never finalized a time to meet with the applicant this week so lets try for next week please. Please indicate the dates that work for you:

Monday- afternoon (12:00 to 4:00)

Tuesday- afternoon

Wednesday- afternoon

Thursday - any time

Thanks.

Shukria

>>> Shukria Wiar 10/13/2010 11:16 AM >>>

Hello:

The consultants for 627 Congress Street has requested a meeting with staff to discuss the review recommendations of the HP and PB Boards; they are also inquiring about building in the 35' setback off of Deering Place. Please let me know what times work for you:

Friday -anytime

Monday- afternoon (12:00 to 4:00)

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Thursday - any time

Thank you.

Shukria

>>> "David Lloyd" <lloyd@archetypepa.com> 10/12/2010 1:23 PM >>>

Shukria

I am responding to your phone call via e mail so I can get everyone on the same page. We met with the Historic board last week. As a result of that meeting we need to redesign landscape plan and take another look at the parking layout.. Basically the board requested a simplified landscape plan, less park like ,more geometric, no path to Congress , possibly a hedge along Congress street and a few trees. They also requested no parking that faces Congress street basically do not want headlights facing Congress. Which brings up the major issue of the 35 foot setback off Deering Place. The board does not feel the necessity of this setback[recognizing that this is a zoning issue not historic] and would prefer parking back there VS on the Congress street end . Deb Andrews suggested a meeting with planners, Marge and herself to discuss possibilities. I would like to request this meeting. After which we will adjust our plans for resubmission .

Thank you for your time and patience in this process.

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**MARGE SCHMUCKAL, ZONING ADMINISTRATOR**

**10/5/09 RE: Burnham Property 046-D-027**

History of the property:

September 13, 2002, permit #02-0981 was issued to then owner Ed Benjamin to allow the demolition of the building on this site.

August 21, 2003 a notice of violation was written to Dan Reed c/o Atlantic Foundation (ho had right title and interest of the property) referring to illegal parking on the lot. The violation letter was from Mike Nugent.

October 3, 2006 Property now under control of Page Burnham – permit #06-1253 was issued to Page Burnham for a new elevator shaft attached to his abutting existing building (46-D-26).

September 4, 2008 Notice of parking violation goes to Page Burnham from Marge Schmuckal, Zoning Administrator.

September 29, 2008 Marge forwarded the complaint to Corporation Council because the owner was non-responsive to the violation.

December 9, 2008 Ann Freeman of Corporation Council and Marge Schmuckal met on site with the owner's son, Michael Burnham.

December 10, 2008 Marge Schmuckal followed up the site visit with a letter to the owner and owner's son.

July 27, 2009 Site plan application (09-79900006) submitted to Planning Division for the use of parking lot.

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*Penny St. Louis Littell- Director of Planning and Development  
Marge Schmuckal, Zoning Administrator*

September 4, 2008

Patricia and Page Burnham  
P.O. Box 6816  
Scarborough, ME 04074

RE: 629-631 Congress Street – 046-D-027 – B-3 Business Zone

Dear Mr. & Mrs. Burnham,

It has come to the attention of this office that the vacant land owned by you is being used as a parking lot without the benefit of required permits, reviews and approvals. When the building occupying the currently vacant land was demolished in December 2003, it was a condition of approval that the land remain vacant. After you purchased the lot and added a new elevator and elevator lobby to your adjoining building in October 2006, it was a condition of both your site plan exemption and building permit approvals that the land remain vacant with out a use, including parking.

Several inspections at the site clearly show that cars are currently parking on this lot. As owner, you are responsible for this unapproved activity. It will be necessary to secure this lot from parking immediately. This vacant lot does not have any permitted rights for parking. Previously submitted plans show the demolished building to encompass the entire lot up to the street called "Deering Street Place".

If you wish to come forward with an application for a parking lot, there is a requirement for reviews and approvals through both the Planning and Inspection Divisions. The B-3 Downtown Business Zone and Site Plan Review requirements would govern your review. However, the lot shall remain vacant prior to any anticipated, future approvals.

A re-inspection will be done in ten (10) days of this letter to insure that the lot is no longer used for parking and is in compliance with City Ordinances. If you have any questions regarding this matter, please feel free to contact me at 874-8695.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

Room 315 – 389 Congress Street – Portland, Maine 04101 (207) 874-8695 – FAX (207) 874-8716 – TTY: (207) 874-3936

Portland, Maine 04101 (207) 874-8695 FAX (207) 874-8716 – TTY: (207) 874-3936





*Gathering a Remarkable City. Building a Community for Life • www.portlandmaine.org*  
Office of Planning and Development  
Administrator

Penny St. Louis  
Marge Schmitt  
Michael Burnham  
P.O. Box 2282  
Portland, ME 04116-2282

RE: 629-631 Congress Street - 046-D-027 - B-3 Zone with PAD and Historic Overlay

Dear Michael Burnham,

Thank you for meeting with Ann Freeman and me yesterday on site. I'm glad we were able to discuss our concerns as outlined in our previous letters with you and your associate.

As I mentioned and pointed out on site, I am of the understanding that the previous building came up to the end of what is known as Deering Street Place which is located near to the rear entry of your adjacent building at 633-635 Congress Street. I have found more documentation supporting exactly where the previous building existed. I have copies of overhead photos taken in 2001, prior to the demolition of the 629-631 building in 2002. It clearly shows the building extending to Deering Street Place. It shows no parking on this lot. I also have historical photos of Congress Street showing the building fronts. I see no 50' alley that extends from the rear of this property forward to Congress Street as you suggested. It shows your existing building and the previous building directly abutting each other. I am enclosing copies of this documentation.

Based upon this further documentation, it is necessary to immediately move the building that you recently placed on site, to a position at the end of your lot where it abuts Deering Street Place. This action will prohibit parking on your property and is currently illegal.

I also heard your concern relating to how Public Services plows snow off of Deering Street Place. I will be forwarding this concern to the Portland Public Services.

As was also related to you, parking lots are allowed as a Corollary with Planning Board approval. I encourage you to move forward with approvals to allow parking. However, in the mean time (before the parking) and the barriers moved in front of Deering Street Place.

Room 315 - 389 Congress Street - Portland, Maine 04101 (207) 874-8695 - FAX: (207) 874-8716 - TTY: (207) 874-3936

#09-79900006

**Zoning Administrator Marge Schmuckal**

**08/05/09**

This property is located within the B-3 Downtown Business Zone with an Historic Overlay. A new surface parking lot is allowable as a conditional use appeal to the Planning Board. Section 14-218(b)5 requires that no new surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site. The submitted plan shows parking spaces as close as 22 feet to Deering Street Place. The parking must be revised to show a minimum of 35 feet per the requirements of the ordinance. I am also uncertain how spaces numbered 10, 11 & 12 get out of the lot. Is it intended that they back all the way out? And what if a larger car parks in the compact spaces numbered 8 and 9? The logistics do not seem to work properly.

I am also uncertain as to whether the existing parking located on parcel 2 is part of this project. If it is part of this project, then those spaces must comply with the 35 foot setback from Deering Street Place. These are the same standards the City applied to a project down the same block.

Marge Schmuckal  
Zoning Administrator

**10/08/09**

Based upon a memo from the Planner dated 10/8/09, the City's lawyer determined that three lots constitute the reviewable site plan. I have further reviewed the submitted plans based upon this information.

Although the exact placement of Deering Street Place is not shown on the most recent submittal, it is fairly clear that 4 of the 5 existing parking spaces are within the required 35 foot setback. To meet the current B-3 Zone parking requirements. These spaces will need to be removed.

It is noted that the new parking spaces are now meeting the B-3 Zone requirements. Because the applicant does not want to pave the lot and thereby won't be able to stripe it, actual parking on the lot will not be controlled and more parking may be created by people parking where ever they can. So I do have a concern that the owner will not be able to maintain what may be finally approved. It is not to the benefit of either the applicant or the City to approve a site plan that can easily be violated in such areas as numbers of spaces and traffic movement.

determination of need by the director of the department of health and human services.

- a. The facility shall be registered with the City of Portland Department of Health and Human Services.

(5) Surface parking provided that:

*conditional use Appeal*  
*14-218(b)5*

- a. In the case of lot undergoing minor site plan review, no new surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site;

- Does Not Apply*
- b. In the case of a lot undergoing major site plan review, no new or existing surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site; and

*The*

- c. No surface parking spaces shall be encumbered by lease or other use commitment exceeding twenty-four (24) month term.

