Please Read Application And Notes, If Any, Attached

This is to certify that $\qquad$
has permission to $\qquad$ Change of use from Vacant T 747 CONGRESS ST
provided that the person or persons of the provisions of the Statutes of the construction, maintenance and 4 this department.

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

OTHER REQUIRED APPROVALS
Fire Dept.
Health Dept.

## Appeal Board

Other $\qquad$

epting this permit shall comply with all ances of the City of Portland regulating of buildings anar ctures, and of the application on file in

icatior hand w re this Pd or

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

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

| Permit No: | Issue Date: | CBL: |
| :---: | :--- | :--- |
| $07-1382$ |  | 047 A020001 |


| Location of Construction: <br> 747 CONGRESS ST | Owner Name: <br> VASA MARTIN B \& ROCHELL |  |
| :--- | :--- | :--- |
| Business Name: | Contractor Name: <br>  <br>  <br> MH Construction / Mat New Hall | 5 |
|  | Phone: |  |



Proposed Project Description:
Change of use from Vacant Building to 2 Family Dwelling Unit w/ interior \& exterior renovations Phase 1 Cierriage House


| Permit Taken By: | Date Applied For: |
| :--- | :---: |
| ldobson | $11 / 07 / 2007$ |

1. This permit application does not preclude the Applicants) 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..



## 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 codes) applicable to such permit.
SIGNATURE OF APPLICANT ADDRESS PATE D

## BUILDING PERMIT INSPECTION PROCEDURES Please call 874-8703 or 874-8693 to schedule your inspections as agreed upon <br> Permits expire in $\mathbf{6}$ months, if the project is not started or ceases for $\mathbf{6}$ months.

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


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

Pre-construction Meeting: Must be scheduled with your inspection team upon receipt of this permit. Jay Reynolds, Development Review Coordinator at 874-8632 must also be contacted at this time, before any site work begins on any project other than single family additions or alterations.
N1FFooting/Building Location Inspection: Prior to pouring concrete NHRe-Bar Schedule Inspection: Prior to pouring concrete
NH Foundation Inspection:
Prior to placing ANY backfill


Framing/Rough Plumbing/Electricak Prior to any insulating or drywalling
Final/Certificate of Occupancy:
Prior to a ny occupancy of the structure or use. NOTE: There is a $\$ 75.00$ fee per inspection at this point.

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



Signature of Applicant/Designee


Signature of Inspections Official

cf. 47 -A. 20
Building Permit \#:

| City of Portland, Maine - Building or Use Permit | Permit No: | Date Applied For: | CBL: |
| :--- | :--- | :--- | :--- | :--- |
| 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716 | $07-1382$ | $11 / 07 / 2007$ | 047 A020001 |


| Location of Construction: | Owner Name: <br> 747 CONGRESS ST |  | OASSA MARTIN B \& ROCHELLE | Owner Address: <br> 5 COTTONWOOD LN |
| :--- | :--- | :--- | :--- | :--- |
| Business Name: | Contractor Name: <br> MH Construction / Mat New Hall | Contractor Address: <br> 538 Cumberland Ave Portland | Phone <br> (207) 939-1189 |  |
| Lessee/Buyer's Name | Phone: | Permit Type: <br> Change of Use - Dwellings |  |  |

Proposed Use:
2 Family Dwelling Unit - Change of use from Vacant Building to 2
Family Dwelling Unit w/ interior \& exterior renovations

Proposed Project Description:
Change of use from Vacant Building to 2 Family Dwelling Unit w/ interior \& exterior renovations

Dept: Zoning
Status: Approved with Conditions Reviewer: Marge Schmuckal
Approval Date: $\quad 11 / 20 / 2007$ Note:

Ok to Issue:

1) Separate permits shall be required for any new signage.
2) This building which was originally a carriage house on the property shall remain a two (2) family dwelling. Any change of use shall require a separate permit application for review and approval.
3) Separate permits are required for the change of use and new construction for the main, front building on the property.
4) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building
Status: Approved with Conditions Reviewer: Jeanine Bourke
Approval Date: $12 / 06 / 2007$
Note:

1) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approrval prior to work.
2) All penetrations between dwelling units and dwelling units and common areas shall be protected with approved firestop materials, and recessed lighting/vent fixtures shall not reduce the ( 1 hour) required rating.
3) Separate permits are required for any electrical, plumbing, or HVAC systems.

Separate plans may need to be submitted for approval as a part of this process.
4) Revisions need to be submitted as reduced or pdf

| Dept: Fire | Status: Not Applicable | Reviewer: Capt Greg Cass | Approval Date: |
| :--- | :--- | ---: | :--- |
| Note: |  | Ok to Issue: $/ 20 / 2007$ |  |

## Comments:

11/16/2007-mes: site plan review is still pending in planning
11/20/2007-mes: site plan review signed off on 11/19/07.
11/30/2007-jmb: Spoke with Martin D. For details on fire wall separation, guard/handrail details, dormer framing, basement insulation, ventilation in mechanical room(air intake system on boiler)
12/6/2007-jmb: Martin came in with revisions, oke to issue




## 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: 749 COVGRESS ST PORALAnDraE |  |
| Total Square Footage of Proposed Structure/Area$C A R R 1 \angle 0 E$ Hous $2800 S 1^{2}+1400$ BASEM. Square Footage of Lot $27,819 \quad 164 \mathrm{AC}$ |  |
| Tax Assessor's Chart, Block \& Lot Chart\# Block\# Lot\# $47 \Delta \quad 20,30,28,32$ |  |
| $c$ |  |
| Current legal use (i.e. single family) Dwellin unit. Vacout Building- <br> If vacant, what was the previous use? FUNEAL HORE CARRIAGE HOUSE <br> Proposed Specific use: CARRIAGE HOUSE 2 FAMILY DIUELCHNG <br> Is property part of a subdivision? $\qquad$ If yes, please name $\qquad$ <br> Project description: <br> - 2 family Dewelliy unit. |  |
| Contractor's name: MA CONSTRULITION MAT NEWHACL <br> Address: $\qquad$ 538 CUMBERLATO AVE <br> 207 <br> City, State \& Zip Pontlanto ME © Y し゚1 <br> Telephone: 939-1189 $\qquad$ |  |

