

52-C-3

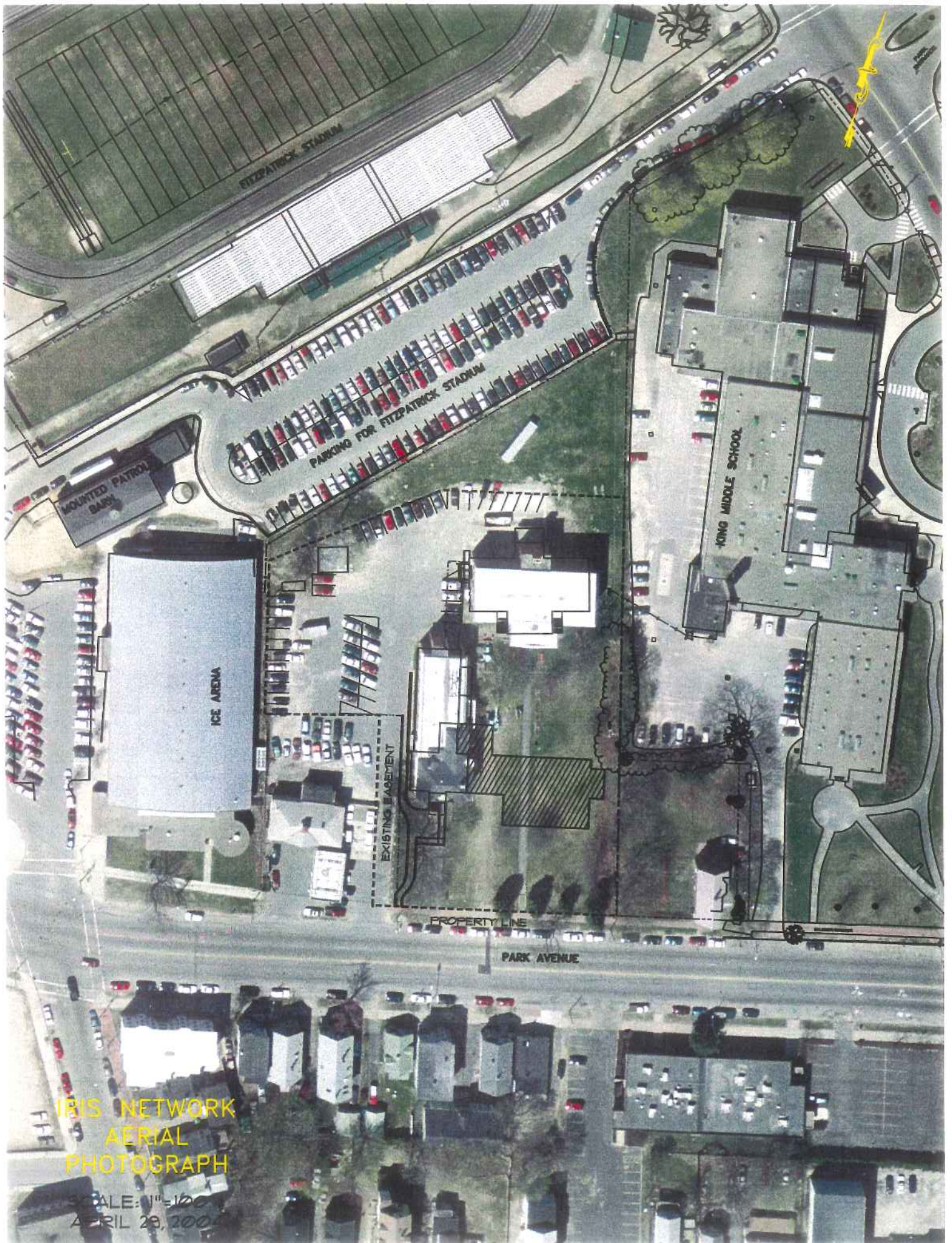
555

201 Park Ave.

Text Amendment

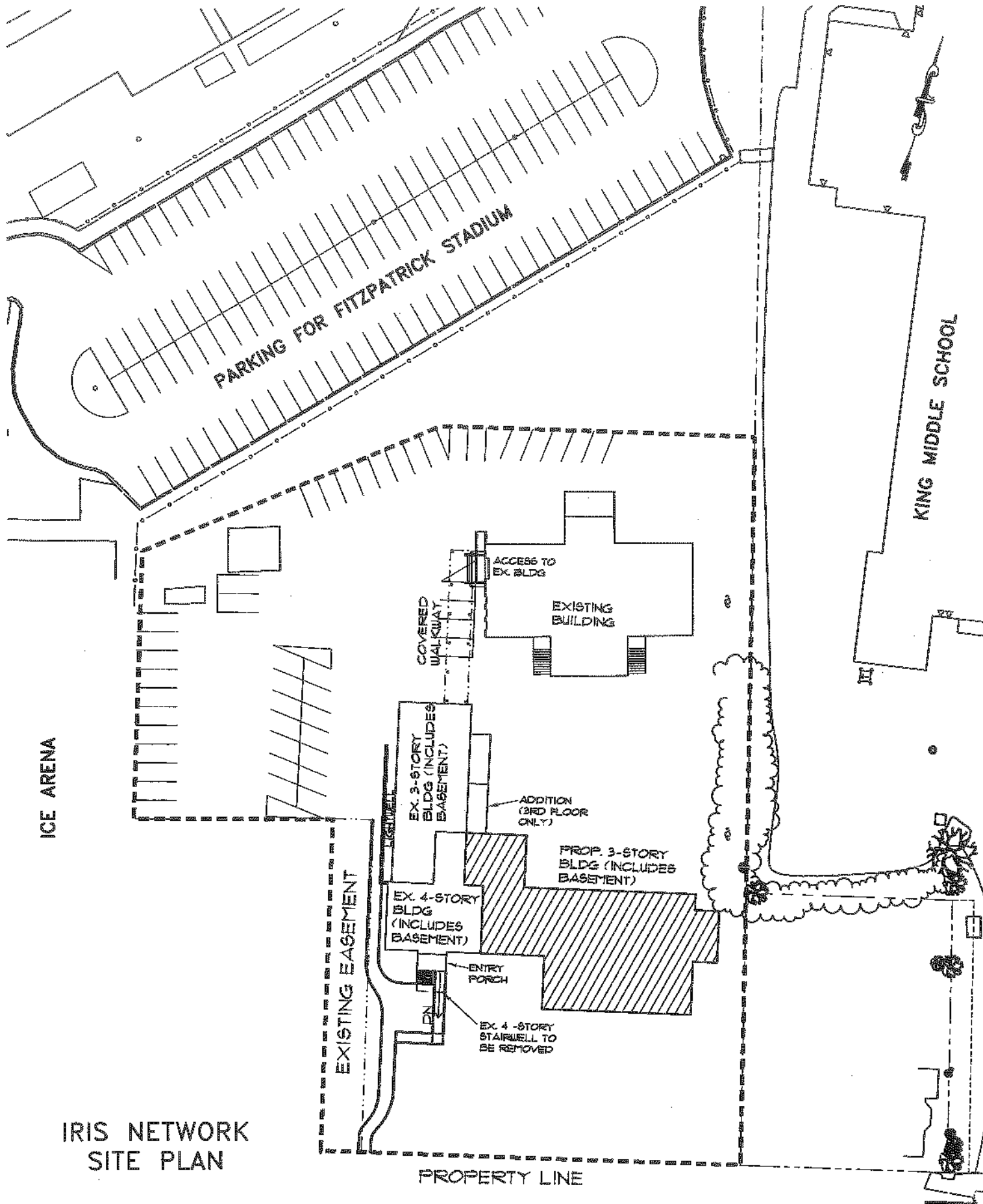
Maine Ctr. for the Blind +  
Iris Network

on Spreadsheet



IRIS NETWORK  
AERIAL  
PHOTOGRAPH

SCALE: 1"=100'  
APRIL 28, 2004



**IRIS NETWORK  
SITE PLAN**

SCALE: 1"=60"  
APRIL 23, 2004

**PARK AVENUE**

FORM 152 (1948) Revised 1-1-50

15766

TOWN AND COUNTY RECORDS  
Title Law Print, Publications, Returns

# Know all Men by these Presents

See 2564  
Book  
Page 197  
Forsberg  
Ver. case

**That** Maine Institution for the Blind

EXHIBIT

a corporation organized and existing under the laws of the State of Maine

and located at 109 Park Avenue, Portland,

in the County of Cumberland and State of Maine

in consideration of One Dollar (\$1.00) and other valuable consideration

paid by George F. Hamilton

the receipt whereof it does hereby acknowledge, does hereby

give, grant, bargain, sell and convey unto the said George F. Hamilton,

his heirs and assigns forever,

a certain lot or parcel of land with the buildings thereon situated on the North side of Park Avenue (formerly Portland Street) in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a point on the North side line of Park Avenue at the Southeast corner of land of the City of Portland, said point being Westerly 595.61 feet from the intersection of the Westerly side line of Deering Avenue and the North side line of Park Avenue; thence Easterly along the North side line of Park Avenue on a curve to the left, whose radius is 2065.34 feet, 100.00 feet to a point; thence N1°-40'E 150.00 feet to a point; thence N83°-59'-30"W 82.93 feet to a point; thence S2°-06'W 10.47 feet to a point; thence N27°-54'W 16.93 feet to a point; thence S1°-40'W along land of the City of Portland 138.37 feet to the point of beginning; containing 14,796 square feet.

Also conveying a perpetual right of way and easement for ingress and egress by foot or by vehicle, but not for parking vehicles, in common with the grantor on the East side of the above described parcel, said right of way being bounded and described as follows:

Beginning at the Southeast corner of the above described parcel; thence Easterly 7 feet along the North side line of Park Avenue; thence Northerly 150 feet more or less; thence N83°-59'-30"W 14 feet to the Northeast corner of the above described parcel; thence S1°-40'W 150 feet to the point of beginning.

Reserving to the grantor a perpetual right of way and easement for ingress and egress by foot or by vehicle, but not for parking vehicles, in common with the grantor bounded and described as follows:

Beginning at the Southeast corner of the first parcel described above; thence Westerly 9 feet along the North side line of Park Avenue, thence Northerly 150 feet more or less; thence S83°-59'-30"E 2 feet to the Northeast corner of the first parcel described above; thence S1°-40'W 150 feet to the point of beginning.

Also conveying the perpetual right and easement to use, maintain, repair and replace the existing light, sign and pole on which they are affixed, on the East side of the first parcel described above, said pole being approximately 4 feet North of the street line of Park Avenue and 9 feet East of the Easterly boundary of said first parcel described above.

4445  
1  
D

2

Also conveying the perpetual right and easement to use, maintain, repair and replace the drain from the existing catch basin on the first parcel described above, which drain apparently crosses the remaining land of the grantor.

Reserving to the grantor the perpetual right and easement to use, maintain, repair and replace the existing catch basin hereinabove described, for the purpose of draining remaining adjacent land of the grantor herein.

Being a portion of the premises conveyed to Maine Institution for the Blind by the City of Portland by deed dated April 4, 1908 and recorded in the Cumberland County Registry of Deeds in Book 821, Page 196.

To Have and to Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said George F. Hamilton

his heirs and assigns, to them and their use and behoof forever.