(c) The following use shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:

- (1) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

- a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
- b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and



*Comments Submitted  
8/5/09  
10/8/09 - make comments*

City of Portland  
Development Review Application  
Planning Division Transmittal form

Application Number: 09-79900006 Application Date: 7/27/09

Project Name: BURNHAM ARMS ANNEX PARKIN

Address: 629 Congress St CBL: 046 - D-027-001  
629 Congress St CBL: 046 - D-027-001  
627 Congress St CBL: 046 - D-028-001

Project Description: Burnham Arms Annex Parking; 627-629 Congress Street; Steve Blais, Applicant

Zoning: B-3

Other Reviews Required:

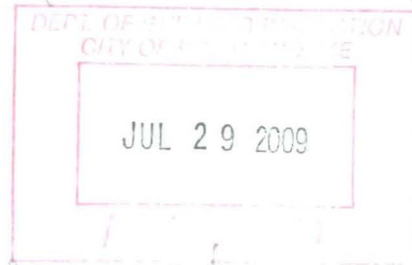
Review Type: MINOR SITE PLAN

Steve Blais  
Blais Civil Engineers

South Portland Me 04106  
Steve Blais  
Blais Civil Engineers

South Portland Me 04106

*NOV 27 2009  
Sept 8th Agenda  
Sept 2nd on Historic  
Walker*



Distribution List:

<input checked="" type="checkbox"/> Planner	Shukria Wiar	<input checked="" type="checkbox"/> City Arborist	Jeff Tarling
<input checked="" type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input checked="" type="checkbox"/> Design Review	Alex Jaegerman
<input checked="" type="checkbox"/> Traffic	Tom Errico	<input checked="" type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input checked="" type="checkbox"/> Inspections	Tammy Munson	<input checked="" type="checkbox"/> Sanitary Sewer	John Emerson
<input checked="" type="checkbox"/> Fire Department	Keith Gautreau	<input checked="" type="checkbox"/> Stormwater	Dan Goyette
<input checked="" type="checkbox"/> Parking	John Peverada	<input checked="" type="checkbox"/> Historic Preservation	Deb Andrews
<input checked="" type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> Outside Agency	
<input checked="" type="checkbox"/> DRC Coordinator	Phil DiPierro		

Preliminary Comments needed by:

*on 7/29/09 the effort to get the 5 year S then come back to the Bd.*



**Zoning Administrator Marge Schmuckal**

08/05/09

This property is located within the B-3 Downtown Business Zone with an Historic Overlay. A new surface parking lot is allowable as a conditional use appeal to the Planning Board. Section 14-218(b)5 requires that no new surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site. The submitted plan shows parking spaces as close as 22 feet to Deering Street Place. The parking must be revised to show a minimum of 35 feet per the requirements of the ordinance. I am also uncertain how spaces numbered 10, 11 & 12 get out of the lot. Is it intended that they back all the way out? And what if a larger car parks in the compact spaces numbered 8 and 9? The logistics do not seem to work properly.

I am also uncertain as to whether the existing parking located on parcel 2 is part of this project. If it is part of this project, then those spaces must comply with the 35 foot setback from Deering Street Place. These are the same standards the City applied to a project down the same block.

Marge Schmuckal  
Zoning Administrator

determination of need by the director of the department of health and human services.

- 14-218(b)5.
- b. The facility shall be registered with the city of Portland department of health and human services.

(5) Surface parking provided that:

- a. In the case of lot undergoing minor site plan review, no new surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site;
- b. In the case of a lot undergoing major site plan review, no new or existing surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site; and
- c. No surface parking spaces shall be encumbered by lease or other use commitment exceeding twenty-four (24) month term.

(Ord. No. 241-91, 3-11-91; Ord. No. 36-93, 7-7-93; Ord. No. 46-97, § 4, 8-4-97; Ord. No. 51-00, § 3, 8-7-00; Ord. No. 205-06/07, 6-4-07)

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\*Editor's Note: Section 14-218(b)(5), subparagraphs a-c shall apply to all applications filed on-or after February 13, 2007.  
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**Sec. 14-219. Prohibited uses.**

Uses not enumerated in sections 14-217 and 14-218 as either permitted uses or conditional uses are prohibited.  
(Ord. No. 241-91, 3-11-91)

**Sec. 14-220. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the B-3, B-3b and B-3c zones shall meet the following requirements:

- (a) Minimum lot size: None.
- (b) Minimum street frontage: Fifteen (15) feet.

**From:** Marge Schmuckal  
**To:** David Marshall  
**Date:** 8/4/2009 4:25:54 PM  
**Subject:** 629 Congress Street - Burnham Parking Lot

Dave,

I just got back from vacation and discovered that the City received a parking lot application for the Congress Street lot that we were asking for. The application date is listed as 7/27/09. I will make copies of what was submitted and put them in your mail box in the Manager's office. They do have to make adjustments. The setback from the rear street is only 22' instead of the 35' required.

Marge Schmuckal  
Zoning Administrator

**CC:** Ann Freeman; PENNY LITTELL

**Zoning Administrator Marge Schmuckal**  
**08/05/09**

This property is located within the B-3 Downtown Business Zone with an Historic Overlay. A new surface parking lot is allowable as a conditional use appeal to the Planning Board. Section 14-218(b)5 requires that no new surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site. The submitted plan shows parking spaces as close as 22 feet to Deering Street Place. The parking must be revised to show a minimum of 35 feet per the requirements of the ordinance. I am also uncertain how spaces numbered 10, 11 & 12 get out of the lot. Is it intended that they back all the way out? And what if a larger car parks in the compact spaces numbered 8 and 9? The logistics do not seem to work properly.

I am also uncertain as to whether the existing parking located on parcel 2 is part of this project. If it is part of this project, then those spaces must comply with the 35 foot setback from Deering Street Place. These are the same standards the City applied to a project down the same block.

Marge Schmuckal  
Zoning Administrator

**10/08/09**

Based upon a memo from the Planner dated 10/8/09, the City's lawyer determined that three lots constitute the reviewable site plan. I have further reviewed the submitted plans based upon this information.

Although the exact placement of Deering Street Place is not shown on the most recent submittal, it is fairly clear that 4 of the 5 existing parking spaces are within the required 35 foot setback. To meet the current B-3 Zone parking requirements. These spaces will need to be removed.

It is noted that the new parking spaces are now meeting the B-3 Zone requirements. Because the applicant does not want to pave the lot and thereby won't be able to stripe it, actual parking on the lot will not be controlled and more parking may be created by people parking where ever they can. So I do have a concern that the owner will not be able to maintain what may be finally approved. It is not to the benefit of either the applicant or the City to approve a site plan that can easily be violated in such areas as numbers of spaces and traffic movement.





Cc: Penny St. Louis Littell, Director of Planning and Development  
Jeanie Bourke, Inspection Services  
Alex Jacgerman, Planning  
Barbara Barhydt, Planning

A reinspection is scheduled for your property two weeks from the date of this letter, on December 24, 2008, to confirm compliance with the City's Ordinances. If there is no compliance at that time, this matter will again be turned over to our Corporation Counsel for the appropriate legal proceedings.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

Cc: Penny Littell, Director of Planning and Development  
David Marshall, City Councilor  
File

**From:** Shukria Wiar  
**To:** Marge Schmuckal  
**Date:** 10/8/2009 9:03:54 AM  
**Subject:** Burnham Arms parking lot

Hello:

I had a discussion with Danielle yesterday and since the parcels are under a single ownership, the City will conduct the review as if the parcels are of one lot. She based her decision on the definition of a LOT; please refer to Section 14-47 of the Zoning Ordinance:

Lot: Except when reference is made herein to a lot of record, a lot is a single tract of land located within a single block which at the time of filing for a building permit or certificate of occupancy is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.

Please update your comments since the five parking spaces will also need to meet the 35' setback.

Thanks.

Shukria

**MARGE SCHMUCKAL, ZONING ADMINISTRATOR**

**10/5/09 RE: Burnham Property 046-D-027**

History of the property:

September 13, 2002, permit #02-0981 was issued to then owner Ed Benjamin to allow the demolition of the building on this site.

August 21, 2003 a notice of violation was written to Dan Reed c/o Atlantic Foundation (he had right title and interest of the property) referring to illegal parking on the lot. The violation letter was from Mike Nugent.

October 3, 2006 Property now under control of Page Burnham – permit #06-1253 was issued to Page Burnham for a new elevator shaft attached to his abutting existing building (46-D-26).

September 4, 2008 Notice of parking violation goes to Page Burnham from Marge Schmuckal, Zoning Administrator.

September 29, 2008 Marge forwarded the complaint to Corporation Council because the owner was non-responsive to the violation.

December 9, 2008 Ann Freeman of Corporation Council and Marge Schmuckal met on site with the owner's son, Michael Burnham.

December 10, 2008 Marge Schmuckal followed up the site visit with a letter to the owner and owner's son.