## 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, 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



## CITY OF PORTLAND BUILDING CODE CERTFICATE 389 Congress St., Room 315 <br> Portland, Maine 04101

TO: Inspector of Buildings City of Portland, Maine Department of Planning \& Urban Development Division of Housing \& Community Service FROM: MARTIN B DASSA $\triangle I A ~ \triangle R C H I T E C T$

RE: $\quad$ Certificate of Design
Date: NOJ 72007
MARTIN B. LASSA $\triangle I \Delta$ 5 COTTONWOOD LANE FALMOUTH, ME 04105

These plans and / or specifications covering construction work on:
749 Congress st Portland Maine

Have been designed and drawn up by the undersigned, a Maine registered Architect/



Title:


Address: 5 CotTonvect (ArNe FALMOUTH ME OU105

Complitiness
applicmut：Mantin DASSA
Date：o $8(20 / 0\rangle \quad 1120107$
alliess： 749 Conguess $f$

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\text { GB-L: } 047-A-020,30 \\
\text { ORDNANCENGE Alause } 228: 32
\end{gathered}
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9,500^{\text {中 }} \ll \text { dfucas }
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Interior or cormer lot－
Proposed Usework－change of use of Caniage thouse \＆mam Bldy savage Disposal－ity offucas \＆ 2 Famly D welly Loi Strect Frontage－expanded dormens $\$$
Front Yard－
needs bettur floorplan

 Projections．The residentillconvers $250^{\text {中 }}$
 Demolish？old garage ¿ Teburt
zade？hno ebelyedton for Heright－ $45^{\prime \prime}$ SAys 42 Average giade？HNo elelaction for
Lot Area． 27,819 Lot Aren－27， 819
Lot Coverage Intiervious Surface－No Changem Arenper Family－well over 2,000 中（ 1,00 dh rea D．u．） Expanded dormers？
 Fonainis Bays．Exemption＇ 30 pg required use fa 2 D．U．
Site Plan－

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2007-0142
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Shoreland Zoning／Stream Protection－
Flood Plains Panel 13 －zome $C_{\text {a }}$

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Planning and Development Department
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Planning Division
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Mr. Vartin B. Dassa
$\therefore$ Cottommood 1 amc
I almomb. Maine $1+10{ }^{\circ}$

( $13 \mid$ : $14^{-}$<br>(1)2001)
Application II): 200ワ-1112

1) (an Mr juasiat

 followin！conditions listed below．Please submit siv（ 6 ）copies of the final．approved plan for distribution

1．In modilications made to the proposed patheng lavout as show on the appored
 Porthand Fore bepartment prior to issuance of a certificate of occupancy
$\therefore$ I be reyurad landscaping improsements as shown on the approted plan must be compleded and approsed by the Portand（ity Arborist pror whe thesume of a contifate of occupancy



Pleas note the folkwing provisions and requmements for all site plan approsals

 of the limal plans
2. Following site plan approval and prior to the issuance of a building permit, the developer shall post with the city a performance guarantee as specified in Section $1+535(\mathrm{j})(1)$. For the residential portion of the development at 7 ) (ongress Street, the performance Euarantee shall be limited to the follow ing improsements:
a. Landscaping. The (ity Arhorst has reviewed the proposal and has determined the cost of proposed tandscaping to he sink.an).

For the non-residential portion of the development the followng shall be included in the performance guarante:
a. Stripng and repair and or replacement of the existing pavement of the parking area. The Development Reviel ( oordinator has reviewed the proposal and has determined the approximate cost of this improvement to be $520(0) .0 \%$.

The performance suarantee as well as an inspection fee payment of $2.0^{\prime \prime}$, of the guarante amount must be submitted to and appros ad by the Planning Authority and Public Works prior to the relcase of the boilding permit. If sou need to make any modifications to the approsed site plan, you must submit a reviscd site plan for staff revien and approval before any changes are made. I have attached the necessary forms for you to complete this process.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the (ity and the applicant. Reyuests to extend approtals must be recetied before the expration date.
 before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development reten coordinator. Public Wort's representation and owner to review the construction schedule and ertical aspects of the site work. At that time the ste huiddng contractor shall provide three (i) copies of a detailed constructoon sehedule to the attending (ity representations. It shall be the contractor's responsibility to arrange a mutually agrecable time for the pre-construction mecting.
6. If work will occen within the public rightof-way such as utilitics. curb. sidewalk and drasenay construction, a street opening permites) is required for your site. Please contact (arol Merrit at $87+8300$, ext. 8828. (Only excatators lieensed by the (ity of Portand are chigible.

The Development Review (oordinator must be notified tive $(5)$ working days prior to date required for tinal site mspection. The Development Revicu Coordinator can be reached at the Plaming Division at $\$ 7+80.32$. Please make allowances for completion of site plan requirements determed to be incomplete or defective during the inspection. This is essential as all site plan

Requirements must be completed and approned by the Denchopmen Review (oordinator prion to issuance of a (ertificate of Occupancy. Please schedule ans property chosing with these requrrements in mind.

sincerols.

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(1,<i \quad a
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Alevander Jacerman
Plammg Division Director
Flectronic Distribution:

Alexander Jaegerman, Planning Division Drector
Barbara Barhyd. Development Revien Services Vanager
Philip DiPaero. Development Review (iomdinator
Mange Schmuckal. Zoning Administrator
Jeanic Bourke. Inspections Division
I isa Danforth. Administratio Assistam
Nichael Bobinsky. Public Works Director
Kathi Larley, Public Work,
Bill Clark. Public works
Jim Carmody. I ransportation Manager
Michacl Famer. Public Works
Jeff larling, City Arborist
Captain Cireg (ass. Fire Prevention
Assessor's Office
Approwal I ctter Fible

## MEMORANDUM

To: FILE
From:
Dept: Zoning
Subject: Application ID: 2007-0142
Date: 8/20/2007
reviewed for a completeness check with Barbara. - no site plan by a land surveyor - needs better floor plans demolishing old garage and rebuilding? - no elevation for the new addition - expanded dormers? - In Historic District

## MEMORANDUM

To: FILE
From:
Dept: Zoning
Subject: Application ID: 2007-0142
Date: 11/20/2007
Site plan was distributed on 9/26/07 to staff. Have received many more versions of plans since. Setbacks are ok for a change of use on the carriage house under 14-433. There are no increase to the impervious surface. Planning determined that the change of use area does not warrent a planning board review - only a staff review.