And does COVENANT with the said Grantee, his heirs and assigns, that it is lawfully seized in fee of the premises that they are free of all encumbrances; except for easements and restrictions of record

that it has with good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns will WARRANT and DEFEND the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Maine Institution for the Blind has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Cathen Gilman and Sidney Schwartz

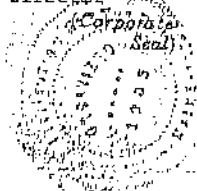
therunto duly authorized, this 25th day of June, 1979 in the year one thousand nine hundred and seventy-nine

Signed, Sealed and Delivered in presence of

Paul S. [Signature] to both

Maine Institution for the Blind

By Cathen Gilman, Director Sidney Schwartz, Director



State of Maine, Cumberland

June 25 1979

Then personally appeared the above named Cathen Gilman of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

REGISTRY OF DEEDS CUMBERLAND COUNTY MAINE

Received JUN 25 1979 at 12:11 P M, and recorded in BOOK 4445 PAGE 1 Attest: Paul S. [Signature] Registrar

Before me, Paul S. [Signature] Justice of the Peace Notary Public Astor - at - Tow



170 U.S. Route One  
Falmouth, Maine 04105  
tel: 207.781.5242  
fax: 207.781.4245

April 30, 2004  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE REQUEST

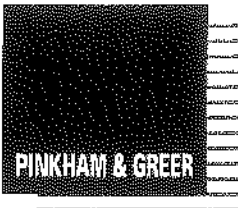
Dear Sarah:

Enclosed is the application for Zoning Amendment with the support data and fee for the IRIS Network. This project will renovate and expand the existing dormitory to house 31 one and two bedroom apartments. The administrative offices will remain in the rear building.

We have reviewed the City's R-6 and R-7 zones for possible options. It appears that this project can fit under each zone except for the parking. We think the project needs to be an R7 in order to make the parking work. The current data on the site includes:

- Tax Map Property Size	1.94 acres
- Area of Buildings	11,544 sq ft
- Area of Paving	28,500 sq ft
- Number of Existing Parking Spaces	47
- Percent Impervious	46%
- Allowable Density R-5	11
- Proposed Units Parking	31
- Office Parking	30
- Density R-6 Allowable	72 units
- Density R-7 Allowable	115 units

It is my understanding the City will review the data and determine which zone may be appropriate for this project.



CONSULTING ENGINEERS, INC.

Ms. Sarah Hopkins  
April 30, 2004  
Page 2 of 2

We are in the process of completing the boundary and topographic surveys that are required for the Site Plan review process. As soon as we refine the design we will provide you with copies.

Please let me know if you require any additional information.

Sincerely,

PINKHAM & GREER

A handwritten signature in cursive script, appearing to read "Thomas S. Greer".

Thomas S. Greer, P.E.

TSG/rlo

Enclosures

Cc: Herb Semple, Semple & Drane





APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

- 
1. **Applicant Information:**
- The IRIS Network  
Name
- 189 Park Avenue  
Address
- Portland, Maine 04102
- 207-774-6273      207-774-0679  
Phone                      Fax
2. **Subject Property:**
- 201 Park Avenue  
Address
- Portland, Maine 04102
- 52-C-3  
Assessor's Reference (Chart-Block-Lot)
3. **Property Owner:**     Applicant     Other
- Name
- The IRIS Network  
Address
- 189 Park Avenue Portland, ME 04102
- 207-774-6273      207-774-0679  
Phone                      Fax
4. **Right, Title, or Interest:** Please identify the status of the applicant's right, title, or interest in the subject property:
- Deed Attached: Book 4445 Page 1 dated June 25, 1979
- Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)
5. **Vicinity Map:** Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property:

This property is currently used by the IRIS Network for administrative office space and is also residential dorm rooms.

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property will remain consistent with the current use. The IRIS administrative offices will remain in the rear building. The front building will be expanded in size to accommodate 31 one and two bedroom apartments. The expansion will occur on the North side of the existing structure, toward King Middle School. See attached Site Plan.

Modifications to the Court Yard and drop off area will occur as part of the overall project.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R5 to R7

B.  Zoning Text Amendment to Section 14-          

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

<input checked="" type="checkbox"/> Zoning Map Amendment	\$2,000.00
<input type="checkbox"/> Zoning Text Amendment	\$2,000.00
<input type="checkbox"/> Contract/Conditional Rezoning	
Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00
Legal Advertisements	percent of total bill
Notices	.55 cents each
(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statue and local ordinance. Applicants are billed directly by the newspaper for these notices.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

April 30, 2004  
Date of Filing

  
Signature of Applicant

**Further Information:**

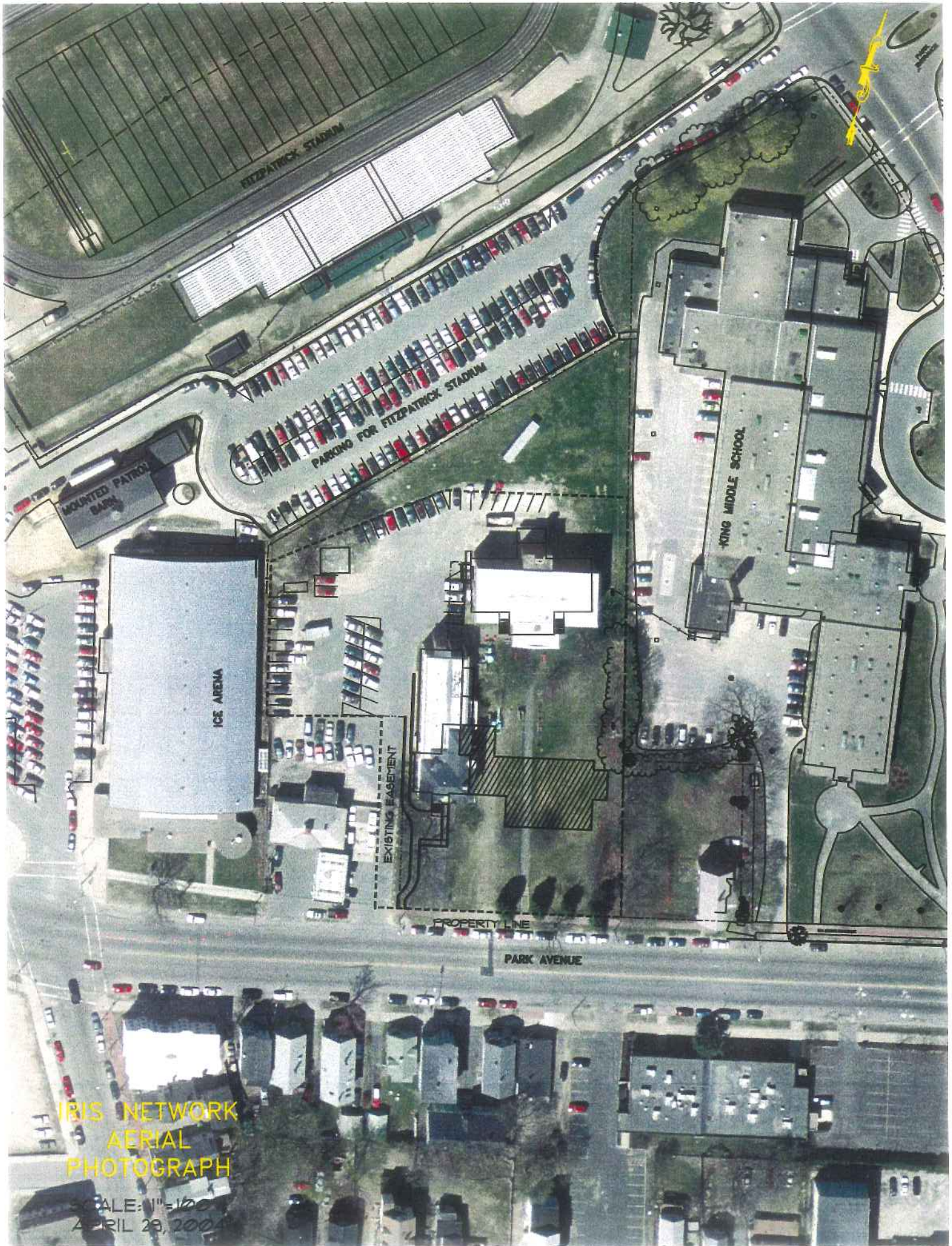
Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

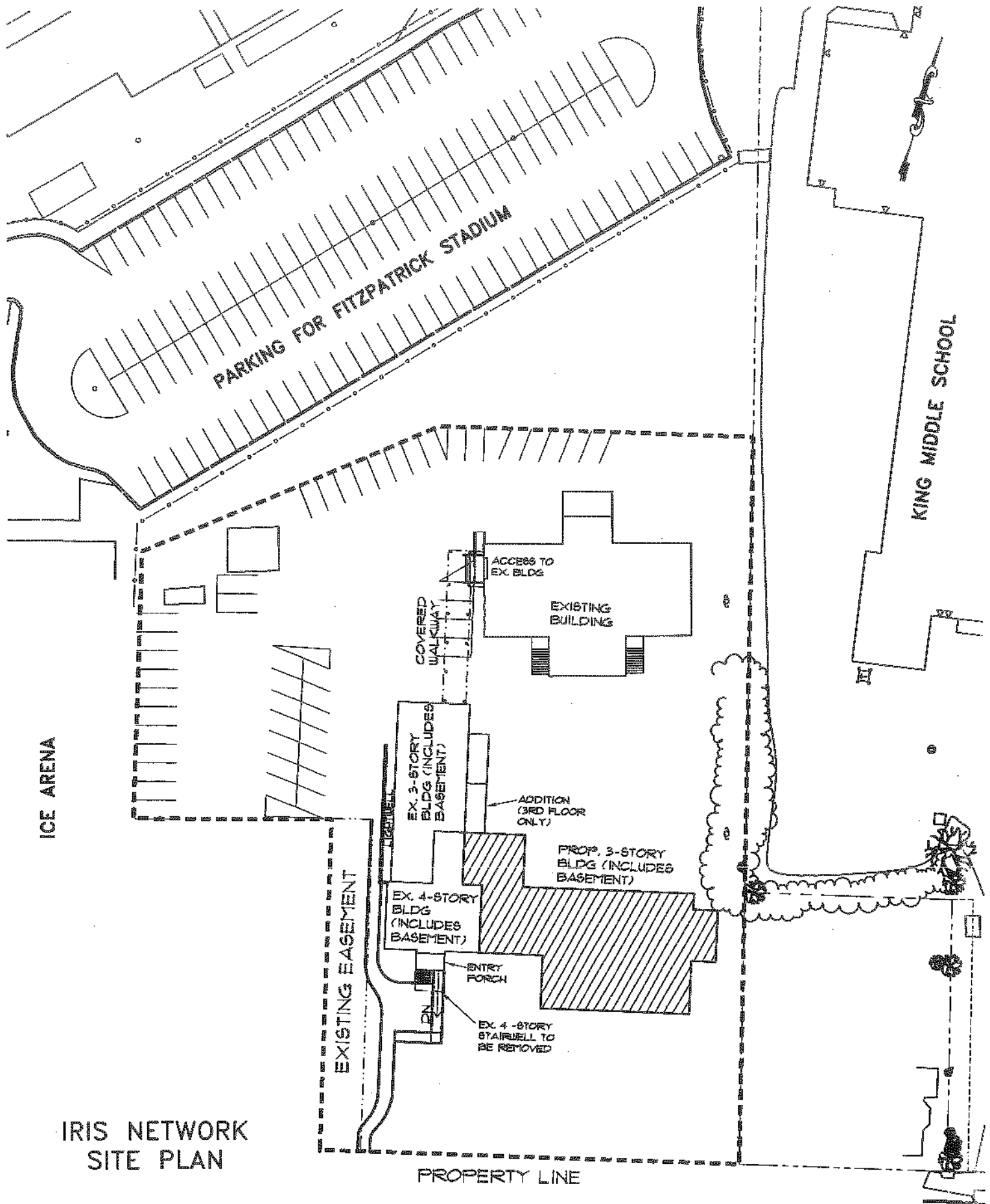
Portland Planning Board  
Portland, Maine