July 27, 2009 Site plan application (09-79900006) submitted to Planning Division for the use of parking lot.

10/5/09



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

<b>PERMIT ISSUED</b>	
Permit No: 02-0981	Issue Date: 09/03/2002
CBL: 046 D027001	
Location of Construction: 629 Congress St	Owner Name: Benjamin Edward
Business Name: n/a	Contractor Name: Envizon Services, Inc.
Lessee/Buyer's Name: n/a	Phone: n/a
Owner Address: 4 Diamond Ridge Rd	Contractor Address: PO Box 8101 Portland
Phone: 207-781-8297	Phone: 2078281300
Permit Type: Demolitions	Zone: B-3

Past Use: Commercial / Vacant Building; Prior use was a restaurant / theatre	Proposed Use: Commercial / Complete demolition of building.	Permit Fee: \$443.00	Cost of Work: \$60,000.00	CEO District: 2
Proposed Project Description: Complete Demolition of building		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: N/A Type: N/A 9/14/02 <i>[Signature]</i>
		Signature: _____		Signature: _____
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____		

Permit Taken By: gg	Date Applied For: 09/03/2002	<b>Zoning Approval</b>	
1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.  2. Building permits do not include plumbing, septic or electrical work.  3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..		<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Other Date: <i>OK 9/6/02</i>	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____
		<b>Historic Preservation</b> <input checked="" type="checkbox"/> Not in District or Landmark <input checked="" type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>to D. 9/6/02</i> <i>DA 9/9/02</i>	

**CERTIFICATION**

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

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

**DEPARTMENT DIRECTOR**  
Lee D. Urban



Economic Development

**DIVISION DIRECTORS**  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman  
Planning

John N. Lufkin

**DEPARTMENT OF PLANNING AND DEVELOPMENT**  
**NOTICE OF VIOLATION**

August 21, 2003

Dan Reed  
C/O Atlantic Foundation  
59 Longfellow St.  
Cape Elizabeth, ME 04107

RE; 629 Congress St (046 D027)

Dear Mr. Read,

**HAND DELIVERY**

An evaluation of your property at the above location revealed that automobiles are being parked. The last use of the property was a theater building, which was demolished in September 2001. A minor Site Review application for a parking lot was submitted on 4/10/2003, but has not received approval.

This activity constitutes a violation of Section 14-523 of the Zoning Ordinance of the City of Portland.

This is a notice of violation pursuant to Section 14-461 of the Ordinance. This activity must cease upon receipt of this notification. A re-inspection of the premises will occur on 8/25/03 at which time compliance will be required. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code.

This constitutes an appealable decision pursuant to Section 14-472 of the Ordinance. Please feel free to contact me at 874-8700, if you wish to discuss the matter or have any questions.

Yours Truly,

Mike Nugent  
Manager of Inspection Services

cc/Central File



# PORTLAND MAINE

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*Penny St. Louis Littell- Director of Planning and Development  
Marge Schmuckal, Zoning Administrator*

September 4, 2008

Patricia and Page Burnham  
P.O. Box 6816  
Scarborough, ME 04074

RE: 629-631 Congress Street – 046-D-027 – B-3 Business Zone

Dear Mr. & Mrs. Burnham,

It has come to the attention of this office that the vacant land owned by you is being used as a parking lot without the benefit of required permits, reviews and approvals. When the building occupying the currently vacant land was demolished in December 2003, it was a condition of approval that the land remain vacant. After you purchased the lot and added a new elevator and elevator lobby to your adjoining building in October 2006, it was a condition of both your site plan exemption and building permit approvals that the land remain vacant with out a use, including parking.

Several inspections at the site clearly show that cars are currently parking on this lot. As owner, you are responsible for this unapproved activity. It will be necessary to secure this lot from parking immediately. This vacant lot does not have any permitted rights for parking. Previously submitted plans show the demolished building to encompass the entire lot up to the street called "Deering Street Place".

If you wish to come forward with an application for a parking lot, there is a requirement for reviews and approvals through both the Planning and Inspection Divisions. The B-3 Downtown Business Zone and Site Plan Review requirements would govern your review. However, the lot shall remain vacant prior to any anticipated, future approvals.

A re-inspection will be done in ten (10) days of this letter to insure that the lot is no longer used for parking and is in compliance with City Ordinances. If you have any questions regarding this matter, please feel free to contact me at 874-8695.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

Cc: Penny St. Louis Littell, Director of Planning and Development  
Jeanie Bourke, Inspection Services  
Alex Jaegerman, Planning  
Barbara Barhydt, Planning





# PORTLAND MAINE

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*Penny St. Louis Littell- Director of Planning and Development  
Marge Schmuckal, Zoning Administrator*

TO: GARY WOOD, CORPORATION COUNSEL

FROM: MARGE SCHMUCKAL, ZONING ADMINISTRATOR

SUBJECT: ZONING AND SITE PLAN VIOLATION AT 629-631 CONGRESS ST.

DATE: SEPTEMBER 29, 2008

Gary,

I am forwarding you information concerning a zoning complaint about an illegal parking lot in the B-3 Downtown Business Zone. Apparently over a year ago Rick Knowland in Planning wrote a letter to the owner. I am in the process of trying to get a copy of that letter. Recently, I wrote my own letter of violation to the owner. There has been no response to my letter in either a phone call or return letter. The site has also not been secured from parking. I have taken pictures showing the recent violations of parking. A tenant from the building did tell me that he paid \$50 extra per month for parking there.

I would like to follow up with legal action. Please let me know who is assigned this complaint. I will gladly work with them on this matter.

Marge

Cc: David Marshall, City Councilor  
Penny St. Louis Littell, Director of Planning and Development  
Jeanie Bourke, Inspection Services  
File



# PORTLAND MAINE

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*Penny St. Louis Littell - Director of Planning and Development  
Marge Schmuckal, Zoning Administrator*

December 10, 2008

Michael Burnham  
P.O. Box 2282  
Portland, ME 04116-2282

Patricia and Page Burnham  
P.O. Box 6816  
Scarborough, ME 04074

RE: 629-631 Congress Street – 046-D-027 – B-3 Zone with PAD and Historic Overlay

Dear Michael Burnham,

Thank you for meeting with Ann Freeman and me yesterday on site. I'm glad we were able to discuss our concerns as outlined in our previous letters with you and your associate.

As I mentioned and pointed out on site, I am of the understanding that the previous building came up to the end of what is known as Deering Street Place which is located near to the rear entry of your adjacent building at 633-635 Congress Street. I have found more documentation supporting exactly where the previous building existed. I have copies of overhead photos taken in 2001, prior to the demolition of the 629-631 building in 2002. It clearly shows the building extending to Deering Street Place. It shows no parking on this lot. I also have historical photos of Congress Street showing the building fronts. I see no 50' alley that extends from the rear of this property forward to Congress Street as you suggested. It shows your existing building and the previous building directly abutting each other. I am enclosing copies of this documentation.

Based upon this further documentation, it is necessary to immediately move the barriers that you recently placed on site, to a position at the end of your lot where it abuts the end of Deering Street Place. This action will prohibit parking on your property which is currently illegal.

I also heard your concern relating to how Public Services plows snow from Deering Street Place into your lot. I will be forwarding this concern to the plowing supervisor at Public Services.

As was also related to you, parking lots are allowed as a Conditional use in the B-3 Zone with Planning Board approval. I encourage you to move forward to gain the required approvals to allow parking. However, in the mean time, the lot shall remain vacant (no parking) and the barriers moved in front of Deering Street Place to prohibit illegal parking.

A reinspection is scheduled for your property two weeks from the date of this letter, on December 24, 2008, to confirm compliance with the City's Ordinances. If there is no compliance at that time, this matter will again be turned over to our Corporation Counsel for the appropriate legal proceedings.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

Cc: Penny Littell, Director of Planning and Development  
David Marshall, City Councilor  
File

9/24/09



**To:** **Marge Schmuckal**  
**David Margolis-Pineo**  
**Tom Errico**  
**Jeff Tarling**  
**Keith Gautreau**  
**Dan Goyette**

**From:** Shukria Wiar

**Date:** September 23, 2009

---

Additional information submitted for the following project:

**Application #:** 09-79900006

**Project Name:** Burnham Arms surface parking lot

**Project Address:** 629 Congress Street

**Comments:**

The applicant has submitted a revised site plan for review; please review and get me your written comments by October 7<sup>th</sup>.

Thank you.