Separate building permits are required for the work proposed. Separate permits are required for any new signage.



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

## Current Owner Information



| Current Assessed Valuation |  |
| :---: | :---: |
| Land |  |
| $\$ 100,300$ | Building |
| $\$ 85,870$ | Total |
| $\$ 186,170$ |  |



## Exterior/Interior Information

| Section | Levels | Size | Use |
| :---: | :---: | :---: | :--- |
| 1 | B1/B1 | 1430 | SUPPORT AREA |
| 1 | $01 / 01$ | 1430 | WAREHOUSE |
| 1 | $02 / 02$ | 1073 | MULTIUSE STORAGE |


| Height | Walls | Heating | AdC |
| ---: | :--- | :--- | :---: |
| 8 |  | NONE | NONE |
| 12 | BRICK/STONE | HOT AIR | NONE |
| 8 | BRICK/STONE | HOT AIR | NONE |
|  |  | NONE | NONE |
|  |  | NONE | NONE |
|  |  | NONE | NONE |
|  |  | NONE | NONE |
|  |  | NONE | NONE |

## Building Other Features

| Line | Structure Type |
| :---: | :--- |
| 2 | OvERHEAD DCOR - WD/MT |

```
From: Marge Schmuckal
To: Barbara Barhydt
Date: 4/9/2007 9:44:19 AM
Subject: Re: Change of Use
```

Change of use is litterly just that. If there were some offices in the structure before, then that part would not be considered a change of use. But certainly all the areas that were viewing rooms or rooms where embalming or other prep rooms would be different than an office use.

## Marge

>>> Barbara Barhydt 4/7/2007 3:32:11 PM >>>
Hi Marge:
Deb and I met with Martin Dassa on $3 / 26$. He wanted to know from me whether the changes he is contemplating could be done as a minor review. He did not provide any firm numbers, but according to my notes, the existing funeral home has $9,500 \mathrm{SF}$. He is proposing an addition of 500 SF . What is not clear is whether this is the footprint or the entire addition (it appears he is thinking of going to several stories). There is also the carriage house, which he wants to convert to two condominium units.

A change of use of 10,000 square feet or more is considered a major review. I summed up all the options and told him it triggered major site plan. Is that how you have calculated in the past or do you look at each discrete piece? He said the entire site would remain in one ownership, so it seemed to me logical to look at the total number. Please advise on how you have calculated change of use in the past.

Oh by the way, Mr. Dassa is coming in on Monday to Lenny Nelson to discuss his project with Lee.
Thanks.

## Barbara

CC:
Deb Andrews


Sec. 14-433. Lots of record and accessory structure setbacks for existing buildings.

Any lot of record as of June 5, 1957, and held under separate and distinct ownership from adjacent lots and having a street frontage of forty (40) feet, or to which a means of access has been previously approved by the City Council as provided elsewhere in this article, may be considered a buildable lot in any residential zone except as provided below for island residential zones, with a minimum lot size of five thousand (5,000) square feet, except that a lot in the R-6 zone may have a minimum lot size of three thousand ( 3,000 ) square feet, provided that the applicable yard dimensions can be met.
$A$ lot in the $R-1, R-2, R-3, R-4, R-5, R-5 A$ or $R-6$ zones that was described in a subdivision plat approved by the Planning Board after June 5, 1981, or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

Where such a lot has a principal structure which existed as of July 19, 1988; an accessory structure or building addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met provided, however, that less restrictive zoning requirements which meet the requirements contained within 14-139(2) for residential small lot development shall apply:
a. $R-1, R-2$ :

Rear yard: Ten (10) feet.
Side yard: Five (5) feet.
b. $R-3, R-4, R-5, R-5 A, R-6$ :

Rear yard: Five (5) feet.
Side yard: Five (5) feet.
Any detached or accessory structure in the R-4 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses without meeting front, side or rear yard set backs, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum area per dwelling unit.

Any lot of record as of July 15, 1985, and held under separate and

```
From: Alex Jaegerman
To: Chris Vaniotis
Date: \(\quad\) 6/4/2007 11:11:22 AM
Subject: \(\quad 749\) Congress Street, Martin Dassa
```

Chris:
Barbara has forwarded a letter dated May 30, 2007 from Martin Dassa, with your letter of May 16 to him attached, on the subject of the review required for the reuse plans for the former Hay \& Peabody buildings. I have reviewed your assessment and would like to review it with Penny and Marge for further input.

I have considered that the combination of change of use and building additions that together exceed 10,000 sf would constitute a major site plan. Your reading suggests separate measures.

We also have the authority to refer minor developments to the Planning Board. Again, I am taking this under consideration and will seek further input on these matters. I will get back to you later this week. This project is currently under review by the Historic Preservation Board.

I will call Mr. Dassa with this information. Please forward this email to Mr. Dassa as well, if you have his email address, as it was not provided on his letter to Barbara.

Alex.
Alexander Jaegerman, AICP
Planning Division Director 389 Congress Street, Suite 400
Portland, ME 04101
Phone: (207)874-8724

CC:
Barbara Barhydt; Deb Andrews; Marge Schmuckal; Penny Littell

MARTIN B. LASSA

5 Cottonwood Lane

May 30, 2007

Barbara A. Barhydt

Development Review Services Manager
Planning \& Development Department
Planning Division
389 Congress Street
Portland, ME 04101-3509
Re: Site Plan and Change of Use Application
749 Congress Street
Portland, ME

$$
04 \lambda A 020-30
$$

Dear Ms. Barhydt;
With respect to my intention to convert 749 Congress Street to professional office use, I have attached a copy of a letter by Christopher L. Vaniotis of Bernstein Shur that was sent to me on May 16, 2007 for your review.

As you know, I am making application to the Historic Preservation Board for a Certificate of Appropriateness. I met with the Board on May 16, 2007, at which time the extent of the proposed addition was discussed. Based on the comments of the Board and staff, I have reduced the height of the proposed addition and made other adjustments.

I will be attending another workshop with the Board on June 6, 2007 to present my revised design. I would like to move the application to the Planning Board along as well, as we discussed at our meeting on March 6, 2007. With this goal in mind, please let me know what steps must be taken at this time.