Effective: July 6, 1998



IBIS NETWORK  
AERIAL  
PHOTOGRAPH

SCALE: 1" = 100'  
APRIL 29, 2004



IRIS NETWORK  
SITE PLAN

SCALE: 1"=60"  
APRIL 29, 2004

PARK AVENUE

FORM 1561 1947 (Rev. 1-1-47) Movable Type - Compositors

15766

PRINTED AND PUBLISHED BY THE  
LITTLE LAW FIRM, PORTLAND, MAINE

# Know all Men by these Presents

See  
8564  
Book  
Page 197  
Frank  
Van Cose

**That** Maine Institution for the Blind  
SOMEWHERE

a corporation organized and existing under the laws of the State of Maine  
and located at 109 Park Avenue, Portland,  
in the County of Cumberland and State of Maine  
in consideration of One Dollar (\$1.00) and other valuable consideration  
paid by George F. Hamilton

the receipt whereof it does hereby acknowledge, does hereby  
give, grant, bargain, sell and convey unto the said George F. Hamilton,

his heirs and assigns forever,

a certain lot or parcel of land with the buildings thereon situated on the  
North side of Park Avenue (formerly Portland Street) in the City of  
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cribed as follows:

Beginning at a point on the North side line of Park Avenue at the  
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Westerly 995.61 feet from the intersection of the Westerly side line  
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Easterly along the North side line of Park Avenue on a curve to the  
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N1°-40'E 150.00 feet to a point; Thence N83°-59'-30"W 62.93 feet to  
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16.93 feet to a point; Thence S1°-40'W along land of the City of  
Portland 138.37 feet to the point of beginning; containing 14,796  
square feet.

Also conveying a perpetual right of way and easement for ingress and  
egress by foot or by vehicle, but not for parking vehicles, in com-  
mon with the grantor on the East side of the above described parcel,  
said right of way being bounded and described as follows:

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Northerly 150 feet more or less; thence N83°-59'-30"W 14 feet to the  
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in common with with the grantee bounded and described as follows:

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pair and replace the existing light, sign and pole on which they are  
affixed, on the East side of the first parcel described above, said  
pole being approximately 4 feet North of the street line of Park  
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described above.

4445  
17

Also conveying the perpetual right and easement to use, maintain, repair and replace the drain from the existing catch basin on the first parcel described above, which drain apparently crosses the remaining land of the grantor.

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his heirs and assigns, to them and their use and behoof forever.

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that it has never good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns will WARRANT and DEFEND the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Maine Institution for the Blind has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Cathen Gilman and Sidney Schwartz

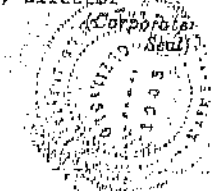
thereunto duly authorized, this 25<sup>th</sup> day of June, its in the year one thousand nine hundred and seventy-nine

Signed, Sealed and Delivered in presence of

Charles Stannard  
to both

Maine Institution for the Blind

By Cathen Gilman, Director  
Sidney Schwartz, Director



State of Maine, Cumberland

June 25 1979

Then personally appeared the above named Cathen Gilman

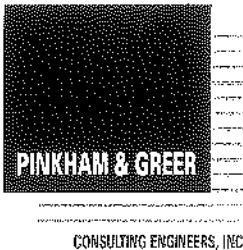
of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

REGISTRY OF DEEDS  
CUMBERLAND COUNTY NAME  
Received JUN 25 1979  
at 12 H 11 M P.M. and recorded  
In BOOK 4445 PAGE 1  
Attest: Sarah J. Dobbins  
Notary Public

Before me,

Charles Stannard  
Justice of the Peace  
Notary Public  
Attorney - at - Law





170 U.S. Route One  
Falmouth, Maine 04101  
Tel: 207.781.5242  
Fax: 207.781.4245

April 30, 2004  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE REQUEST

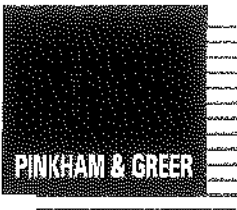
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CONSULTING ENGINEERS, INC.

Ms. Sarah Hopkins  
April 30, 2004  
Page 2 of 2

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Please let me know if you require any additional information.

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PINKHAM & GREER

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Thomas S. Greer, P.E.

TSG/rto

Enclosures

Cc: Herb Semple, Semple & Drane



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

- 
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Phone                      Fax
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Address
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- 52-C-3  
Assessor's Reference (Chart-Block-Lot)
3. **Property Owner:**     Applicant     Other
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- The IRIS Network  
Address
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Phone                      Fax
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<u>  X  </u> Zoning Map Amendment	\$2,000.00
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(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statute and local ordinance. Applicants are billed directly by the newspaper for these notices.

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April 30, 2004  
Date of Filing

  
Signature of Applicant

**Further Information:**

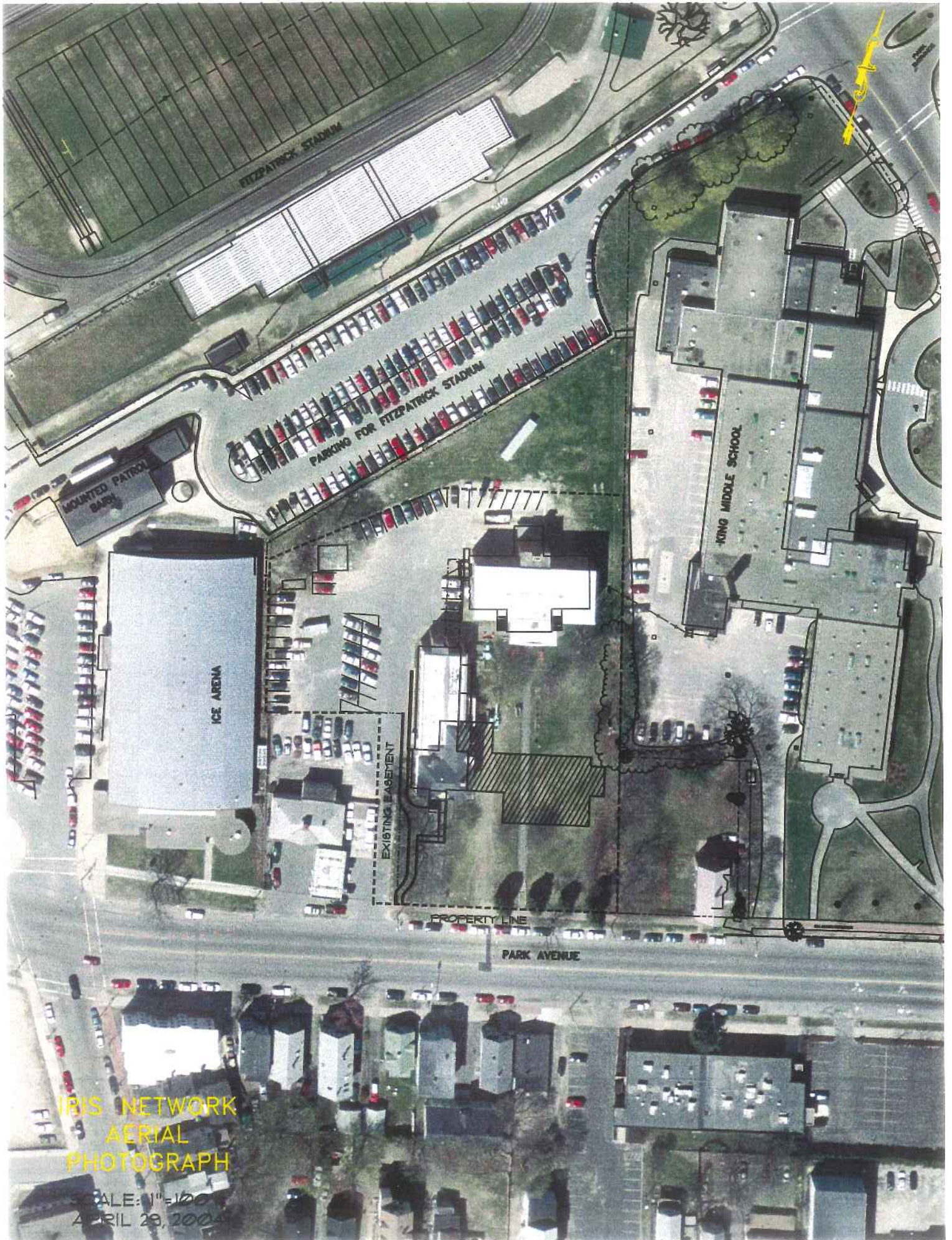
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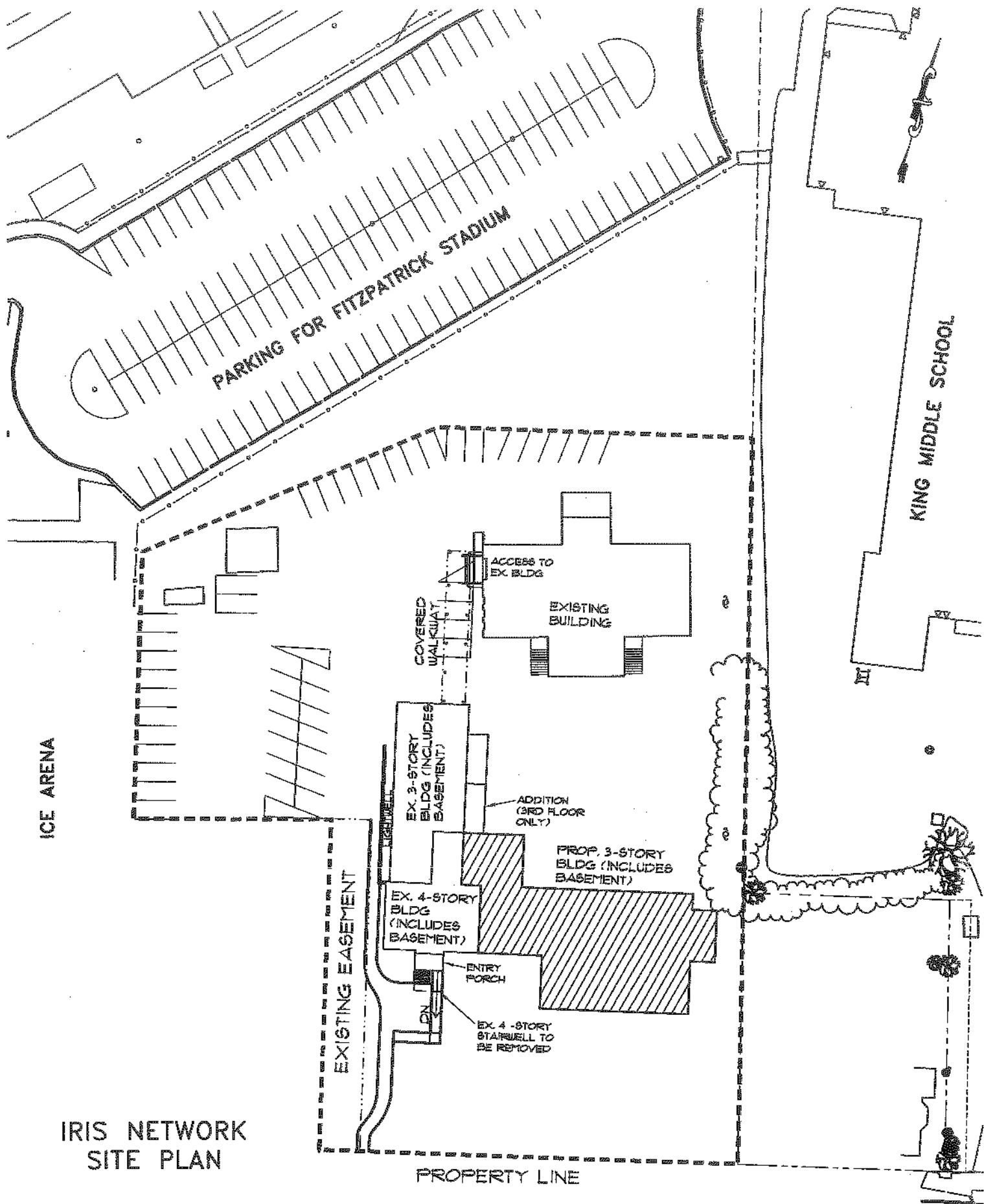
Portland Planning Board  
Portland, Maine