September 21, 2009  
BCE File.: 09111

Ms. Shukria Wiar  
City of Portland  
Planning Division  
389 Congress St.  
Portland, ME 04101

**Re: Response to City Comments**  
**Minor Site Plan and Conditional Use- Burnham Parking Addition, 627-629 Congress St. Portland**  
**Project ID #:09-799000006;**

Dear Ms. Wiar:

The following responses from Blais Civil Engineers and Archetype Architects address comments received from the City of Portland, in regards to the above-referenced project:

**1. Planning Shukria Wiar:**

- a. There is a lighting/ photometric plan that was submitted; please submit catalogue cuts, including the heights, for a complete review.*

We are attaching catalogue cuts from the lighting manufacturer. The lights will be mounted 20 feet above grade as noted on Drawing E1.

- b. Is there any lighting being proposed for the open spaces along Congress Street?*

No lighting is proposed along Congress Street.

- c. Since this property is in the Congress Street Historic District, this project will also need to be reviewed by Portland's Historic Preservation Board. Contact Deb Andrews, HP Program Manager at 874-8726 or [dga@portlandmaine.gov](mailto:dga@portlandmaine.gov) for more information.*

Archetype Architects will submit to the Historic Preservation Board after the Planning Board process is completed.

- d. Since surface parking lots are conditional use in this zone (Section 14-218 (5)), this application will be reviewed by Portland's Planning Board.*

Acknowledged. We submitted a conditional use application on August 3, 2009.

- e. In a narrative, explain how this project is meeting the B-3 zoning requirements, Section 14-218 (5) and Section 14-340 of the Zoning Ordinance.*

As requested, a B-3 narrative is enclosed.

- f. The trash receptacle needs to be enclosed on all sides and/or landscaped. The receptacle seems to be blocking the entryway to the building.*

Stockade fences will enclose the trash receptacles. We have verified that the proposed trash location will not block the entryway to the building.

- g. There seems to be no formal entry into the parking lot. Is there a curb cut? Explain how the parking lot be accessed.*

The proposed parking will be accessed from the end of Deering Place. The southern portions of Deering Place are not well defined by sidewalk or curbing. This parking lot does not require a curb cut as there are no sidewalks at the entrance.

- h. During the site visit, the building on the east side of the parking lot seemed unsafe, what is the proposed plan for this part of the project.*

The subject building is existing and is not part of this project. There are no plans to renovate this building.

- i. Is the "5 existing parking spaces" on sheet Ll part of the application? If yes, who will be using these spaces?*

These spaces are to be leased by the owner. To the best of our knowledge, these are existing spaces and will remain.

- j. All of the parking spaces will need car stops in the form of either curbing or guardrails.*

This is an open parking lot and subject to snow. We strongly advise against these measures as they will be destroyed by snowplows or will prevent the clearing of snow on the Site.

- k. Please submit parking maneuvering template.*

The enclosed vehicular turning analysis drawings (2 total) show turning templates for the most restrictive parking spaces.

**2. Zoning Administrator Marge Schmuckal:**

- a. This property is located within the B-3 Downtown Business Zone with an Historic Overlay. A new surface parking lot is allowable as a conditional use appeal to the Planning Board. Section 14-218(b) 5 requires that no new surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site. The submitted plan shows parking spaces as close as 22 feet to Deering Street Place. The parking must be revised to show a minimum of 35 feet per the requirements of the ordinance. It is not certain how spaces numbered 10, 11 & 12 will get out of the lot. Is it intended that they back all the way out? And what if a larger car park in the compact spaces numbered 8 and 9? The logistics do not seem to work properly.*

We have revised the parking layout to have no parking within 35 feet of Deering Street Place. We have also revised the parking space layout to allow for proper maneuverability without needing to back all the way out.

- b. It is not certain as to whether the existing parking located on parcel 2 is part of this project. If it is part of this project, then those spaces must comply with the 35 foot setback from Deering Street Place. These are the same standards the City applied to a project down the same block.*

To the best of our knowledge, these are existing spaces and are not part of this project.

**3. Deputy City Engineer David Margolis-Pineo:**

- a. On previous project within this block of Congress Street, we have required the applicant to install new bricks on Congress Street to eliminate the concrete contained on the walk's perimeter. To be consistent, the applicant of this project is requested to do the same.*

The subject concrete will be replaced with new brick to meet the City standards.

- b. The City appreciates the applicant's efforts to convert a portion of this lot from impervious to a green, pervious landscaped area and the proposed installation of a five foot stone strip to keep fines from migrating off the site.*

Acknowledged.

- c. *It is requested that the applicant state on the plans that: "if the stone infiltration strip becomes blinded by fines and loses the ability to capture fines, the applicant shall excavate, remove and reinstate the filtration strip as shown on these plans."*

We have added general note 19 on Drawing C-1 to address this issue.  
This note is referenced on the plan view of the same Drawing.

**4. Traffic Engineer Tom Errico:**

- a. *The plan notes access to five parking spaces on an abutting property (according to the landscape plan). Is an access easement required?*

The Owner will submit a copy of this access easement prior to planning board approval.

- b. *It is suggested that pedestrian access to Congress Street be provided.*

For security reasons the owner does not wish to provide pedestrian access through the subject property onto Congress Street.

- c. *The parking lot is tight for some stalls particularly near Congress Street. It is suggested that the applicant consider removing one parking space, such that it can be used for a turnaround.*

We have removed one parking space to provide a turn around area.

- d. *The site is proposing compact parking spaces. This to be acceptable.*

Acknowledged.

- e. *It is suggested that the plan provide some type of delineation between the subject parking lot and abutting properties.*

There will be a fence between properties as part of the Baxter Building development.

- f. *There is a concern about the lack of pavement on the site such that parking spaces can be delineated. During a field review, it was observed an unorganized parking lot. In my opinion this condition will continue in the future.*

The owner's preference is for the gravel parking lot surface.



- g. *It is suggested that the applicant consider extension of the sidewalks entering the site on Deering Place for improved pedestrian mobility and safety.*

Extending the sidewalks would restrict access to existing parking lots on Deering Street Place.

- h. *The proposed garbage receptacles appear to block the entrance to the building. Let it be noted that 9 parking spaces currently exist and only 8 are illustrated on the plan.*

We have verified that the proposed garbage receptacles location will not block the entryway to the building. The revised plan proposes 9 parking spaces.

- i. *An existing dumpster for the abutting property will be blocked by one of the proposed parking spaces.*

The dumpster will be replaced with trash bins that will not be blocked by the parking.

**5. Consulting Engineer, Stormwater Dan Goyette:**

- a. *The applicant should install reclaimed asphalt in lieu of surface gravel. The reclaimed asphalt is a much better surface for parking than gravel and will minimize the amount of erosion on the site.*

The Owner prefers to have a gravel surface. We have designed a 5 foot wide crushed stone strip to minimize erosion per Dave Margolis-Pineo's suggestion.

- b. *The applicant will be responsible for cleaning/replacing the stone filter strip in the event that it becomes clogged with sediment.*

Refer to item 3 c above.

**6. Historic Preservation Deb Andrews Comments**

- a. *This project will need to be reviewed by the Historic Preservation Board.*

Archetype Architects will submit to the Historic Preservation Board after the Planning Board process is completed.

We trust we have addressed the City's concerns adequately. We look forward to presenting this project at the October 13, 2009 Planning Board workshop. In the meantime, please call me if you have any questions or require further information.

Sincerely,

BLAIS CIVIL ENGINEERS

A handwritten signature in black ink, appearing to read 'S. Blais', written over a horizontal line.

Steve Blais, PE

Enclosures:

Cc: Burnham Enterprises - Owner  
Barry Yudaken - Archetype PA

### **B-3 Zoning Narrative**

#### **Burnham Arms Annex Parking – Portland, Maine**

September 21, 2009

#### **SECTION 14-218 b (5): Surface parking provided that:**

- a. *In the case of lot undergoing minor site plan review, no new surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveways(s) located perpendicular to the street and providing access to the site;*

All proposed surface parking will be at least 35' from Deering Street Place and Congress Street as shown on the enclosed Parking Layout drawing by Archetype.

- b. *In the case of a lot undergoing major site plan review....*

Not Applicable.

- c. *No surface parking spaces shall be encumbered by lease or other use commitment exceeding twenty-four (24) month term.*

To the best of our knowledge, the proposed parking spaces are not encumbered by any lease or other use commitments exceeding 24 months.

#### **SECTION 14-340: Construction requirements when more than six vehicles parked:**

- a. *Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the traffic engineer.*

The proposed parking lot will have an aisle that is approximately 27' – 2" wide. A standard aisle width is 24 feet. The proposed parking lot does not cross over a public sidewalk. The attached Vehicular Turning Analysis Drawings (2 total) show turning maneuvers for the most restrictive parking spaces.