After you review the attached letter, please let me know if you concur with Chris' interpretation of the code.


## Martin B. Dassa

Att:
Copy of letter to: Marge Schmuckal
Deborah G. Andrews

DEPT. OF BUILDING INSPECTION CITY OF PORTLAND, ME

MAY 312007
RECEDED

## BERNSTEIN SHUR

COUASELORS ATLAW

September 21, 2007

Penny Littell, Esquire<br>Associate Corporation Counsel<br>City of Portland<br>389 Congress Street<br>Portland, Maine 04101

Re: 749 Congress Street, Martin Dassa


Dear Penny:
Martin Dassa has asked me to write to you in the hope that you might provide some guidance to planning staff on the question of what level of review is required for his proposal to renovate the former Hay \& Peabody Funeral Home at 749 Congress Street. Martin is eager to move the project forward, and the discussions with planning staff about the review process have yet to yield an answer.

I believe you have already been provided with a copy of my May 16, 2007 letter to Martin Dassa with my analysis of the procedural requirements of the site plan review chapter. I am enclosing a copy of that letter so you will have it readily available.

My understanding is that Martin has met with Marge Schmuckal, and Marge did not disagree with Martin's calculation that, for the funeral home, the combined total of change of use plus building addition is less than 10,000 square feet. That leaves then the question of whether the conversion of the carriage house into two dwelling units needs to be factored into the calculation of the 10,000 square foot threshold. The carriage house itself is a separate detached building with less than 10,000 square feet of floor area.

I do not see the definition of major development as requiring individual buildings on a lot to be considered cumulatively in determining whether a change in use exceeds 10,000 square feet. Subsection (d) of the definition of major development in Section 14-522 states that a major development means " [a] change in the use of a total floor area of ten thousand $(10,000)$ square feet or more in any existing building cumulatively within any three-year period...." Note that "existing building" is singular. Compare that with the language in subparagraph (a) which applies the 10,000 square foot threshold to " $[t]$ he construction of any new structures," and subparagraph (c) which applies the threshold to " $[\mathrm{t}]$ he construction
of any building additions)," both in the plural. The same language pattern is repeated in the definition of minor development, with change of use being measured by the floor area "in any existing building" - singular, while new buildings and building additions are described in the plural.

Finally, as I pointed out in my May $16^{\text {th }}$ letter, a two-family dwelling is expressly identified in Section 14-522 as a minor development. Thus the carriage house is subject to minor site plan review, and the funeral home, because the total work is less than 10,000 square feet, is also subject to minor site plan review.

Martin Dassa would very much appreciate it if you could address this with planning staff so that he can get an answer to what process he must follow and move ahead. I am going to be away from September $24^{\text {th }}$ through October $2^{\text {nd }}$. In the meantime, I have no objection if you would like to contact Martin directly. Thanks for your attention to this letter.


## CLV/lc

## Enclosure

cc: Martin Nasa
Barbara Barhydt, Senior Planner
Alex Jaegerman, Planning Division Director
Marge Schmuckal, Zoning Administrator
Lee Urban, Director of Planning \& Development

## BERNSTEIN SHUR

COUNSELORSATLAW

100 Middle Street PO Box 9729
Portland, ME 04104-5029

Christopher L. Vaniotis 207 228-7205 direct cvaniotis@bernsteinshur.com

May 16, 2007

Martin B. Dassa
5 Cottonwood Lane
Falmouth, Maine 04105
Re: 749 Congress Street


Dear Martin:
You have asked us to look into two questions about permitting procedure in connection with your plans for the reuse and renovation of the property located at 749 Congress Street in Portland.

The property, consisting of approximately .64 acres of land, includes a $+/-9,500$-square-foot main building, formerly used as the Hay and Peabody Funeral Home but now vacant for over a year, $a+/-3,900$-square-foot carriage house to the rear, and a substantial parking area serving both buildings. You propose to convert the carriage house into a two-family dwelling and to reuse the main building for office space. In conjunction with the reuse of the existing space in the main building, you will undertake renovations necessary to bring the building systems up-to-date and into compliance with current codes (which you estimate will involve an investment in the neighborhood of $\$ 1$ million). Those upgrades will include a $+/-1,500$-square-foot addition (three floors of 500 square feet each above the existing garage) to house an elevator and bathroom facilities designed to meet the needs of persons with disabilities. All the renovations will be confined to the footprints of the existing structures.

1. Subdivision. Your first question is whether your proposal would require subdivision review. For the following reasons, the answer is no.

Whether or not an activity requires subdivision review is determined exclusively by the state subdivision statute, 30 -A M.R.S.A. $\S \S 4401$, et seq. ${ }^{1}$ Under the statutory definition found at 30 -A M.R.S.A. $\S 4401(4)$, a subdivision is created in one of two

[^0]ways: (1) the division of a tract or parcel of land into three or more lots or (2) the construction or placement of three or more dwelling units on a single tract or parcel of land. You are not proposing to divide the land into separate lots and you are proposing only two dwelling units. Therefore, subdivision approval is not required.
2. Site Plan Review. Your second question is whether the project is a "minor development" or a "major development" for purposes of review under the site plan article of the Portland Code. For the following reasons, I believe what you propose qualifies as a minor development.

## a. Carriage House.

The applicable definitions are found in Section 14-522 of the Code, which includes separate definitions for major and minor development. A twofamily dwelling is expressly listed within the definition of minor development. Therefore, the creation of two dwelling units within the carriage house is a minor development.
b. Main Building.

The definition of major development contains eight categories, most of which have no applicability to your proposal for reuse and renovation of the main building. The two which are relevant are paragraphs (c) and (d).

Relevant to your proposed 1,500 -square-foot addition to the existing building is subsection (c) of the definition of major development: " $[t]$ he construction of any building addition(s), cumulatively having either a total floor area of ten thousand $(10,000)$ square feet or more or which is larger than the original structure, within any three-year period...." Obviously, your proposed addition is well under the 10,000-square-foot threshold and well under the size of the original structure.