Effective: July 6, 1998



IRIS NETWORK  
AERIAL  
PHOTOGRAPH

SCALE: 1"=100'  
APRIL 29, 2004



**IRIS NETWORK  
SITE PLAN**

SCALE: 1"=60"  
APRIL 23, 2004

PARK AVENUE

FORM 203 (Rev. 1-1-64) Warranty Deed-Corporate

15766

TITLEBANK CORPORATION  
Title Insurance Department, Portland, ME

# Know all Men by these Presents

**Grant** Maine Institution for the Blind

130423000

a corporation organized and existing under the laws of the State of Maine

and located at 169 Park Avenue, Portland,

in the County of Cumberland and State of Maine

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the receipt whereof it does hereby acknowledge, does hereby

give, grant, bargain, sell and convey unto the said George F. Hamilton,

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Beginning at a point on the North side line of Park Avenue at the Southeast corner of land of the City of Portland, said point being Westerly 595.61 feet from the intersection of the westerly side line of Deering Avenue and the North side line of Park Avenue; thence Easterly along the North side line of Park Avenue on a curve to the left, whose radius is 2865.34 feet, 100.00 feet to a point; thence N1°-40'E 150.00 feet to a point; thence N83°-59'-30"W 82.91 feet to a point; thence S2°-06'W 10.47 feet to a point; thence N87°-54'W 16.93 feet to a point; thence S1°-40'W along land of the City of Portland 138.37 feet to the point of beginning; containing 14,796 square feet.

Also conveying a perpetual right of way and easement for ingress and egress by foot or by vehicle, but not for parking vehicles, in common with the grantor on the East side of the above described parcel, said right of way being bounded and described as follows:

Beginning at the Southeast corner of the above described parcel; thence Easterly 7 feet along the North side line of Park Avenue; thence Northerly 150 feet more or less; thence N83°-59'-30"W 14 feet to the Northeast corner of the above described parcel; thence S1°-40'W 150 feet to the point of beginning.

Reserving to the grantor a perpetual right of way and easement for ingress and egress by foot or by vehicle, but not for parking vehicles, in common with with the grantees bounded and described as follows:

Beginning at the Southeast corner of the first parcel described above; thence Westerly 9 feet along the North side line of Park Avenue, thence Northerly 150 feet more or less; thence S83°-59'-30"E 2 feet to the Northeast corner of the first parcel described above; thence S1°-40'W 150 feet to the point of beginning.

Also conveying the perpetual right and easement to use, maintain, repair and replace the existing light, sign and pole on which they are affixed, on the East side of the first parcel described above, said pole being approximately 4 feet North of the street line of Park Avenue and 9 feet East of the Easterly boundary of said first parcel described above.

See 2564  
Book  
Page 197  
Index  
var. excel

444  
7



2

Also conveying the perpetual right and easement to use, maintain, repair and replace the drain from the existing catch basin on the first parcel described above, which drain apparently crosses the remaining land of the grantor.

Reserving to the grantor the perpetual right and easement to use, maintain, repair and replace the existing catch basin hereinabove described, for the purpose of draining remaining adjacent land of the grantor herein.

Being a portion of the premises conveyed to Maine Institution for the Blind by the City of Portland by deed dated April 4, 1903 and recorded in the Cumberland County Registry of Deeds in Book 821, Page 196.

To Have and to Hold the aforesaid and bargained premises with all the privileges and appurtenances thereof to the said George F. Hamilton

his heirs and assigns, to them and their use and behoof forever.

And does COVENANT with the said Grantee, his heirs and assigns, that it is lawfully seized in fee of the premises that they are free of all encumbrances: except for easements and restrictions of record

that it has ~~had~~ good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns will WARRANT and DEFEND the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Maine Institution for the Blind has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Cathen Gilman and Sidney Schwartz

thereunto duly authorized, this 25<sup>th</sup> day of June, its in the year one thousand nine hundred and seventy-nine

Signed, Declared and Delivered in presence of

Charles Stannard to both:

Maine Institution for the Blind

By Cathen Gilman, Director Sidney Schwartz, Director



State of Maine, Cumberland } ss.

June 25 1979

Then personally appeared the above named Cathen Gilman of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

REGISTRY OF DEEDS CUMBERLAND COUNTY MAINE Received JUN 25 1979 at 12:11 P.M. and recorded in BOOK 4445 PAGE 1 Attest: Louis S. Fiddell, Registrar

Before me,

Charles Stannard Justice of the Peace Notary Public Attorney at Law



170 U.S. Route One  
Falmouth, Maine 04107  
Tel: 207.781.5242  
Fax: 207.781.4245

April 30, 2004  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE REQUEST

Dear Sarah:

Enclosed is the application for Zoning Amendment with the support data and fee for the IRIS Network. This project will renovate and expand the existing dormitory to house 31 one and two bedroom apartments. The administrative offices will remain in the rear building.

We have reviewed the City's R-6 and R-7 zones for possible options. It appears that this project can fit under each zone except for the parking. We think the project needs to be an R7 in order to make the parking work. The current data on the site includes:

- Tax Map Property Size	1.94 acres
- Area of Buildings	11,544 sq ft
- Area of Paving	28,500 sq ft
- Number of Existing Parking Spaces	47
- Percent Impervious	46%
- Allowable Density R-5	11
- Proposed Units Parking	31
- Office Parking	30
- Density R-6 Allowable	72 units
- Density R-7 Allowable	115 units

It is my understanding the City will review the data and determine which zone may be appropriate for this project.



PINKHAM & GREER

CONSULTING ENGINEERS, INC.

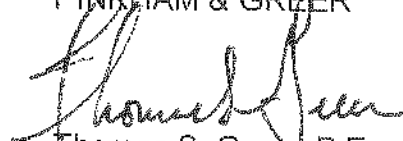
Ms. Sarah Hopkins  
April 30, 2004  
Page 2 of 2

We are in the process of completing the boundary and topographic surveys that are required for the Site Plan review process. As soon as we refine the design we will provide you with copies.

Please let me know if you require any additional information.

Sincerely,

PINKHAM & GREER



Thomas S. Greer, P.E.

TSG/rlo

Enclosures

Cc: Herb Semple, Semple & Drane



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

1. Applicant Information:

The IRIS Network  
Name

189 Park Avenue  
Address

Portland, Maine 04102

207-774-6273                      207-774-0679  
Phone                                      Fax

2. Subject Property:

201 Park Avenue  
Address

Portland, Maine 04102

52-C-3  
Assessor's Reference (Chart-Block-Lot)

3. Property Owner:     Applicant     Other

Name

The IRIS Network  
Address

189 Park Avenue Portland, ME 04102

207-774-6273                      207-774-0679  
Phone                                      Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Deed Attached: Book 4445 Page 1 dated June 25, 1979

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property:

This property is currently used by the IRIS Network for administrative office space and is also residential dorm rooms.

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property will remain consistent with the current use. The IRIS administrative offices will remain in the rear building. The front building will be expanded in size to accommodate 31 one and two bedroom apartments. The expansion will occur on the North side of the existing structure, toward King Middle School. See attached Site Plan.

Modifications to the Court Yard and drop off area will occur as part of the overall project.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R5 to R7

B.  Zoning Text Amendment to Section 14-\_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)


11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

<u>X</u>	Zoning Map Amendment	\$2,000.00
_____	Zoning Text Amendment	\$2,000.00
_____	Contract/Conditional Rezoning	
	Under 5,000 sq. ft.	\$1,000.00
	5,000 sq. ft. and over	\$3,000.00
	Legal Advertisements	percent of total bill
	Notices	.55 cents each
	(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statue and local ordinance. Applicants are billed directly by the newspaper for these notices.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

April 30, 2004  
Date of Filing

  
Signature of Applicant

**Further Information:**

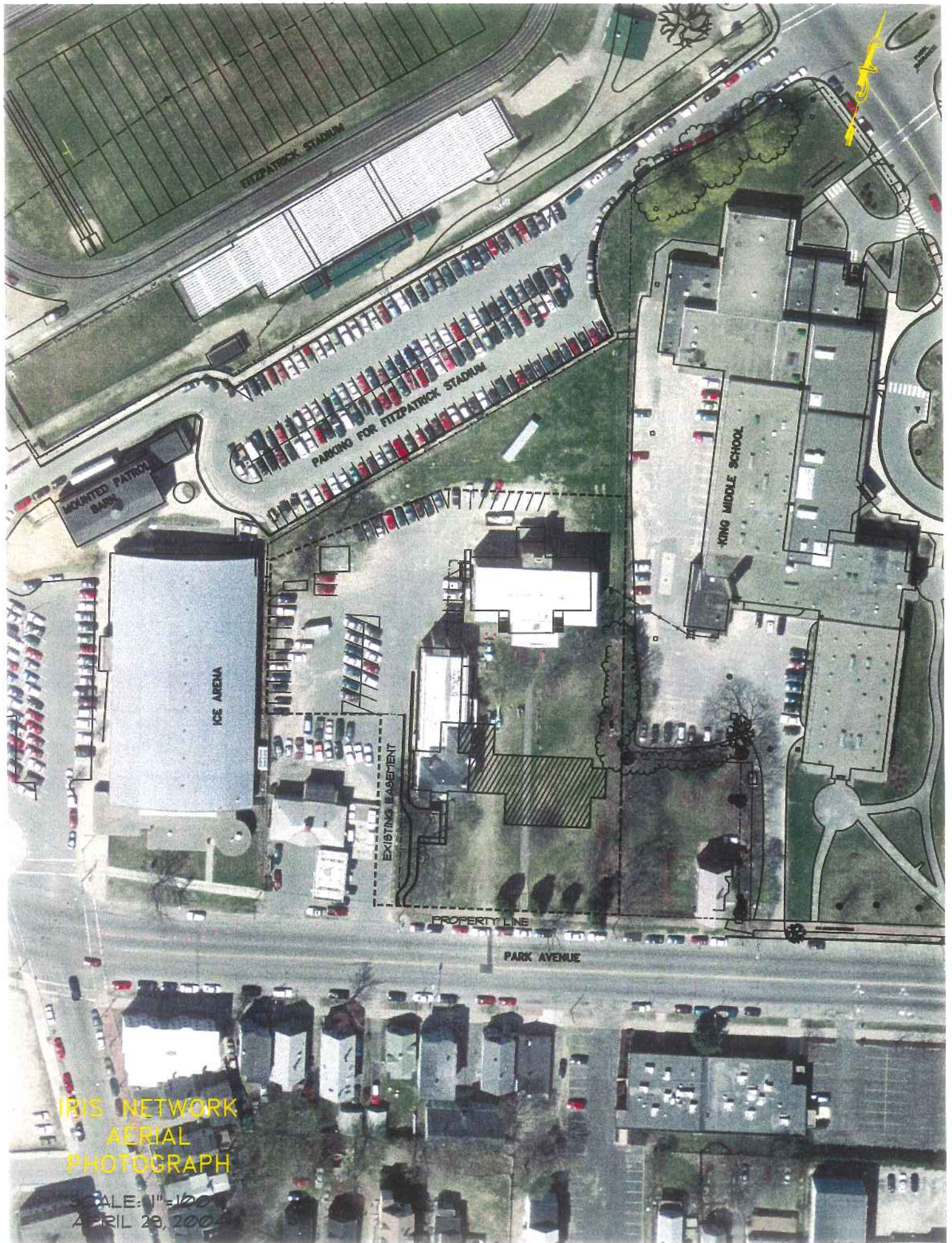
Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