- b. *The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6)*

*inches in depth, well compacted, and with a wearing surface equivalent in quantities of compaction and durability to fine gravel.*

The proposed parking surface will have six inches of compacted aggregate gravel equivalent to Maine Department of Transportation Type A gravel

- c. A system of surface drainage shall be provided in such a way that the waste run-off shall not run over or across an public sidewalk or street.*

Surface drainage from the proposed parking lot will flow along the gutter of Deering Place and Deering Street. This run-off will be intercepted by an existing catch basin at the corner of Deering Street and High Street.

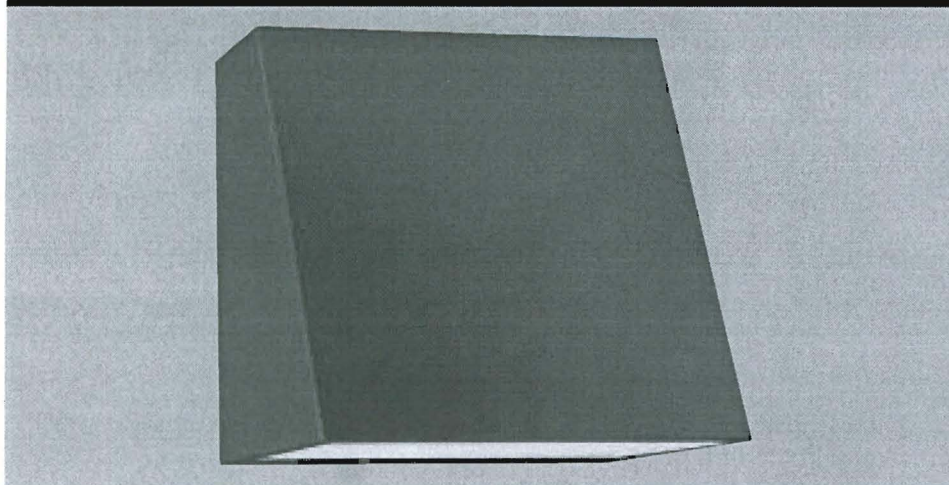
- d. Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.*

The proposed wall mounted lighting has sharp cutoffs to prevent light from shining off-Site.



# SUNDOWNER™ 12 — PULSE START METAL HALIDE

## Uplight /Downlight with Minimal Light Trespass



### FEATURES

- Up to 175 watt HID
- HPS or MH lamps
- Specular optical reflector
- Aluminum housing
- Hinged canopy
- Stainless steel hardware
- Custom colors

### BENEFITS

- Sharp 85° cut-off
- 2.7 MH spacing
- UL wet location listed
- Easy access maintenance
- Architectural design
- Suitable for harsh environments

### APPLICATIONS

- Building facades

## Specifications/Features

### GENERAL

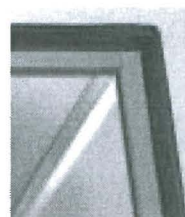
- Sharp cutoff, wall mounted HID luminaire suitable for low glare applications and light trespass code compliance.
- Utilizes Metal Halide and High Pressure Sodium HID lamps up to 175W for best design options available.
- Wet location applications.
- Uplight mounting, wet location.

### CONSTRUCTION

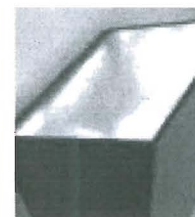
- Corrosion resistant aluminum canopy and backplate finished in baked bronze polyester powder coat.
- Easy one man installation with cast aluminum backplate. Backplate mounts to electrical box with box strap and nipple supplied. Canopy hinged and easily removable from backplate; enhances ease of installation and maintenance.
- Specular aluminum reflectors produce front cutoff at 85 degree and S/MH 2:1
- Canopy sealed to backplate with extruded, high temperature, silicone gasket.
- Corrosion resistant stainless steel external hardware.
- 5/32" tempered diffused glass lens silicone sealed to prevent entrance of water, and minimize insect infiltration.
- Canopy secured by two captive stainless steel screws; optional tamper resistant screws.



*Canopy hinges for lamp or electrical maintenance and easily removes from backplate.*



*Fixture canopy seals to backplate with quality silicone gasketing*



*Diffusing glass lens is silicone sealed in canopy to resist moisture and insect infiltration*

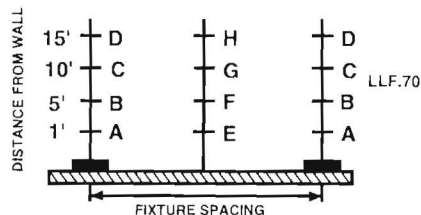
### LISTINGS

- Listed 1572 wet location for downlight and uplight versions.
- Listed U.S.A. and Canada.

### ELECTRICAL

- Standard ballasts are 120V, HPF, maximum 175W medium base HID lamp in vertical position.
- Ground wire attached to backplate for positive grounding and quick installation.
- Optional button type photo-cell mounts in top of canopy.
- All fixtures carry the IBEW Union label to ensure quality.

## Photometrics



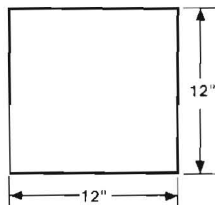
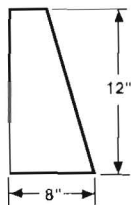
SND 12-100HP-1  
Fixture Spacing 15'

	A	B	C	D	E	F	G	H
8'	7.4	10.3	4.5	1.1	13.0	12.4	4.9	1.4
MTG. 10'	6.4	7.9	5.6	2.0	10.7	11.3	6.6	2.3
HEIGHT 12'	5.8	6.4	5.9	2.7	8.4	9.5	7.3	3.2
14'	5.2	5.4	5.7	3.3	6.6	7.7	7.3	3.9

Fixture Spacing 35'

	A	B	C	D	E	F	G	H
8'	4.9	8.5	3.1	0.5	1.5	1.4	0.9	0.4
MTG. 10'	3.3	4.9	3.7	1.0	2.0	2.0	1.2	0.8
HEIGHT 12'	2.5	3.1	3.4	1.4	2.4	2.4	1.8	1.1
14'	2.0	2.1	2.9	1.7	2.6	2.5	2.2	1.3

## Dimensions



NOTE: 4" minimum clearance  
from hinge side of fixture for  
canopy removal.

## Sundowner™ 12 Catalog Numbers

**SND - 12 - 100 - MH - 1**

FIXTURE TYPE  
D - Downlight  
U - Uplight

FIXTURE HEIGHT  
12 - 12"

VOLTAGE  
1 - 120V  
2 - 277V  
3 - 347

LAMP TYPE  
MH - Metal Halide  
HP - High Pressure Sodium  
MP - Pulse Start MH

LAMP WATTAGE  
50, 70, 100, 150 HP  
50, 70, 100, 150, 175 MH (150W MH unit for  
use with M107 Venture Lamp only)

## Options

- "/TP" - Tamper Resistant Screws
- "/PEC" - Button Photo-electric cell
- "/CAB" - Cast Aluminum Outlet Box
- "/L" - For lamps included
- "/FF" - Fixture Fuse
- "/OBC" - Surface wiring collar
- "/ISL" - For Quartz Restrike 100W Maximum

Project Name:

Type	Catalogue Number	Lamp	Comments

**From:** Marge Schmuckal  
**To:** David A. Marshall  
**Date:** 6/16/2009 3:36:04 PM  
**Subject:** Re: Burnham's Lot

David,

Just last week I asked Ann Freeman of Corporation Counsel to call Natalie Burns about her clients on this. We did have a pre-application meeting on 3/16/09 with Steve Blais and David Lloyd. But we have not yet received an application for site plan review. I wanted to keep the pressure on them so they realized that we didn't forget them.

I copied Ann on this e-mail so she could be kept in the loop.