With respect to the reuse, the term major development includes: "[a] change in the use of a total floor area of ten thousand $(10,000)$ square feet or more in any existing building cumulatively within any three-year period...." The funeral home use occupied approximately 9,500 square feet, and that is the area you are proposing to change to office use. Therefore, with respect to the change of use in the existing building (which is what subsection (d) expressly identifies as the trigger), you are under the 10,000 -square-foot threshold.

Subsections (c) and (d), both of which deal with existing buildings, are separated by the function word "or," which is used to designate alternatives. Thus, an existing building is subject to review as a major development if either the floor area of changed use exceeds 10 , $2 f 0^{\circ}$ 'dapref fect or an addition to the existing building exceeds 10,000 square feet. f do not seeany basis in the language of the ordinance for applying the 10,000 -square-

foot threshold to a combination of the area of changed use within the existing building plus the area of an addition. The 10,000 -square-foot threshold applies in each paragraph separately, not to both in the aggregate.

Your proposal for the main building, therefore, is not a major development. Rather, it fits within the definition of minor development. Under subsection (d) of that definition it is "[ $t]$ he construction of any building addition (s) having a total floor area of up to ten thousand $(10,000)$ square feet cumulatively within a three-year period...." And under subsection (f) it is " $[\mathrm{a}]$ change in the use of a total floor area of between five thousand $(5,000)$ and ten thousand $(10,000)$ square feet in any existing building cumulatively within any three-year period...."

I hope this analysis proves helpful to you as you plan your project. If you have any questions at all, feel free to contact me.


CLV/lc

# CITY OF PORTLAND, MAINE <br> DEVELOPMENT REVIEW APPLICATION PLANNING DEPARTMENT PROCESSING FORM <br> Zoning Copy 

## Dassa Martin B \&

Applicant
5 Cottonwood Ln , Falmouth , ME 04105
Applicant's Mailing Address


2007-0142
Application I. D. Number
8/17/2007
Application Date
749 Congress Street
Project Name/Description
749-749 Congress St, Portland, Maine
Address of Proposed Site
047 A020001
Assessor's Reference: Chart-Block-Lot Building Addition $\checkmark$ Change Of Use Residentia $\checkmark$ Office Retail

## Consultant/Agent

Applicant Ph: (207) 899-0574 Agent Fax:
Applicant or Agent Daytime Telephone, Fax
Proposed Development (check all that apply):New BuildingApt $0 \quad \square$ Condo $0 \quad \square$ Other (specify)
$\square$ ManufacturingWarehouse/Distribution $\qquad$ Parking Lot moor $S$ Acreage of Site $+\ldots$

## Check Review Required:



## Zoning Approval Status:

## Approved

Approved w/Conditions See Attached

Approval Expiration

## Reviewer



Extension to
Additional Sheets
Approval Date
-
Approval Expiration
signature
 Attached
$\square$ Condition Compliance

## Performance Guarantee

Required*
Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below
$\square$ Performance Guarantee Accepted
$\square$ Inspection Fee Paid
$\square$ Building Permit Issue
$\square$ Performance Guarantee Reduced
$\square$ Temporary Certificate of Occupancy
$\square$ Cinal Inspection
$\square$ Pertificate Of Occupancy
$\square$ Defect Guarantee Submitted
$\square$ Defect Guarantee Released
$\square$


## BERNSTEIN SHUR

COUNSELORS AT LAW

September 21, 2007

Penny Littell, Esquire
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, Maine 04101
Re: 749 Congress Street, Martin Dassa
Dear Penny:
Martin Dassa has asked me to write to you in the hope that you might provide some guidance to planning staff on the question of what level of review is required for his proposal to renovate the former Hay \& Peabody Funeral Home at 749 Congress Street. Martin is eager to move the project forward, and the discussions with planning staff about the review process have yet to yield an answer.

I believe you have already been provided with a copy of my May 16, 2007 letter to Martin Dassa with my analysis of the procedural requirements of the site plan review chapter. I am enclosing a copy of that letter so you will have it readily available.

My understanding is that Martin has met with Marge Schmuckal, and Marge did not disagree with Martin's calculation that, for the funeral home, the combined total of change of use plus building addition is less than 10,000 square feet. That leaves then the question of whether the conversion of the carriage house into two dwelling units needs to be factored into the calculation of the 10,000 square foot threshold. The carriage house itself is a separate detached building with less than 10,000 square feet of floor area.

I do not see the definition of major development as requiring individual buildings on a lot to be considered cumulatively in determining whether a change in use exceeds 10,000 square feet. Subsection (d) of the definition of major development in Section 14-522 states that a major development means " $[a]$ change in the use of a total floor area of ten thousand $(10,000)$ square feet or more in any existing building cumulatively within any three-year period...." Note that "existing building" is singular. Compare that with the language in subparagraph (a) which applies the 10,000 square foot threshold to "[ $t]$ he construction of any new structures," and subparagraph (c) which applies the threshold to " $[t]$ he construction

Penny Littell, Esquire
September 21, 2007
Page 2 of 2
of any building additions)," both in the plural. The same language pattern is repeated in the definition of minor development, with change of use being measured by the floor area "in any existing building" - singular, while new buildings and building additions are described in the plural.

Finally, as I pointed out in my May $16^{\text {th }}$ letter, a two-family dwelling is expressly identified in Section 14-522 as a minor development. Thus the carriage house is subject to minor site plan review, and the funeral home, because the total work is less than 10,000 square feet, is also subject to minor site plan review.

Martin Dassa would very much appreciate it if you could address this with planning staff so that he can get an answer to what process he must follow and move ahead. I am going to be away from September $24^{\text {th }}$ through October $2^{\text {nd }}$. In the meantime, I have no objection if you would like to contact Martin directly. Thanks for your attention to this letter.


CLV/lc
Enclosure

## cc: Martin Nasa

Barbara Barhydt, Senior Planner
Alex Jaegerman, Planning Division Director
Marge Schmuckal, Zoning Administrator
Lee Urban, Director of Planning \& Development

September 10, 2007
Marge Schmuckal
Zoning Administrator
Planning and Development Department
389 Congress Street
Portland, ME 04101-3509
Re: 749 Congress Street
Portland, ME
Dear Ms. Schmuckal;
Based on the meeting with Penny Littell, Esq. and Barbara Barhydt on September $7^{\text {th }}$, it is my understanding that to meet the requirements of Minor Site Plan criteria, it must be shown that the main building, including new additions, does not exceed 10,000 sf, in accordance with Section 14-522 Definitions, Minor Development (d) and (f), Page 14-528. It was agreed that any existing areas that were previously used as office space can be excluded from the calculations. It was also agreed that shafts, i.e., elevator, mechanical spaces, and below grade basement spaces used for equipment or storage may be excluded from the calculations.