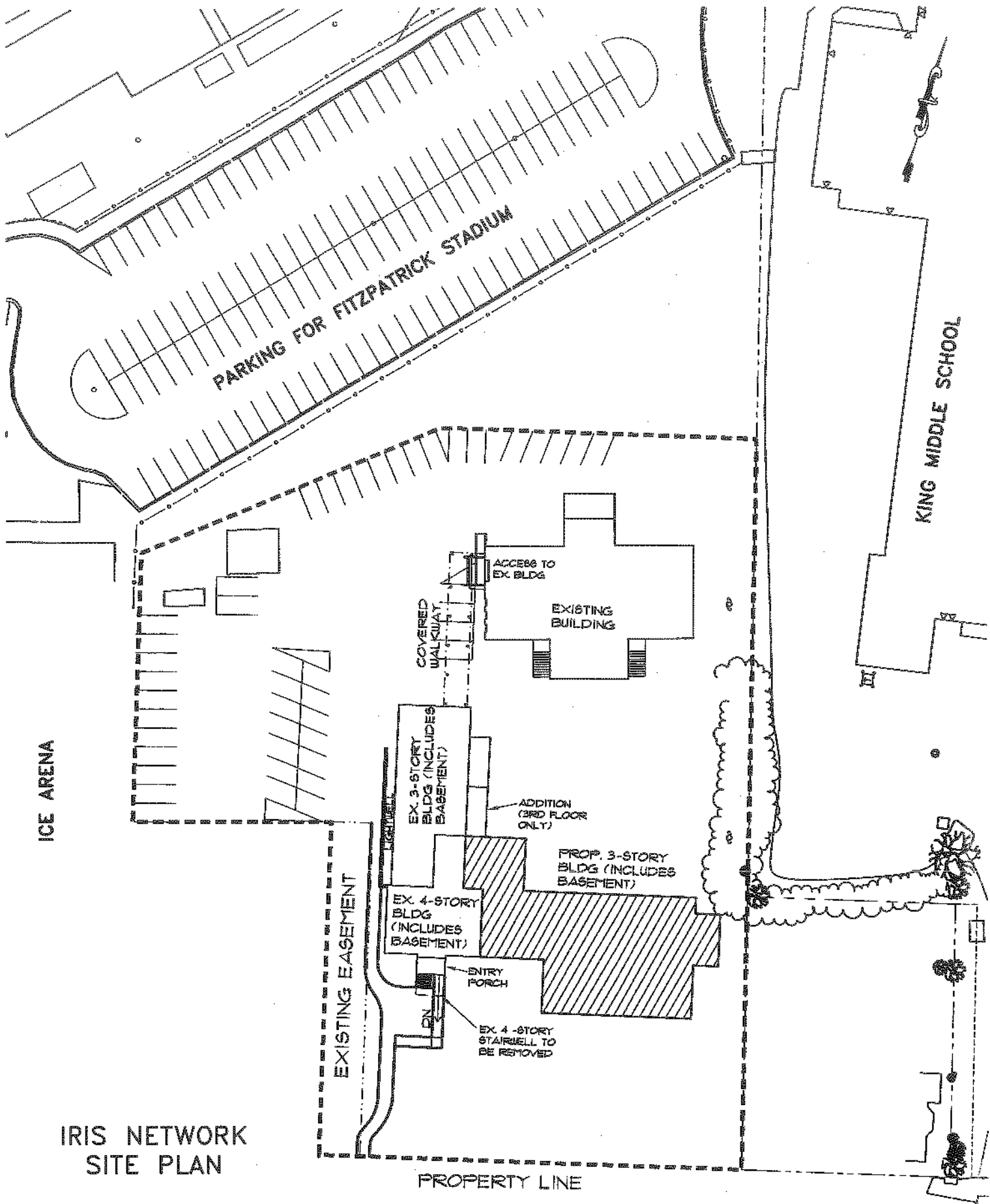
Effective: July 6, 1998



IRIS NETWORK  
AERIAL  
PHOTOGRAPH

SCALE: 1" = 100'  
APRIL 28, 2000





**IRIS NETWORK  
SITE PLAN**

SCALE: 1"=60"  
APRIL 29, 2004

**PARK AVENUE**

FORM 1512 (2-1-78) Warranty Deed-Cumulative

15766

TITLELANK REGISTRATION BY MAIL SERVICE  
Title Law Firm, Publishers, Rollamo, NJ

# Know all Men by these Presents

See 8564  
Book  
Page 197  
Filing  
VeriCode

**Grant** Maine Institution for the Blind CORPORATE

a corporation organized and existing under the laws of the State of Maine  
and located at 189 Park Avenue, Portland,  
in the County of Cumberland and State of Maine  
in consideration of One Dollar (\$1.00) and other valuable consideration  
paid by George F. Hamilton

the receipt whereof it does hereby acknowledge, does hereby  
give, grant, bargain, sell and convey unto the said George F. Hamilton,  
his heirs and assigns forever,

a certain lot or parcel of land with the buildings thereon situated on the  
North side of Park Avenue (formerly Portland Street) in the City of  
Portland, County of Cumberland and State of Maine bounded and des-  
cribed as follows:

Beginning at a point on the North side line of Park Avenue at the  
Southeast corner of land of the City of Portland, said point being  
Westerly 595.61 feet from the intersection of the Westerly side line  
of Deering Avenue and the North side line of Park Avenue; Thence  
Easterly along the North side line of Park Avenue on a curve to the  
left, whose radius is 2865.34 feet, 100.00 feet to a point; Thence  
N1°-40'E 150.00 feet to a point; Thence N83°-59'-30"W 82.93 feet to  
a point; Thence S2°-06'W 10.47 feet to a point; Thence N87°-54'W  
16.93 feet to a point; Thence S1°-40'W along land of the City of  
Portland 138.37 feet to the point of beginning; containing 14,796  
square feet.

Also conveying a perpetual right of way and easement for ingress and  
egress by foot or by vehicle, but not for parking vehicles, in com-  
mon with the grantor on the East side of the above described parcel,  
said right of way being bounded and described as follows:

Beginning at the Southeast corner of the above described parcel;  
thence Easterly 7 feet along the North side line of Park Avenue; thence  
Northerly 150 feet more or less; thence N83°-59'-30"W 14 feet to the  
Northeast corner of the above described parcel; thence S1°-40'W 150  
feet to the point of beginning.

Reserving to the grantor a perpetual right of way and easement for  
ingress and egress by foot or by vehicle, but not for parking vehicles,  
in common with with the grantee bounded and described as follows:

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pair and replace the existing light, sign and pole on which they are  
affixed, on the East side of the first parcel described above, said  
pole being approximately 4 feet North of the street line of Park  
Avenue and 9 feet East of the Easterly boundary of said first parcel  
described above.

4445  
1  
7

2

Also conveying the perpetual right and easement to use, maintain, repair and replace the drain from the existing catch basin on the first parcel described above, which drain apparently crosses the remaining land of the grantor.

Reserving to the grantor the perpetual right and easement to use, maintain, repair and replace the existing catch basin hereinabove described, for the purpose of draining remaining adjacent land of the grantor herein.

Being a portion of the premises conveyed to Maine Institution for the Blind by the City of Portland by deed dated April 4, 1908 and recorded in the Cumberland County Registry of Deeds in Book 821, Page 196.

To Have and to Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said George F. Hamilton

his heirs and assigns, to them and their use and behoof forever.

And does COVENANT with the said Grantee, his heirs and assigns, that it is lawfully seized in fee of the premises that they are free of all encumbrances: except for easements and restrictions of record

that it has ~~have~~ good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns will WARRANT and DEFEND the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Maine Institution for the Blind has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Cathen Gilman and Sidney Schwartz

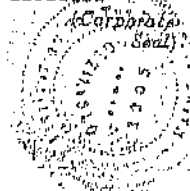
thereunto duly authorized, this 25<sup>th</sup> day of June, its in the year one thousand nine hundred and seventy-nine

Signed, Sealed and Ordained in presence of

*Claire Stearns*  
to both:

Maine Institution for the Blind

By *Cathen Gilman*  
Cathen Gilman, Director  
*Sidney Schwartz*  
Sidney Schwartz, Director



State of Maine, Cumberland

at

June 25 1979

Then personally appeared the above named Cathen Gilman

of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

REGISTRY OF DEEDS  
CUMBERLAND COUNTY MAINE  
Received JUN 25 1979  
at 12 H 11 M P M, and recorded:  
In BOOK 4445 PAGE 1  
Attest: *Leslie S. Fishette*  
Deputy Registrar

Before me,

*Claire Stearns*  
Justice of the Peace  
Notary Public  
Attorney-at-Law



170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

April 30, 2004  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE REQUEST

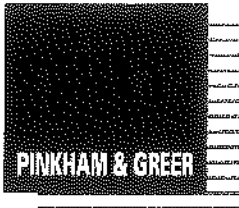
Dear Sarah:

Enclosed is the application for Zoning Amendment with the support data and fee for the IRIS Network. This project will renovate and expand the existing dormitory to house 31 one and two bedroom apartments. The administrative offices will remain in the rear building.

We have reviewed the City's R-6 and R-7 zones for possible options. It appears that this project can fit under each zone except for the parking. We think the project needs to be an R7 in order to make the parking work. The current data on the site includes:

- Tax Map Property Size	1.94 acres
- Area of Buildings	11,544 sq ft
- Area of Paving	28,500 sq ft
- Number of Existing Parking Spaces	47
- Percent Impervious	46%
- Allowable Density R-5	11
- Proposed Units Parking	31
- Office Parking	30
- Density R-6 Allowable	72 units
- Density R-7 Allowable	115 units

It is my understanding the City will review the data and determine which zone may be appropriate for this project.