Marge

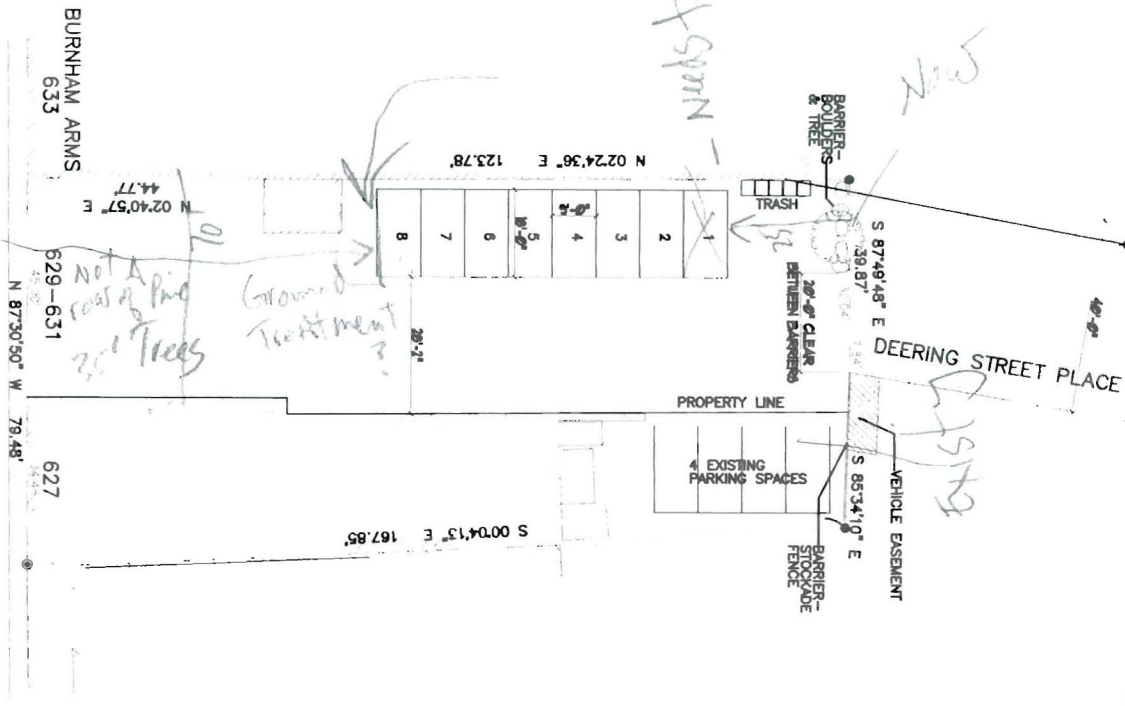
>>> "David A. Marshall" <[dave@damfineart.com](mailto:dave@damfineart.com)> 6/16/2009 2:56:45 PM >>>  
What's up with the parking in the lot between Burnham Arms and Geno's?

Best Wishes,  
Dave Marshall  
Portland City Councilor  
207.409.6617  
Constellation Gallery 511 Congress St, Portland, ME  
Sent via Google Phone  
Fine Artist  
[DAMarshall.com](http://DAMarshall.com)

**CC:** Ann Freeman; PENNY LITTELL

16/09 Steve BRAIS - DAVID Lloyd - Marge - Barb and Alex  
 civil eng. 3/16/09  
 Stickers B-3 Zone  
 Conditional use 35' Along Congress St  
 Chapter 500 storm drainage  
 Discussed Light  
 H-340  
 paving VS gravel  
 technical Design  
 St

CONGRESS STREET



minor site plan & Conditional use Appeal  
 putting together a submission

DEPT. OF PUBLIC WORKS  
 CITY OF PORTLAND  
 FEB 19 2009

A1	PARKING LAYOUT	Date: FEBRUARY 17, 2009	Scale: N.T.S.	Project: BURNHAM ARMS ANNEX PARKING 629-631 CONGRESS STREET PORTLAND, MAINE	ARCHETYPE, P.A. ARCHITECTS 48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-4056	OWNER: BURNHAM ENTERPRISES c/o MPB PROPERTY	
		Revisions:					



**From:** Marge Schmuckal  
**To:** Ann Freeman  
**Date:** 6/9/2009 10:39:54 AM  
**Subject:** Burnham parking lot

Ann,

My notes show that Planning & I met with the designers of the parking lot on 3/13/09. I see no record of any site plan application since that time. Perhaps it is time to put the pressure on again.

Marge



# CITY OF PORTLAND, MAINE

Department of Building Inspections

## Original Receipt

6-28

20

11

Received from

Burke

Location of Work

629 Congress St

Cost of Construction \$ \_\_\_\_\_ Building Fee: \_\_\_\_\_

Permit Fee \$ \_\_\_\_\_ Site Fee: \_\_\_\_\_

Certificate of Occupancy Fee: \_\_\_\_\_

Total: 30

Building (IL) \_\_\_\_\_ Plumbing (IS) \_\_\_\_\_ Electrical (I2) \_\_\_\_\_ Site Plan (U2) \_\_\_\_\_

Other \_\_\_\_\_

CBL: 16 D-27

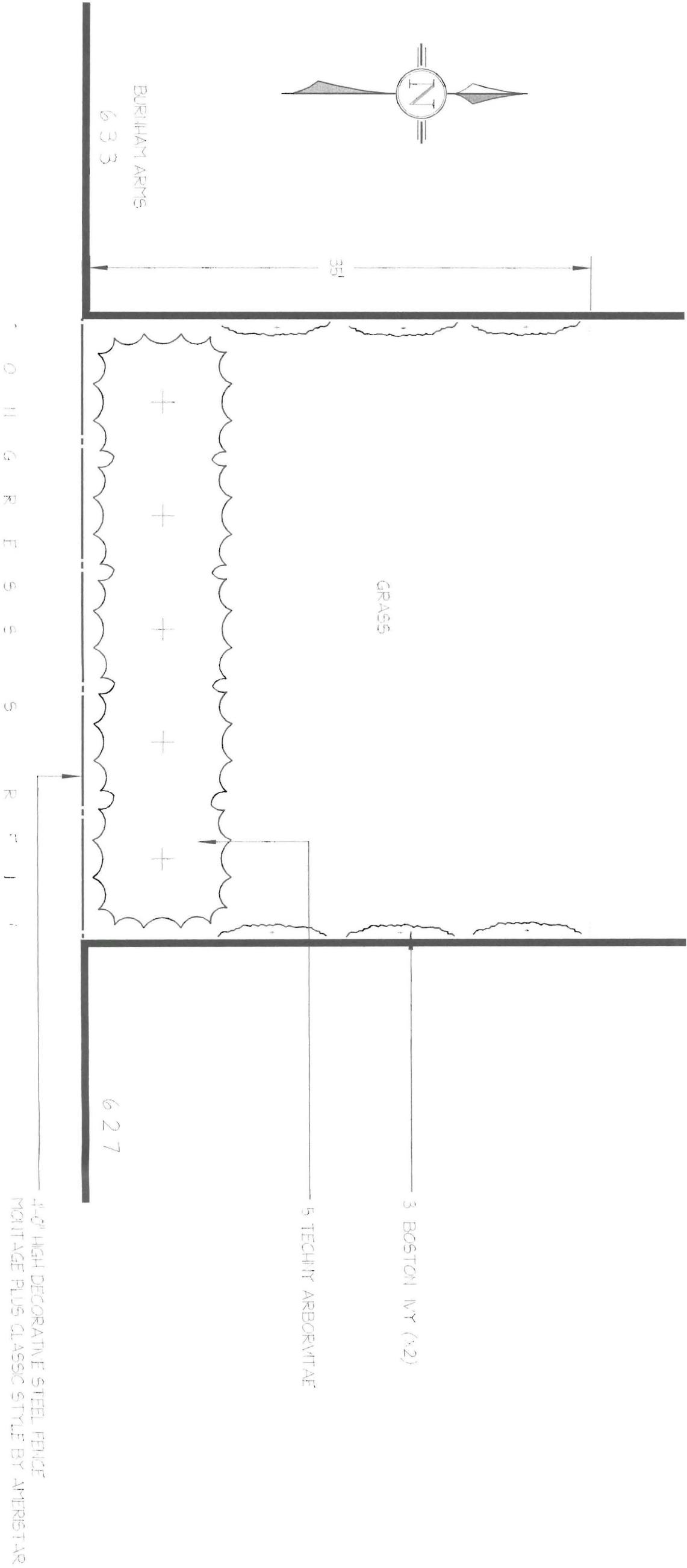
Check #: 290 Total Collected \$ 30

**No work is to be started until permit issued.  
Please keep original receipt for your records.**

Taken by: SP

WHITE - Applicant's Copy  
YELLOW - Office Copy  
PINK - Permit Copy

Qty	Botanical Name	Common Name	Size/Condition	Remarks
Trees				
5	Thuja occidentalis 'Techny'	TECHNY ARBOREVITAE	6'-7'	8' OIL CANTER
Vines				
6	Parthenocissus tricuspidata	JAPANESE IVY	2 YEAR POT	





N.T.S.

TROY F. McDONALD PLS 2080

REV.	BY:	DATE:	STATUS:
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHINCS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHINCS, INC.			