I have revised the existing floor plans to show that once existing office space, shafts, etc., on upper levels and below grade basement used for mechanical shafts or storage space are deducted from the gross building square feet, and after adding the 1500 sf of proposed addition, the total building area that is proposed for a change of use is $9,070 \mathrm{sf}$. I have attached work sheets to support the above calculations for your use.

During my September $7^{\text {th }}$ meeting we also discussed what was required to obtain site plan approval. I am revising the Proposed Site Plan, Dwg. S-1, to reflect the Section 14-523 Approval Required section, Page 14-550 of the Zoning Ordinance. Please be advised that I believe the plans as submitted meet the provisions of the Ordinance for a minor site plan submission as I understand them. I appreciate staff's involvement to help move the project along. Based on your review of the above, I am ready to proceed with the requirements of the Ordinance.

Very truly yours,

Martin B. Dassa, AIA


Att:


7 copies with plans arb overlays

- TO bARbARA BARHYDT DEVELOPMEMT REVIEW SERVICE manager. 9.13-c7

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7 \text { copies of Revised Site Bean 9-13e7 }
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## Planning and Development Department

Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director
Mr. Martin Dassa
5 Cottonwood Lane
Falmouth, ME 04105

September 26, 2007
Christopher L. Vaniotis, Esq. Bernstein, Shur, Sawyer \& Nelson, P.A. 100 Middle Street, P.O. Box 9729
Portland, ME 04101-5029

Re: 749 Congress Street, Application \# 2007-0142
Dear Mssrs. Dassa and Vaniotis:
The site plan application for a change of use for 749 Congress Street (from a funeral home to professional offices and a garage to two residential units) was reviewed by City staff to determine whether the proposal should be reviewed as a major or minor site plan. In addition, we have reviewed the two letters submitted by Attorney Chris Vaniotis, on behalf of the applicant, regarding his interpretation of the scope of review of this proposal.

## Scope and Method of Review

The City's custom and practice has been to review the proposed changes of uses on an entire site and not to review changes of uses within discreet buildings on the site separately. This past interpretation would result in a major site plan review by the Planning Board of this application. In light of the challenge to this interpretation, the City has decided to review this matter as a minor site plan and to clarify the ordinance by amendment.

## Substantive Comments on Information Received to Date

In our preliminary review of the submitted site plan and written submissions within, we have identified discrepancies in your project information descriptions and seek additional information in order to review the proposal under the City's Site Plan Standards. (A copy of the site plan ordinance is attached for your reference and the submittal requirements are found under Section 14-525. Please use this section to guide your preparation of the development review application.) At this date, your application is not yet complete. Following is a preliminary list of items to be addressed in your application:

1. Please clarify the scope of the project. Specifically, the August $17^{\text {th }}$ letter states the addition will be 1,000 square feet, while the September 10, 2007 correspondence indicates the addition will be 1,500 square feet.
2. Evidence of right, title and interest for all land encompassed within this proposal, including the right to use the abutting property for parking.
3. Copies of easements burdening or benefiting the site
4. Evidence of financial and technical capability.
5. Standard boundary survey must be stamped by the surveyor.
6. The letter of August $17^{\text {th }}$ states there will be "minor adjustments to the site." Please detail what those adjustments will be and clarify which existing features will be retained.
7. Location and screening of any waste receptacles. The written statement should address how solid waste will be handled for the site.
8. Existing and proposed utility lines and infrastructure must be shown on the plan. Evidence that there is sufficient capacity is required. This includes letters of capacity from Portland Water District, Department of Public Works (contact Mr. Brancely) for sewer capacity, CMP and any other utilities serving this site.
9. Location of culverts, drains and storm water flows on the site must be shown.
10. Identify how the shared use of the parking area is managed, who shares the parking, and how many vehicles are served. The detailed dimensions of the driveways and parking area should be shown on the plan. Please submit evidence that verifies or attests to this shared arrangement. On the first site plan submitted, there are thirty spaces shown on the property and over the grassed area and flag pole. The second plan does not demarcate parking spaces, but retains the center green and flag pole. The revised plans should clarify what is being proposed.
11. A landscape plan should show existing landscaping that is to be preserved and the proposed preservation techniques. The type, quantity size of proposed vegetation and planting specifications should be presented for proposed landscaping.
12. Any exterior lighting should be shown on the plan and the photometrics for the lights must meet the City's technical standards (a copy attached).

I will distribute the plans to other departments on September 26, 2007. This additional information will be required to clarify and complete your application.

Thank you for your attention to this matter.

Sincerely,
Barbara
Barbara Barhydt
Development Review Services Manager

Cc: Lee Urban, Director, Department of Planning and Development
Alexander Jaegerman, Director, Planning Division
Marge Schmuckal, Zoning Administrator
Penny Littell, Associate Corporation Counsel
 prior use: Main building; funeral home prior use; carriage house; funeral home proposed use, maia building, professional offices PROPOSE O USE CARRIAGE HOUSE, 2 DUELING UNITS To. $\triangle D D$ ExTENSIONS TO REAR of MAIN BUILDING TO FROVIDE NEW ELEVATOR, FIRE EXIT STAIR $\triangle H D ~ A D A ~ L C C E S S I B L E ~ T O I L E T S ~$


TO. MAINTAIN HISTORIC CHARACTER OF BULDINGS $\triangle$ HISTORIC PRESERVATION BOARD ISSUED A CERTIFICATE OF APPROPRIATENESS OH JULY II, OT


CHART 47 BLOCK A

$\triangle$ PROPOSED CHANGE OE USE RHO EXTENSIONS TO 749 CONGRESS STREET PORTLAND MAINE
$\triangle$ City of PORTLAHO MINOR SITE PLAH DPPLICATION BUILDING LESS THAN 10,000 SE. EMIN BULLDNG EXISTING SQFT 9,500 PROPOSEO EXTEHSION 1,000 SF = TOTAC 10,500 SF CARGIAGE HOUSE" EXISTING 2800 SF, EXPANDED DORMERS 500 SF TOTAL 3300 SF
 ARCHITECT: MARTIN BDASSA AIA MAINE LICENSE ARC-3365 207. $899-0574 \quad 04105$