CONSULTING ENGINEERS, INC.

Ms. Sarah Hopkins  
April 30, 2004  
Page 2 of 2

We are in the process of completing the boundary and topographic surveys that are required for the Site Plan review process. As soon as we refine the design we will provide you with copies.

Please let me know if you require any additional information.

Sincerely,

PINKHAM & GREER

A handwritten signature in cursive script, appearing to read "Thomas S. Greer".

Thomas S. Greer, P.E.

TSG/rio

Enclosures

Cc: Herb Semple, Semple & Drane



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

1. Applicant Information:

The IRIS Network  
Name

189 Park Avenue  
Address

Portland, Maine 04102

207-774-6273                      207-774-0679  
Phone                                      Fax

2. Subject Property:

201 Park Avenue  
Address

Portland, Maine 04102

52-C-3  
Assessor's Reference (Chart-Block-Lot)

3. Property Owner:     Applicant     Other

Name

The IRIS Network  
Address

189 Park Avenue Portland, ME 04102

207-774-6273                      207-774-0679  
Phone                                      Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Deed Attached: Book 4445 Page 1 dated June 25, 1979

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property:

This property is currently used by the IRIS Network for administrative office space and is also residential dorm rooms.

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property will remain consistent with the current use. The IRIS administrative offices will remain in the rear building. The front building will be expanded in size to accommodate 31 one and two bedroom apartments. The expansion will occur on the North side of the existing structure, toward King Middle School. See attached Site Plan.

Modifications to the Court Yard and drop off area will occur as part of the overall project.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100')

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R5 to R7

B.  Zoning Text Amendment to Section 14-\_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)




11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

<u>  X  </u> Zoning Map Amendment	\$2,000.00
<u>      </u> Zoning Text Amendment	\$2,000.00
<u>      </u> Contract/Conditional Rezoning	
Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00
Legal Advertisements	percent of total bill
Notices	.55 cents each
(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statute and local ordinance. Applicants are billed directly by the newspaper for these notices.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

April 30, 2004  
Date of Filing

  
Signature of Applicant

**Further Information:**

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: July 6, 1998

201 PARK AVENUE  
CONDITIONAL REZONING REQUEST  
THE IRIS NETWORK, APPLICANT

Submitted to:

Portland Planning Board  
Portland, Maine  
October 8, 2004

Submitted by:  
Kandice Talbot, Planner

## **I. INTRODUCTION**

The IRIS Network is requesting a review of a conditional rezoning for the property located at 201 Park Avenue. Fitzpatrick Stadium, Portland Ice Arena, King Middle School and a gas station bound the site. The site is currently zoned R-5. The purpose of the zone change request is to allow the applicant to renovate and expand the existing dormitory to house thirty-one (31) one and two bedroom apartments, with a reduced number of parking spaces. The administrative offices will remain in the rear of the building. The expansion would create additional living facilities for individuals who are blind or have sight impairments.

The applicant has explored both the R-6 and R-7 zone for this proposal. It appears that this project can work under both zones, with the exception of parking, which would not meet the R-6 or R-7 requirements.

166 notices were sent to area property owners. Two notices of the public hearing appeared in the Portland Press Herald. The notice was posted in the City Clerks office 14 days prior to the Public Hearing. A neighborhood meeting was held on September 15, 2004. The minutes and sign-in sheet from that meeting are included as Attachment 6.

## **II. FINDINGS**

Current Zoning:	R-5 Residential
Proposed Zoning:	Conditional Zone
Land Area:	1.93 acres
Existing Use:	Administrative offices and residential dorm rooms
Proposed Use:	Expansion to accommodate 31 one and two bedroom apartments.
Land Uses in the Vicinity:	residential, King Middle School, parks, medical offices

## **III. DEVELOPMENT PLAN**

The proposed use of the property will remain consistent with the current use. The IRIS Network administration offices will remain in the rear building. The front building will be expanded in size to accommodate thirty-one (31) one and two bedroom apartments. The expansion will occur on the north side of the existing structure toward King Middle School. Modifications to the court yard and drop off area will occur as part of the overall plan.

The conditional rezoning request is in order to provide a reduced number of parking spaces for the use of the property. Attachment 4 is a discussion of the parking needs necessary for the proposed IRIS Park Apartments. The applicant looked at a similar home in Wisconsin, which has a total of 57 apartments. The Badger Home in Wisconsin uses four parking spaces for 57 apartments due to the fact that their residents are people who are blind or visually impaired. The applicant is proposing a conditional rezoning with a total of 55 parking spaces. Based on zoning, 42 parking spaces are required for the office use and there would be a remainder of 31 parking spaces for the residential tenants.

The applicant has submitted two site plans. Sheet 1, which is included as Attachment 7 shows the layout that the applicant is currently proposing for the conditional rezoning. Sheet 2, which is included as Attachment 8, depicts the maximum space available for parking spaces, which is a total of 105 parking spaces. Sheet 2 shows additional parking could be provided within the front of the proposed building expansion and a triangle parcel at the rear of the property.

There has been some discussion by the applicant that a number of years ago, the City and the Maine Institute for the Blind swapped two triangle pieces of property. The parcel conveyed to the City was recorded, however, the parcel conveyed to the Maine Institute for the Blind was never recorded and is still listed as City property. The City has researched this issue and cannot find any information suggesting that the City did convey the triangle piece of property to the Maine Institute for the Blind. Included as Attachment 9 is a memo from Corporation Counsel regarding this issue. There is a small area of the existing parking lot, which had been constructed on city land. To address this concern, the City would be willing to issue a license for the parking lot encroachment.

While the grassed area in front of the proposed expansion along Park Avenue could be used in the future as parking or to meet the present requirements of the R-7 zone, the applicant would prefer to keep the area in the front of the proposed expansion grassed with landscaping.

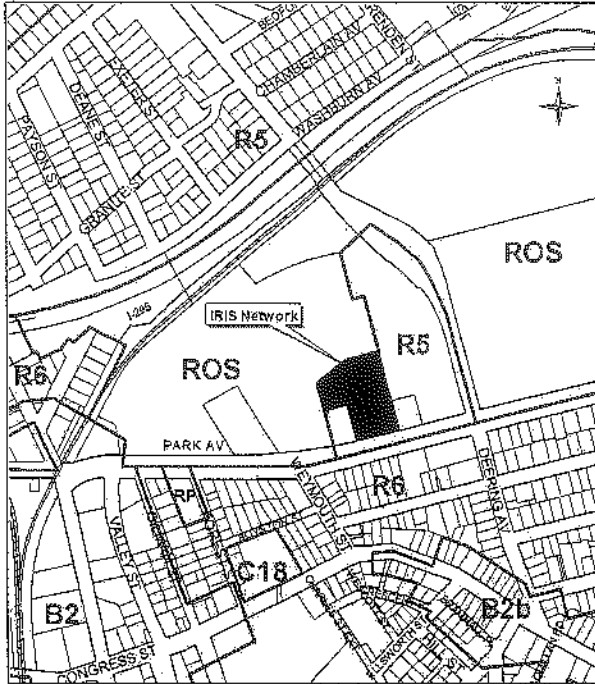
Parking Comparison Summary

Existing Parking	47 spaces
Proposed Parking with Addition	54 spaces
R-6 Required Parking with Addition	104 spaces
R-7 Required Parking with Addition	73 spaces
Potential Future Buildout of Parking	105 spaces

**IV. CONDITIONS FOR REZONING**

This rezoning shall be subject to the following proposed conditions, as outlined in the executed agreement between the City and the applicant. The proposed conditional rezoning is included as Attachment 5.

1. Effective thirty days from the affirmative vote of the City Council on rezoning the **PROPERTY**, by Council Order No. \_\_\_\_, the City amends the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Portland City Code, by adopting the map change amendment for the **PROPERTY** shown herein.



**Proposed Rezoning for  
IRIS Network, 189 Park Av., from R5 to R7**

City of Portland  
2004

June 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. This rezoning shall apply only while **IRIS**, or an entity controlled by or affiliated with **IRIS**, owns the **PROPERTY** and the housing thereon is reserved for use by sight impaired individuals. Otherwise, the **PROPERTY** shall revert to the R-5 or any successor zone.
  
3. The **PROPERTY** shall otherwise conform to the zoning requirements of the R-5 zone with the exceptions noted herein:
  - a. Parking: A total of 54 parking spaces shall be provided as follows:  
     41 spaces available for office uses on the **PROPERTY**  
     13 spaces available for residential use on the **PROPERTY**
  
4. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be reviewed by the Portland Planning Board under the subdivision and site plan provisions of the Portland City Code.
  
5. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall bind and benefit **IRIS**, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. Within 60 days of the rezoning by the City Council, **IRIS** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.

6. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
7. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
8. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRSA 4452) and City Ordinance. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **PROPERTY** rezoned.

## V. POLICY CONSIDERATIONS

The IRIS Network building has been located on this site since 1909, and has been formerly known as the Maine Center for the Blind. The IRIS Network is located on Park Avenue, on the peninsula, within walking distance of the downtown, and shopping and community facilities. This area also has transit service. The applicant has provided research to show that the parking needs for persons with sight impairments is significantly lower than the residential parking requirements contained within the R-5 zone.

### Housing Plan

The Housing Plan recommends a diversity of housing types. The IRIS Network would offer independent living for blind or visually impaired residents and the IRIS Network has stated that there is a need for this type of housing.

## VI. STAFF RECOMMENDATION

Staff suggests that the Planning Board recommend the contract rezoning to the City Council. The property is unique based on the needs of the IRIS Network residents.

## VII. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by The IRIS Network, the policies of the R-5 Residential Zone, Comprehensive Plan, the information provided in Planning Board Report #44-04, and/or other findings as follows:

- i. The Board finds that the proposed R-5 Conditional Rezoning [is or is not] consistent with the policies of the R-5 Residential Zone and Comprehensive Plan of the City of Portland. The Planning Board therefore [recommends or does not recommend] to the City Council approval of the proposed rezoning at 201 Park Avenue; and

As required under 30-A M.R.S.A Section 4352, that the proposed conditional rezoning

- Be consistent with the local growth management program adopted under this chapter;
- Establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and
- Only include conditions and restrictions that relate to the physical development or operation of the property.

### Attachments:

1. Zone Change Application
2. R-6 Zoning Text
3. R-7 Zoning Text
4. Letter submitted by Applicant dated August 10, 2004 regarding financial information and parking needs
5. Proposed Conditional Rezoning
6. Neighborhood Meeting Sign-In Sheets and Minutes
7. Proposed Plan
8. Maximum Parking Layout Plan
9. Memo from Corporation Counsel dated October 6, 2004



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

1. Applicant Information:

The IRIS Network  
Name

189 Park Avenue  
Address

Portland, Maine 04102

207-774-6273      207-774-0679  
Phone                      Fax

2. Subject Property:

201 Park Avenue  
Address

Portland, Maine 04102

52-C-3  
Assessor's Reference (Chart-Block-Lot)

3. Property Owner:    X Applicant    \_\_\_\_\_ Other

Name

The IRIS Network  
Address

189 Park Avenue Portland, ME 04102

207-774-6273      207-774-0679  
Phone                      Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Deed Attached: Book 4445 Page 1 dated June 25, 1979

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)



1a

6. Existing Use:

Describe the existing use of the subject property:

This property is currently used by the IRIS Network for administrative office space and is also residential dorm rooms.