Sebago Technics

**Engineering Expertise You Can Build On.**  
One Chabot Street  
Brook, Me 04098-1339  
Tel (207) 856-0277  
250 Goddard Rd. - Suite B  
Lewiston, ME 04240  
Tel (207) 783-5858

PROJECT NO.	FIELD BOOK	DESIGN	CHKD
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WWW.SEBAGOTECH/INCS.COM

03006	...	TFM	TFM
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# EXISTING CONDITIONS PLAN

627 CONGRESS STREET  
627 CONGRESS STREET  
PORTLAND, MAINE  
FOR RECORD OWNERS:

H. PAGE AND PATRICIA G. BURNHAM

PO BOX 6816  
SCARBOROUGH, MAINE 04074

03006ec-2009.dwg, TAB:EC

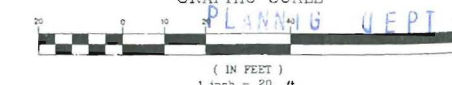


1. THE RECORD OWNER IS H. PAGE BURNHAM AND PATRICIA G. BURNHAM BY DEED DATED JUNE 19, 2008 AND RECORDED THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 21643, PAGE 10.
2. THE LOCUS-PARCEL IS DEPICTED ON THE CITY OF PORTLAND'S TAX MAP 46, BLOCK D, PARCEL 1 IS LOT 28 AND PARCELS 2 AND 3 IS LOT 27.
3. THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS MAGNETIC NORTH.
4. PLAN REFERENCES:
- A. A PLAN OF DEERING PASTURE BY JOHN D. BAILEY C.E. RECORDED MARCH 2, 1858 IN PLAN BOOK 1, PAGE 2.
  - B. A PLAN OF LOTS LABELED 18, PLAN C AND RECORDED IN 1871 IN PLAN BOOK 3, PAGE 18.
  - C. PLAN OF PUBLIC LIBRARY BY THE CITY OF PORTLAND CITY ENGINEER DATED DECEMBER 1888 AND ON FILE IN THE PORTLAND DEPARTMENT OF PUBLIC WORKS AND AS SHOWN ON WORKSHEETS REFERENCED IN NOTE 4E BELOW.
  - D. PLAN DEPICTING SEWER LINES AND MANHOLES AS THEY EXISTED FROM 1880'S THROUGH 1900'S AND ON FILE WITH SAID PORTLAND DEPARTMENT OF PUBLIC WORKS PLEASE CALL THE PORTLAND DEPARTMENT OF PUBLIC WORKS FOR COMPLETE INFORMATION.
  - E. SURVEY WORKSHEETS FOR CONGRESS AND DEERING STREET DEPICTING RIGHT OF WAY AND INFORMATION DATED DECEMBER 1925 AND ON FILE WITH SAID PORTLAND DEPARTMENT OF PUBLIC WORKS.
5. STREET REFERENCES:
- A. DEERING STREET AND DEERING STREET PLACE WERE ACCEPTED IN 1852 AND 1863, RESPECTIVELY. RECORDS OF THIS ACCEPTANCE IS ON FILE WITH THE CITY OF PORTLAND.
  - B. DEERING STREET AND DEERING STREET PLACE 1859 AND 1925-263.
6. TOGETHER WITH THE FOLLOWING:
- A. PARCEL 1 HAS A RIGHT TO PASS AND REPASS OVER A PORTION OF BAXTER LIBRARY BUILDING PROPERTY AS DESCRIBED IN SBOOK 341, PAGE 168H AND IS LOCATED ALONG THE NORTH-EASTERLY PORTION OF THE LOCUS PROPERTY AS SHOWN HEREON.
7. SUBJECT TO THE FOLLOWING:
- A. PARCEL 1 HAS A LIMITED A REVOCABLE USELESS TO PLACE A BUTTRESS WALL AGAINST THE BAXTER LIBRARY BUILDING WALL AND PUT FLASHING ON THE SAME LOCATED EAST OF THE LOCUS PROPERTY AS DESCRIBED IN AN AGREEMENT DATED OCTOBER 1, 1946 AND RECORDED ON NOVEMBER 1, 1946 IN BOOK 1922, PAGE 112.
  - B. PARCEL 1 APPEARS TO BE SUBJECT TO AN UNDERGROUND SEWER/STORM DRAIN LINE THAT AFFECTS THE NORTHWEST PORTION OF THE LOCUS PROPERTY. THE PLAN REFERENCED BY H. PAGE BURNHAM IN HIS DEED OF THIS EASEMENT INDICATES THIS EASEMENT TO THE UNDERGROUND LINE WAS FOUND RECORDED AT THE REGISTRY OF DEEDS.
  - C. PARCEL 3 IS SUBJECT TO THE RIGHT OF ENTER, CONSTRUCT AND USE ELEVATOR SHAFT AND STAIRS HEREON AS SHOWN ON THE ELEVATOR SHAFT AND STAIRS EASEMENT DEED BY BURNHAM ARMS LLC PARCEL WESTERLY OF PARCEL 3 PER DEED BOOK 25522, PAGE 178 DATED OCTOBER 17, 2007. THE ELEVATOR STARTS APPROXIMATELY 55 FEET FROM THE WESTERLY STREET OF WAY. NO RECORD OF THE EASEMENT IS RECORDED.
8. DURING THE PERFORMANCE OF FIELD WORK A MAINTENANCE WORKER INFORMED ABOUT THE LOCATION IF A POSSIBLE "SHEA'S RIGHT OF WAY" THAT MAY BE LOCATED IN THE VICINITY OF THE NORTH-EAST CORNER OF PARCEL 1. NO RECORD EASEMENT WAS FOUND DURING THE COURSE OF OUR RESEARCH. SEBAGO TECHNICS, INC. SUGGESTS THAT LEGAL COUNSEL BE SOUGHT TO VERIFY MATTERS PERTAINING TO RIGHTS AND TITLE PERTINENT TO THE LOCUS PROPERTY.
9. THE VERTICAL DATUM SHOWN HEREON IS AN ASSUMED ELEVATION. A SITE BENCHMARK IS THE SOUTHERN END OF THE SEWER MANHOLE LOCATED IN DEERING STREET PLACE AND IS SHOWN HEREON AS AN ELEVATION OF 94.75 FEET.
10. THE LOCUS PROPERTY INCLUDES AN AREA OF FILL CONSISTING OF BUILDING DEBRIS OF UNKNOWN DEPTH.

EXISTING	DESCRIPTION
—	BOUNDARY LINE/R.O.W.
—	ABUTTER LINE/R.O.W.
—	DEED LINE/ROK
—	IRON PIPE/ROD
—	DRILLHOLE
—	CASHEMENT
—	BUILDING
—	EDGE PAVEMENT
—	CURBLINE
—	—120— CONTOURS
—	GAS
—	WATER GATE VALVE
—	SEWER
—	SEWER MIN
—	OVERHEAD UTILITY
—	UNDERGROUND TELEPHONE
—	UTILITY POLE
—	DISTANCES OF RECORD

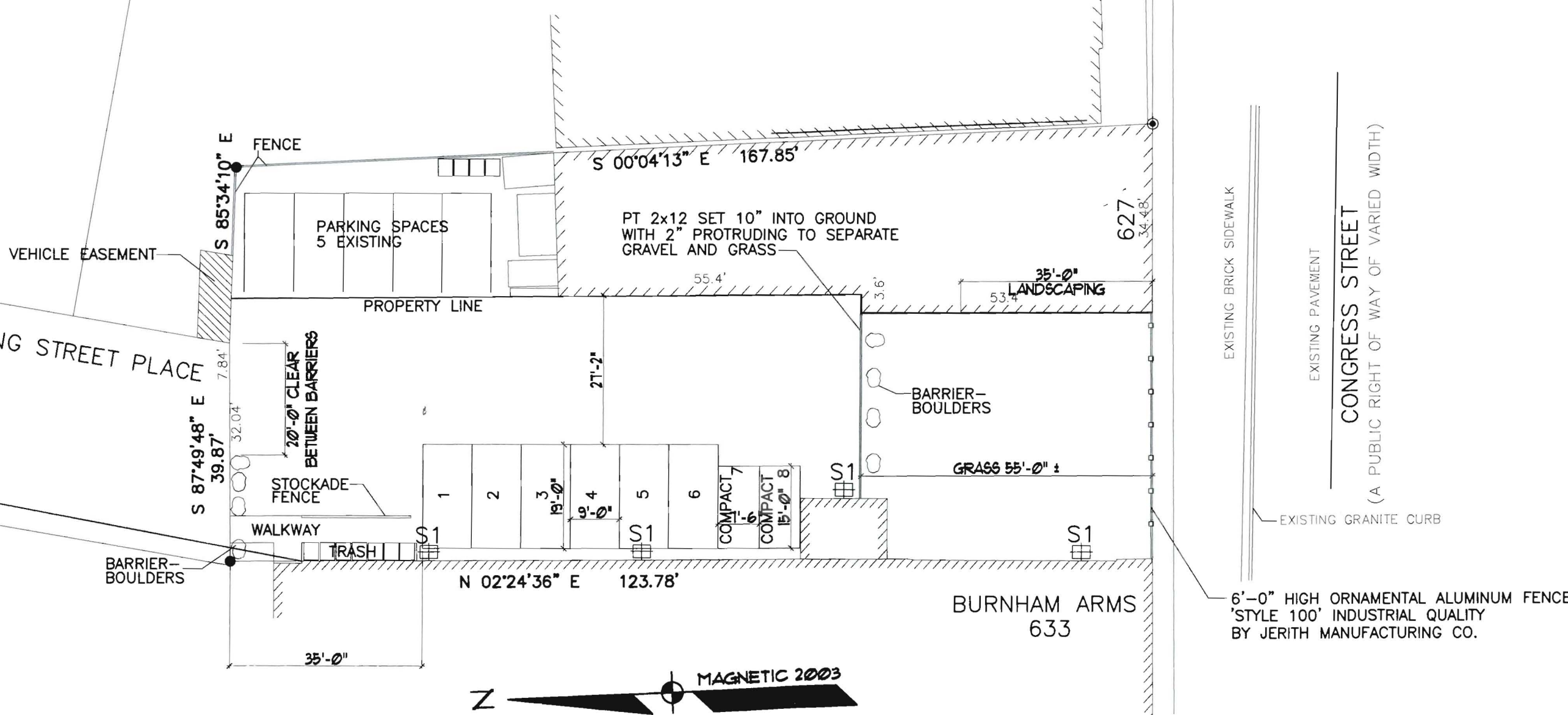
CITY OF PORTLAND  
APPROVED SITE PLAN  
Subject to Dept. Conditions  
Date of Approval: ~~NOV 23 2010~~