MARTIN B. LASSA 5 COTTONWOOD LANE FALMOUTH, ME 04105


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Page or 8

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SECOND FLOOR PLAN
1408 S.F. $1,40 \cdots 94 \%$



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MARTIN B. DASSA 5 COTTONWOOD LANE


MARTIN B. DASSA


# MARTIN B. DASSA, ALA <br> 5 Cottonwood Lane <br> Falmouth, ME <br> (207) 899-0574 <br> mdassa@maine.rr.com 

September 10, 2007
Marge Schmuckal
Zoning Administrator
Planning and Development Department
389 Congress Street
Portland, ME 04101-3509


Dear Ms. Schmuckal;
Based on the meeting with Penny Littell, Esq. and Barbara Barhydt on September 7 ${ }^{\text {th }}$, it is my understanding that to meet the requirements of Minor Site Plan criteria, it must be shown that the main building, including new additions, does not exceed $10,000 \mathrm{sf}$, in accordance with Section 14-522 Definitions, Minor Development (d) and (f), Page 14-528. It was agreed that any existing areas that were previously used as office space can be excluded from the calculations. It was also agreed that shafts, i.e., elevator, mechanical spaces, and below grade basement spaces used for equipment or storage may be excluded from the calculations.

I have revised the existing floor plans to show that once existing office space, shafts, etc., on upper levels and below grade basement used for mechanical shafts or storage space are deducted from the gross building square feet, and after adding the 1500 sf of proposed addition, the total building area that is proposed for a change of use is $9,070 \mathrm{sf}$. I have attached work sheets to support the above calculations for your use.

During my September $7^{\text {th }}$ meeting we also discussed what was required to obtain site plan approval. I am revising the Proposed Site Plan, Dwg. S-1, to reflect the Section 14-523 Approval Required section, Page 14-550 of the Zoning Ordinance. Please be advised that I believe the plans as submitted meet the provisions of the Ordinance for a minor site plan submission as I understand them. I appreciate staff's involvement to help move the project along. Based on your review of the above, I am ready to proceed with the requirements of the Ordinance.


Martin B. Dassa, AIA
Att:


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THIRD FLOOR PLAN 1698 S.F.



\author{

To: Jeff Taring, Parks and Recreation <br> Greg Tass, Fire Department <br> Dan Goyette, Consulting Engineer <br> Mike Farmer, Project Manager for Public Works <br> Tom Enrico, Consulting Traffic Engineer <br> Jim Carmody, City Traffic Engineer <br> Marge Schmuckal, Zoning Administrator <br> From: Molly Casto, Planner <br> Date: $\quad$ October 16, 2007 <br> | Re: | 749 Congress Street |
| :--- | :--- |
|  | Site Plan |
|  | CBL\#: 047 A020001 |

}

Please review the attached cover sheet and revised Site Plan. If you would like to look at any of the additional submitted materials noted in the cover sheet, please let me know.

This application is being reviewed as a minor site plan.

If you have any questions, feel free to get in touch at $874-8901$ or at mpc@portlandmaine.gov.

## Thanks!

Molly Pasto
Planner

MARTIN B. DASSA, AIA
5 Cottonwood Lane
Falmouth, ME
(207) 899-0574

E-mail: mdassa @maine.rr.com

October 12, 2007

Barbara A. Barhydt<br>Development Review Services Manager<br>Planning \& Development Department<br>Planning Division<br>389 Congress Street<br>Portland, ME 04101-3509

Re: 749 Congress Street, Application \#2007-0142
Dear Ms. Barhydt;
The attached 7 copies of revised drawing S-1R, dated September 13, 2007, revised October 15, 2007, Proposed Site Plan and Notes, and this letter, address the questions raised in your letter to Martin Dassa dated September 26, 2007. Also attached are the following supporting letters and documents:

Attachment A: Letter from Saco \& Biddeford Savings Institution, Phil Fearon to Barbara Barhydt, dated October 1, 2007, with attachments, total 14 pages.

Attachment B: Letter from Robert Napolitano and John MacIntosh, dated October 2, 2007, regarding shared parking.

Attachment C: Martin B. Dassa technical capability profile.
Attachment D: Letter from Portland Water District, dated October 10, 2007, and diagram.

Concerning your letter of September 26, 2007:
Item 1: Clarify scope of project - Both square footages are correct.
The August $17^{\text {th }}$ letter indicates that 1000 sf will be added, which is still the intention. The September $10^{\text {th }}$ letter, which indicates 1500 sf in the rear " L " will have a change of use is also the intention. The existing ground level, which is 500 sf and presently used as a garage, will remain. However, its use will be changed to professional office. That is why my letter of September $10^{\text {th }}$ indicates 1500 sf . To be accurate, the letter should have said 1000 sf of the addition and 500 sf of existing space will have a use change.

Re: 749 Congress Street, Application \#2007-0142

Item 2: Evidence of right, title and interest for all land encompassed within proposal, including the right to use the abutting property for parking.

Attachments A and B.
Item 3: Easements.
Attachment A - Title Policy concerning easements and survey and copies of the easements.

Item 4: Evidence of financial and technical capability.
Attachment A - Mortgage is in place to cover the total cost of the project.
Attachment C - The Personal Profile and accompanying photographs are designed to address the question of Martin Dassa's technical capabilities.

Item 5: Boundary survey must be stamped by surveyor.
The survey has been updated to show the owner of record as well as being sealed by the surveyor.

Item 6: Reference "minor adjustments to the site".
The site will remain unchanged. The reference to "minor adjustments" had to do with any damage that may result to the site during the construction, which will be repaired.

Item 7: Solid Waste.
All solid waste will be picked up by a trash company. The trash will be kept in the buildings until the day and time of pickup and removal.

Item 8: Existing and proposed utilities.
The site plan has been updated to show all existing utilities in the street and connections to the buildings. Letters of capacity have been requested from Portland Water District (see Attachment D), Department of Public Works (Sewer), Central Maine Power, and Northern Utilities. When these letters are received, they will be forwarded to the Planning Department. Some letters may be sent directly to you.