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property will remain consistent with the current use. The IRIS administrative offices will remain in the rear building. The front building will be expanded in size to accommodate 31 one and two bedroom apartments. The expansion will occur on the North side of the existing structure, toward King Middle School. See attached Site Plan.

Modifications to the Court Yard and drop off area will occur as part of the overall project.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

- A.  Zoning Map Amendment, from R5 to R7
- B.  Zoning Text Amendment to Section 14-\_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

- C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

<u>X</u>	Zoning Map Amendment	\$2,000.00
_____	Zoning Text Amendment	\$2,000.00
_____	Contract/Conditional Rezoning	
	Under 5,000 sq. ft.	\$1,000.00
	5,000 sq. ft. and over	\$3,000.00
	Legal Advertisements	percent of total bill
	Notices	.55 cents each
	(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statue and local ordinance. Applicants are billed directly by the newspaper for these notices.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

April 30, 2004  
Date of Filing

  
Signature of Applicant

**Further Information:**

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: July 6, 1998



170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

April 30, 2004  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE REQUEST

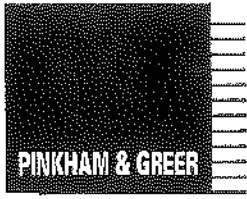
Dear Sarah:

Enclosed is the application for Zoning Amendment with the support data and fee for the IRIS Network. This project will renovate and expand the existing dormitory to house 31 one and two bedroom apartments. The administrative offices will remain in the rear building.

We have reviewed the City's R-6 and R-7 zones for possible options. It appears that this project can fit under each zone except for the parking. We think the project needs to be an R7 in order to make the parking work. The current data on the site includes:

- Tax Map Property Size	1.94 acres
- Area of Buildings	11,544 sq ft
- Area of Paving	28,500 sq ft
- Number of Existing Parking Spaces	47
- Percent Impervious	46%
- Allowable Density R-5	11
- Proposed Units Parking	31
- Office Parking	30
- Density R-6 Allowable	72 units
- Density R-7 Allowable	115 units

It is my understanding the City will review the data and determine which zone may be appropriate for this project.



CONSULTING ENGINEERS, INC.

Ms. Sarah Hopkins  
April 30, 2004  
Page 2 of 2

We are in the process of completing the boundary and topographic surveys that are required for the Site Plan review process. As soon as we refine the design we will provide you with copies.

Please let me know if you require any additional information.

Sincerely,

PINKHAM & GREER

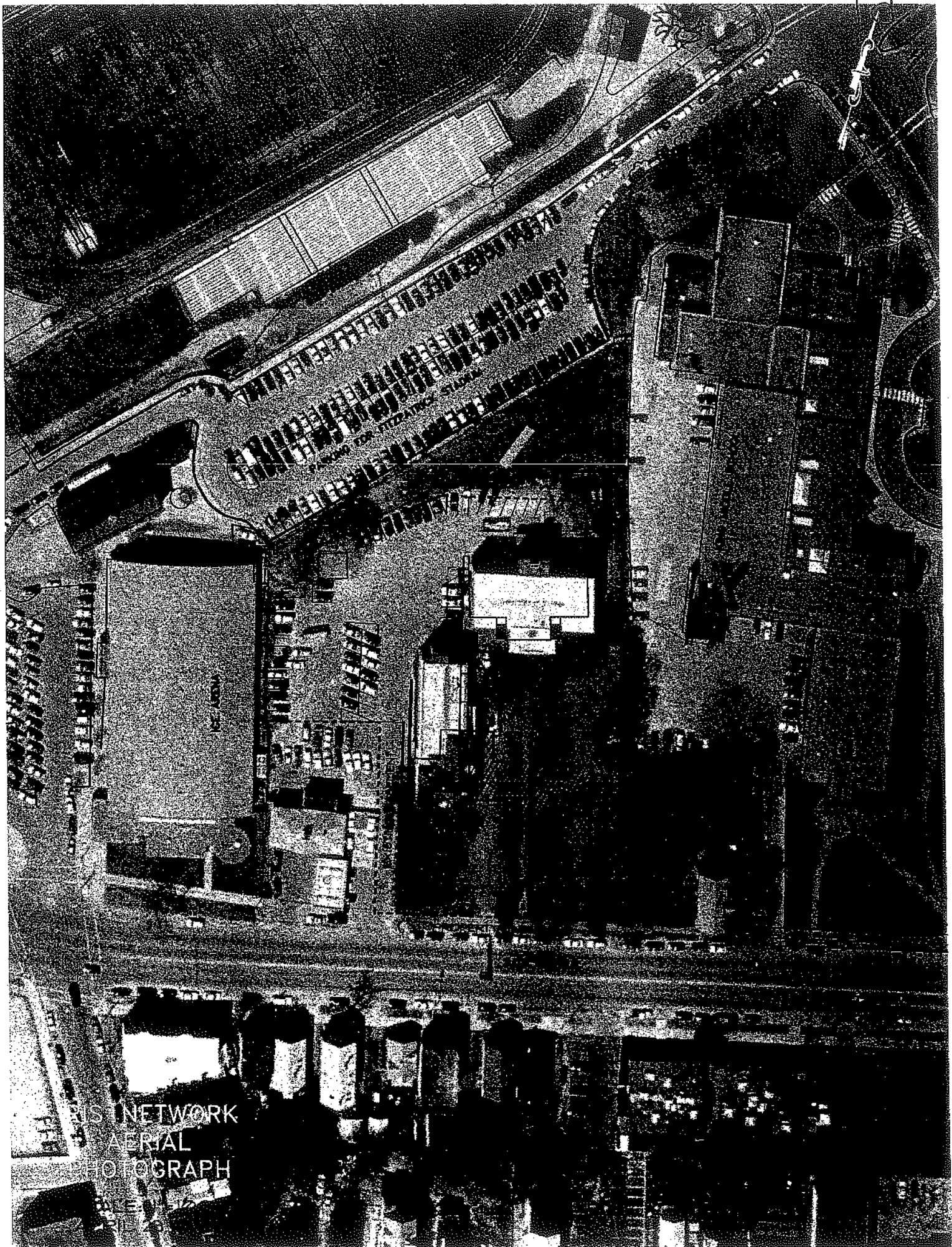
A handwritten signature in cursive script, appearing to read "Thomas S. Greer".

Thomas S. Greer, P.E.

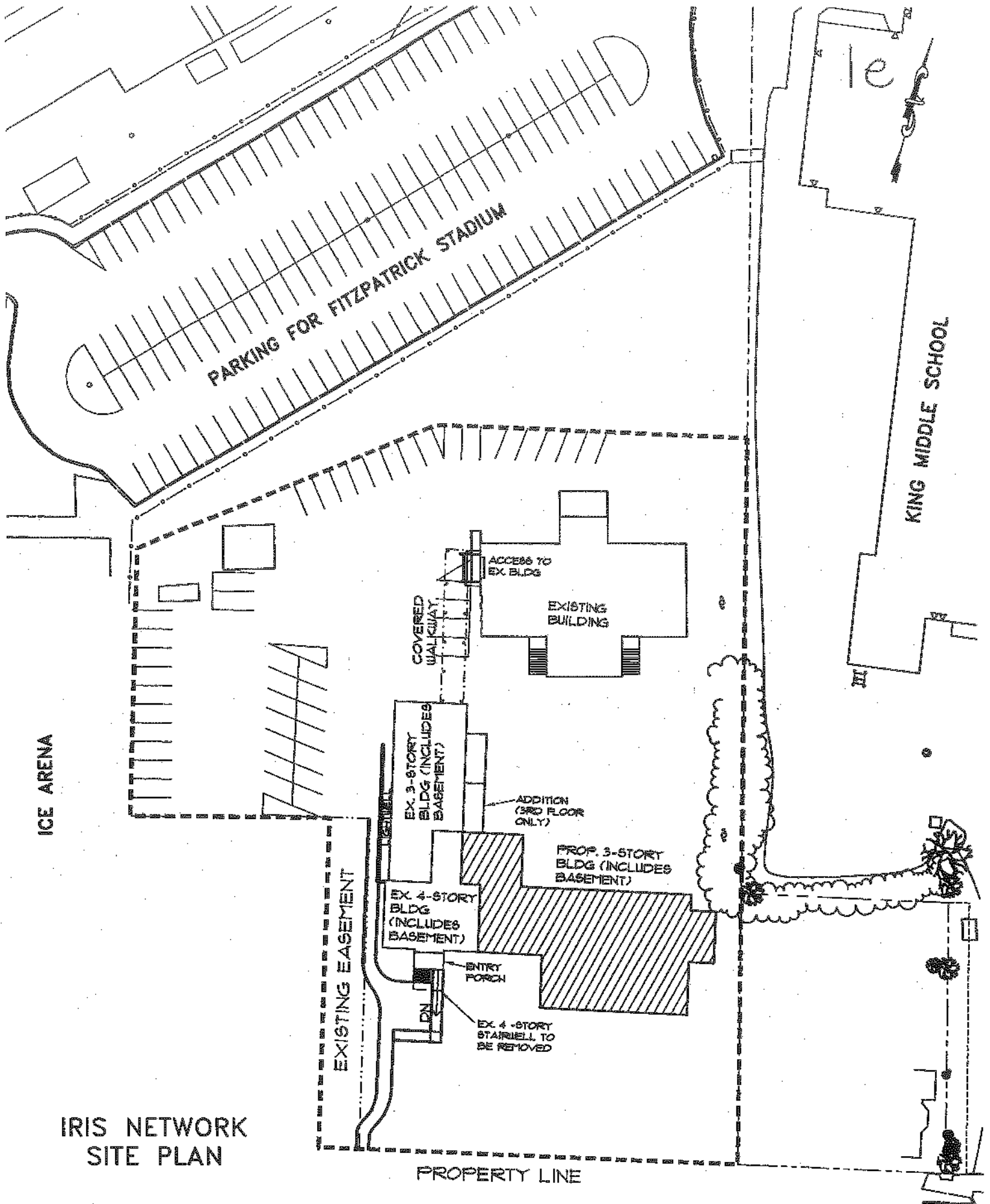
TSG/rlo

Enclosures

Cc: Herb Semple, Semple & Drane



GIS NETWORK  
AERIAL  
PHOTOGRAPH



**IRIS NETWORK  
SITE PLAN**

SCALE: 1"=60"  
APRIL 29, 2004

PARK AVENUE

IF

See 8564

Book

Page 197

Leasing  
variance

FORM 102 State of Maine Deed-Exempt

15766

TERRANCE W. HARRIS & ASSOCIATES  
Title Law Firm, Portland, Maine

# Know all Men by these Presents

That Maine Institution for the Blind

~~XXXXXXXXXX~~

a corporation organized and existing under the laws of the State of Maine  
and located at 189 Park Avenue, Portland,  
in the County of Cumberland and State of Maine  
in consideration of One Dollar (\$1.00) and other valuable consideration  
paid by George F. Hamilton

the receipt whereof it does hereby acknowledge, does hereby  
give, grant, bargain, sell and convey unto the said George F. Hamilton,  
his heirs and assigns forever,

a certain lot or parcel of land with the buildings thereon situated on the  
North side of Park Avenue (formerly Portland Street) in the City of  
Portland, County of Cumberland and State of Maine bounded and des-  
cribed as follows:

Beginning at a point on the North side line of Park Avenue at the  
Southeast corner of land of the City of Portland, said point being  
Westerly 595.61 feet from the intersection of the Westerly side line  
of Deering Avenue and the North side line of Park Avenue; Thence  
Easterly along the North side line of Park Avenue on a curve to the  
left, whose radius is 2865.34 feet, 100.00 feet to a point; Thence  
N1°-40'E 150.00 feet to a point; Thence N83°-59'-30"W 82.93 feet to  
a point; Thence S2°-06'W 10.47 feet to a point; Thence N87°-54'W  
16.93 feet to a point; Thence S1°-40'W along land of the City of  
Portland 138.37 feet to the point of beginning; containing 14,786  
square feet.