GRAPHIC SCALE



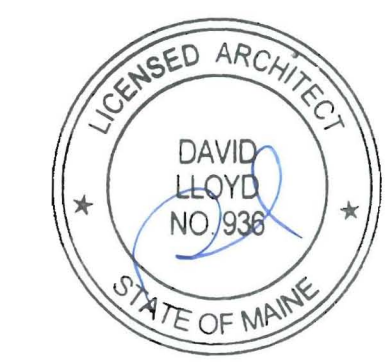
( IN FEET )  
1 inch = 20 ft





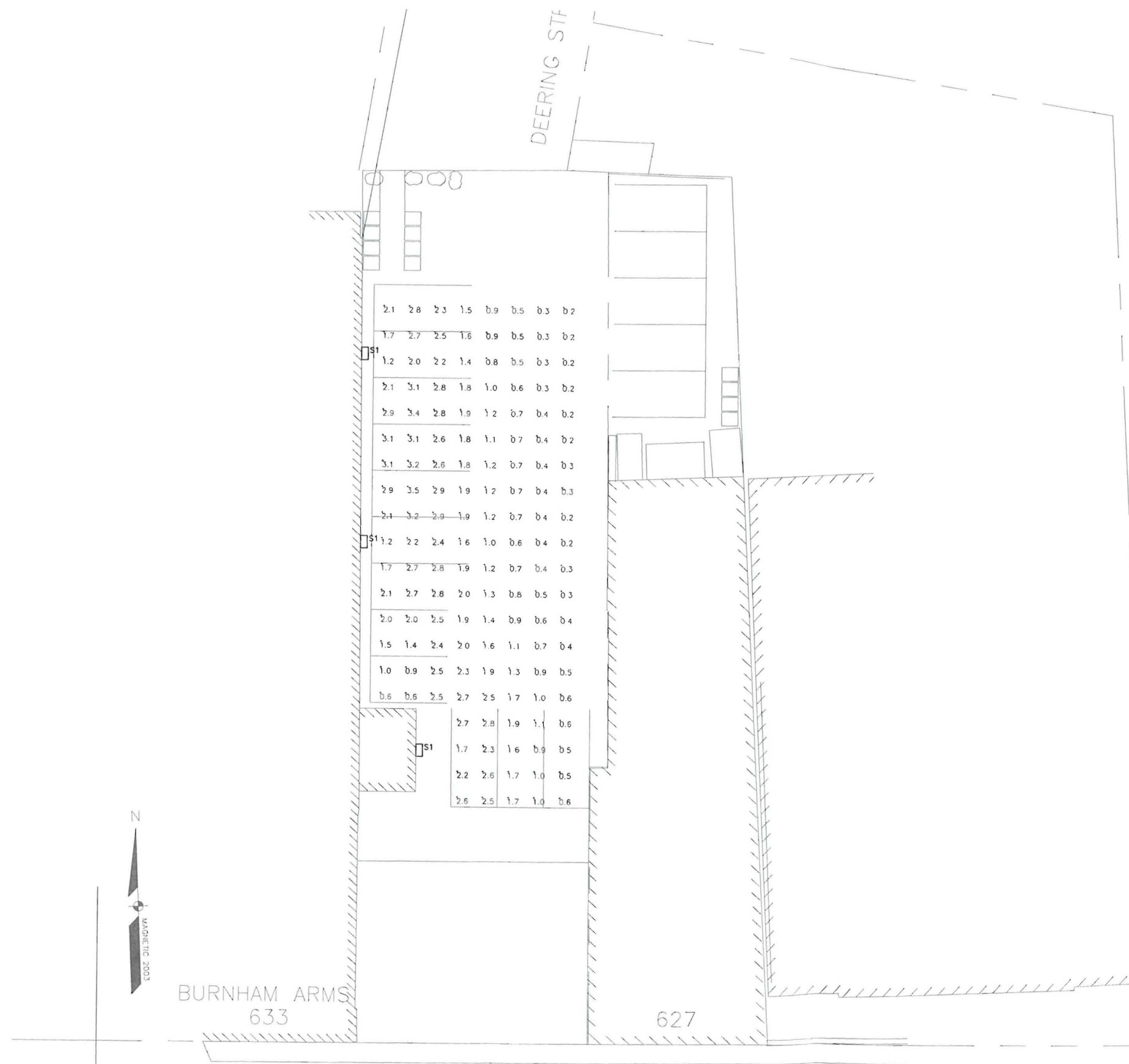
S1  
 - LIGHTING TYPE S1  
 MANUFACTURER: GUTH  
 LAMP: 150W PULSE START METAL HALIDE  
 CAT NO: SND-150MH-1  
 DESCRIPTION: FULL CUT-OFF ALUMINUM WALL FIXTURE WITH A TEMPERED DIFFUSED GLASS LENS. FIXTURE FINISH SHALL BE BLACK. MOUNT FIXTURES AT ELEVATION OF SECOND FLOOR WINDOW SILLS.  
 LUMENS USED: 13000. LIGHT LOSS FACTOR: 0.76

CITY OF PORTLAND  
 APPROVED SITE PLAN  
 Subject to Dept. Conditions  
 Date of Approval: ~~NOV 23 2010~~  
 PLANNIS DEPT



OWNER:	BURNHAM ENTERPRISES c/o MPB PROPERTY
ARCHETYPE, P.A. ARCHITECTS	48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-4056
Project:	BURNHAM ARMS ANNEX PARKING 629-631 CONGRESS STREET PORTLAND, MAINE
Date: MAY 2, 2011 Scale: 1" = 10' Revisions:	PARKING LAYOUT

A1



- NOTES
1. LIGHTING VALUES REPRESENT MAINTAINED FOOTCANDLE LEVELS AT GRADE.
  2. STATISTICAL VALUES FOR INDIVIDUAL AREAS ARE AS FOLLOWS:  
PARKING AREA A  
AVE 1.59    MAX 3.5    MIN 0.2    X/M 17.5:1
  3. LIGHTING FIXTURES ARE AS FOLLOWS:  
TYPE: S1  
MANUFACTURER: QUTH  
LAMP: 150W PULSE START METAL HALIDE  
CAT. NO.: SMD-150MH-1  
DESCRIPTION: FULL CUT-OFF ALUMINUM WALL FIXTURE WITH A TEMPERED DIFFUSED GLASS LENS. FIXTURE FINISH SHALL BE BLACK. MOUNT FIXTURE AT 20 FEET ABOVE GRADE. LUMENS USED: 13000. LIGHT LOSS FACTOR: 0.76.

CITY OF PORTLAND  
APPROVED SITE PLAN  
Subject to Dept. Conditions  
Date of Approval: NOV 23 2010  
PLANNING DEPT

OWNER:	BURNHAM ENTERPRISES c/o MPB PROPERTY	
	ARCHETYPE, P.A. ARCHITECTS 48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-4056	
Project:	BURNHAM ARMS ANNEX PARKING 629-631 CONGRESS STREET PORTLAND, MAINE	
Date	Scale	Revisions:
JULY 17, 2009	1" = 10'	
PHOTOMETRIC LIGHTING PLAN		
E1		