Re: 749 Congress Street, Application \#2007-0142

Item 9: Location of culverts, drains, and storm water flows.
This information has been shown on the revised drawing S-1R, revision 10-15-07.
Item 10: Parking, site changes.
When the first plan was prepared, it was not known that historic buildings are exempt from parking requirements within the limits of the Ordinance. The plan showed that the new use could meet the required parking. Since then, the neighbors approached me and explained the informal arrangement that has existed for over 30 years (see letter Attachement B).

It should be noted that based on my reading of Division 20, Off Street Parking of the City of Portland Maine Code of Ordinances, Section 14-330.5, Section 14-332, Uses Requiring Off Street Parking Item "q", page 14-365, "auditoriums...... funeral homes require one parking space for each 100 square feet....." The prior use based on 7500 sf of assemblage space would have required 75 parking spaces. The proposed use would require less than half of this amount. With respect to Item " $u$ " of the Zoning Ordinance, Exception for Historic Structures, I believe this structure and site conform to this article.

The proposed use will be less intense when considering the impact on the parking lot and the local roadway when a funeral took place over the past 79 years the building was used as a funeral home. The additional 2 required residential parking spaces can in my opinion be absorbed into the joint use lot, since residential parking use is normally an after business hours use.

Based on the above, the plan is to leave the grass area as is. This includes keeping the flag pole. This is what was shown on the submitted site plan and remains unchanged on the revised plan dated 10-15-07.

Item 11: Landscape plan and preservation techniques.
The existing planting in the area of work will be protected using a snow fence and hay bales. This has been shown on the revised site plan.

Based on your question in your letter of September 26, 2007, a local landscape company went to the site and pruned and cleaned the planting areas.

The planting in the front of the building is protected by a fence in the front and a curb along the side. No work is anticipated in this area except painting of trim and the clock. When this work is underway, all existing landscaping will be properly protected with plywood and tarps, which has been noted on the drawing.

Re: 749 Congress Street, Application \#2007-0142

Item 11 (continued)
There are 2 large $18^{\prime \prime}$ diameter blue spruce trees in the rear grass area. These trees are outside of the work area. However, they will be protected by a snow fence and hay bales, which has been shown on the revised site plan.

All existing grass areas and fencing will be retained. The grass will be kept cut during the construction phase as it has been since we purchased the building in November, 2006. Any areas damaged near the addition, will be restored.

Item 12: Exterior lighting.
Exterior lighting, both existing and proposed, has been shown on the revised site plan, as required by the City Technical Standards.

If you require any further information, let me know.


Martin B. Dassa, AIA
Att:
Copy of letter to: Christopher L. Vaniotis, Esq.

## GPWIH/Thursday Nights 2007 November 1st - Dec.6th <br> At The Portland Ice Arena

This session is open to intermediates \& advance players and will be played at the Portland Ice Arena on Thursday nights. We will divide all registered players into 2 or 4 equal leveled teams to have competitive/fun games. This is a nonchecking recreational session. Each team will play a one hour game each week.

## THE BREAKDOWN

## November/Decmber Session:

- Registration: Deadline is October 27th (with payment and signed form). We will take the first 30 paid registrations.
- Dates November 1st - December 6th, 2007.
- Times: Thursday Nights 8:50PM- 9:50PM.
- Price: $\$ 65.00$ per person.
full equipment required: Helmet with full shield, elbow pads, gloves, chest protector, stick, pants and shin guards. USA Hockey: registration is required by all players. You MUST register on line at www.usahockey.com and send us a copy of your registration. The 2007-2008 registrations run from 9/1/07 to 8/31/08.
Goalies: play for free and must register in advance. Please replace yourselves if you can not make a game.
If you have any questions or suggestions please contact Tina LeBlanc or Denise Tanguay at 829-6950 or
e-mail gpwih@maine.rr.com.


## Tuesday Night Intermediate/Advance Group September - April

This Session is open to Intermediates - Advanced players and will be played at the Portland Ice Arena. We have every other Tuesday (check the dates below). We will warm up for the first 5 minutes and than scrimmage. This is an excellent opportunity to get more ice time and have fun improving your skills. When we have a coach we will do drills. THE BREAKDOWN
Session II - November \& Decmber. We will take the first 20 players.

- Registration: Deadline is October 30th (with payment \& signed form).
- Dates. Nov. 6 \& 20, Dec. 4 \& 18.
- Times:Tuesday nights 8:10PM to 9:1OPM
- Price: Session II $\$ 45.00$ after deadline pay $\$ 55.00$.

Session III - January 8th, 15,22,29,Feb 5,12

- Registration: TBA
- Dates.
- Times: Tuesday nights 8:10PM to 9:10PM .
- Price:

Session IV to follow....Feb. 26, March 11,25, April 8
Goalies: play for free and must register in advance. Please replace yourselves if you can not make a game.

## BREAKAWAYS

Intermediate and Advance players interested in playing with the Breakaways. Please sign up for the Tuesday Night sessions above or e-mail Denise at gpwih@maine.rr.com


Waiver/Release: I hereby authorize Greater Portland Women's Ice Hockey League (GPWIH), without limitation, the right to use video tapes audio recordings and/or photographs of myself or my child, made or taken during or in conjunction with my or his / her participation in this program, with or without reference to me or him/her by name, for promotion, documentation, advertising, public relations, or general advancement of (GPWIH). I the above applicant hereby assume all risk and hazards incidental to participation in any and all league activities during the current season. I hereby waive, release, absolve, indemnify and agree to hold harmless the organizers, participants, or others acting on behalf of Greater Portland Women's Ice Hockey for any claim arising out of injury to myself or my child.

(GPWIH) Greater Portland Women's Ice Hockey
19 Lakeside Drive, Windham, ME, 04062 Make checks payable to: GPWIH

Leaque Players: You may pick up your schedules on the night of the first game at the Portland Ice Arena. If you have any questions you may contact us at gpwih@maine.rr.com or call 829-6950. Thank you and see you on the ice.















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[^0]:    ${ }^{1}$ As of January 1, 2006, the state statute requires all municipalities to apply the state statutory definition of the term subdivision. 30 -A M.R.S.A. $\S 4401(4)(\mathrm{H}-1)$.