Also conveying a perpetual right of way and easement for ingress and  
egress by foot or by vehicle, but not for parking vehicles, in com-  
mon with the grantor on the East side of the above described parcel,  
said right of way being bounded and described as follows:

Beginning at the Southeast corner of the above described parcel;  
thence Easterly 7 feet along the North side line of Park Avenue; thence  
Northerly 150 feet more or less; thence N83°-59'-30"W 14 feet to the  
Northeast corner of the above described parcel; thence S1°-40'W 150  
feet to the point of beginning.

Reserving to the grantor a perpetual right of way and easement for  
ingress and egress by foot or by vehicle, but not for parking vehicles,  
in common with with the grantee bounded and described as follows:

Beginning at the Southeast corner of the first parcel described above;  
thence Westerly 9 feet along the North side line of Park Avenue, thence  
Northerly 150 feet more or less; thence S83°-59'-30"E 2 feet to the  
Northeast corner of the first parcel described above; thence S1°-40'W  
150 feet to the point of beginning.

Also conveying the perpetual right and easement to use, maintain, re-  
pair and replace the existing light, sign and pole on which they are  
affixed, on the East side of the first parcel described above, said  
pole being approximately 4 feet North of the street line of Park  
Avenue and 9 feet East of the Easterly boundary of said first parcel  
described above.

4/15/04  
1  
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Also conveying the perpetual right and easement to use, maintain, repair and replace the drain from the existing catch basin on the first parcel described above, which drain apparently crosses the remaining land of the grantor.

Reserving to the grantor the perpetual right and easement to use, maintain, repair and replace the existing catch basin hereinabove described, for the purpose of draining remaining adjacent land of the grantor herein.

Being a portion of the premises conveyed to Maine Institution for the Blind by the City of Portland by deed dated April 4, 1908 and recorded in the Cumberland County Registry of Deeds in Book 821, Page 196.



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To Have and to Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said **George F. Hamilton**

his heirs and assigns, to them and their use and behoof forever.

And does COVENANT with the said Grantee, his heirs and assigns, that it is lawfully seized in fee of the premises that they are free of all encumbrances: except for easements and restrictions of record

that it has with good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns will WARRANT and DEFEND the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Maine Institution for the Blind has caused this instrument to be sealed with its corporate seal and signed in its corporate name by **Cathen Gilman** and **Sidney Schwartz**

thereunto duly authorized, this 25<sup>th</sup> day of **June** in the year one thousand nine hundred and seventy-nine

Signed, Sealed and Delivered in presence of

*Charles Stenhouse*  
to both:

Maine Institution for the Blind

By *Cathen Gilman*  
**Cathen Gilman, Director**  
*Sidney Schwartz*  
**Sidney Schwartz, Director**



State of Maine, Cumberland

June 25 1979

Then personally appeared the above named **Cathen Gilman**

of said Grantor

Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

REGISTRY OF DEEDS

Before me,

CUMBERLAND COUNTY MAINE

Received JUN 25 1979

at 10 H 10 M P M, and recorded:

In BOOK 4445 PAGE 1

Attest: *Leon S. Pishoth*

Deputy Register

*Charles Stenhouse*  
Justice of the Peace  
Notary Public  
Attorney-at-Law

or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

- (c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 537-84, 5-7-84; Ord. No. 15-92, § 10, 6-15-92)

- Sec. 14-132. Reserved.
- Sec. 14-133. Reserved.
- Sec. 14-134. Reserved.

DIVISION 7. R-6 RESIDENTIAL ZONE\*

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\*Editor's note--Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131--14-134, and enacted a new Div. 9, §§ 14-135--14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the city, the provision has been included as Div. 7.  
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Sec. 14-135. Purpose.

The purpose of the R-6 residential zone is:

To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(Ord. No. 538-84, 5-7-84)

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 residential zone:

(a) Residential:

1. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section 14-524 shall be altered to include any

additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with section 14-524 or not reviewed under article V, which is altered or enlarged to include any additional dwelling unit after this five-year period, shall be reviewed as a major development pursuant to article V of this chapter.

2. Multifamily dwellings, provided that any alteration of a structure in residential use on December 2, 1987:

a. Shall not result in the creation of any additional dwelling unit of less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic; and

b. Shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement and attic;

c. Parking shall be provided as required by division 20 of this article;

d. No open outside stairways or fire escapes above the ground floor shall be constructed;

e. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;

f. Such development shall be subject to article V (site plan) of this chapter for site plan review and approval.

3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.

4. Single-family, multiple-component manufactured

housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.

5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:
  - a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
  - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.
  - c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.
  - d. Each unit shall have the long side of the unit

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parallel to the street line where the required street frontage is met.

- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure; provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) Other:

- 1. Lodging house;
- 2. Cemeteries;
- 3. Parks, and other active and passive noncommercial recreation spaces;
- 4. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
- 5. Home occupation subject to the provisions of section 14-410 (home occupation) of this article;
- 6. Municipal uses, excluding those specifically set forth in section 14-137 of this division;
- 7. Special needs independent living units, provided

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that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

- 8. Conversion of a structure existing on March 3, 1997; into a bed and breakfast with up to four (4) guest rooms, subject to the standards of article V (site plan).

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 1, 12-17-84; Ord. No. 67-87, § 4, 11-2-87; Ord. No. 85-88, §§ 1, 2, 7-19-88; Ord. No. 86A-89, § 7, 8-21-89; Ord. No. 95-89, § 2, 9-6-89; Ord. No. 279-90, § 2, 3-19-90; Ord. No. 33-91, § 8, 1-23-91; Ord. No. 33A-91, § 6, 4-17-91; Ord. No. 125-97, § 2, 3-3-97)

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\*Editor's note--Ord. No. 85-88, §§ 1, 2, adopted July 19, 1988, amended § 14-136 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88. Ord. No. 95-89, § 2, adopted Sept. 6, 1989, amended subsection (1)a of § 14-136 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."  
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Sec. 14-137. Conditional uses.

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

(a) Residential:

- 1. Reserved.

2. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:

- a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines.
- b. There shall be no open outside stairways or fire escapes above the ground floor.
- c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

3. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.

(c) Institutional: Any of the following conditional uses provided that, notwithstanding section 14-474(a)

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(conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;
2.
  - a. Long-term and extended care facilities;
  - b. Intermediate care facility for thirteen (13) or more persons;
3. Intermediate care facility;
4. Church or other place of worship;
5. Private club or fraternal organization;
6. Community Hall provided that:
  - a. The structure was in existence as of date of enactment, March 15, 1999;
  - b. The structure was built for institutional or other non-residential uses;
  - c. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
  - d. A parking management plan is submitted for review and approval by the Planning Board.
7. Hospital;
8. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing



site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and

- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(c) Other:

1. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
2. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

Professional office uses shall meet the following standards in addition to provisions of section 14-474, except that subsections a., b., c. and d. of this section 14-137(c)2 shall not apply to the use of any building not designed or constructed for residential use, which was not in actual use as a

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residence on April 18, 1984, or thereafter.

- a. A professional office shall not be located within five hundred (500) feet of another as measured along the street line to the respective property lines.
  - b. A building with one (1) or more professional offices shall have at least fifty (50) percent of the total floor area of the building devoted to residential uses.
  - c. The total number of individuals working in a building of professional offices shall not exceed the equivalent of four (4) full-time employees.
  - d. Any additions or exterior alterations shall be compatible with the architecture of the building and maintain the residential appearance of the building. Construction of a new building shall be compatible with the architectural character of the surrounding area.
  - e. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.
  - f. On-site parking shall be required as specified in division 20 (off-street parking) of this article for the combined uses of the site.
3. Chancellery.
  4. Nursery school and kindergarten.
  5. Off-street parking for passenger cars for uses permitted in the R-6 zone.
  6. Day care facilities or home babysitting services

not permitted as a home occupation under section 14-410, subject to the following conditions:

- a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.
- b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
- c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- e. Day care facilities located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children

shall meet the following additional standards:

- i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;
- ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;
- iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
- iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
- v. The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
- vi. Off-street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;
- vii. The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and

viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

7. Community Center, as defined in Section 14-17.

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 2, 12-17-84; Ord. No. 76-85, § 8, 7-1-85; Ord. No. 85-88, § 3, 7-19-88; Ord. No. 235-91, § 13, 2-4-91; Ord. No. 118-93, § 11, 10-18-93; Ord. No. 133-96, § 7, 11-18-96; ; Ord. No. 154-96, § 11, 12-16-96; Ord. No. 125-97, § 3, 3-3-97; Ord. No. 232-99, §2, 3-15-99; Ord. No. 77-02/03, § 2, 10-21-02)

Sec. 14-138. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

(Ord. No. 538-84, 5-7-84)

Sec. 14-139. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 zone shall meet or exceed the following minimum requirements:

(a) Minimum lot size:

1. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
2. Reserved.
3. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
4. Intermediate care facility: One (1) acre.
5. School: Thirty thousand (30,000) square feet.

2L

6. Church or place of worship: Seventy-five hundred (7,500) square feet for a seating capacity of fifty (50) plus one thousand (1,000) square feet for each additional increment of fifteen (15) seats or major fraction thereof within the principal place of assembly for worship.
7. Fraternal organization:; Ten thousand (10,000) square feet.
8. Municipal use: Forty-five hundred (4,500) square feet.
9. Hospital: Two (2) acres.
10. All other uses: Forty-five hundred (4,500) square feet.
11. Lodging house: Four thousand five hundred (4,500) square feet.
12. Community Hall: None, provided that no existing lot housing a community hall may be reduced to less than four thousand five hundred (4,500) square feet.

Provided that for uses specified in section 14-139(a)3 through 9 above, no minimum lot area shall be required in the following cases:

- a. Uses existing on June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

2m

d. Expansion onto land other than the lot on which the principal use is located of not more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

(b) 1. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.

2. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.

3. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.

4. *Minimum land area per intermediate care facility resident:* Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.

(c) *Minimum street frontage:* Forty (40) feet.

(d) *Minimum yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Front yard:*

Principal or accessory structures: Ten (10) feet.

A front yard need not exceed the average depth of

2n

front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

2. Rear yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- b. Detached accessory structures with a ground coverage of one hundred (100) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. Side yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

Height of Structure	Required Side Yard
1 story . . . . .	10 feet
2 stories . . . . .	10 feet
3 stories . . . . .	10 feet
4 stories . . . . .	12 feet
5 stories . . . . .	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to



provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

b. Detached accessory structures with ground coverage of one hundred (100) square feet or less: Five (5) feet. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

4. Side yard on side streets:

a. Principal or accessory structures: Ten (10) feet.

(e) Maximum lot coverage: Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.

(f) Minimum lot width: Fifty (50) feet.

(g) Maximum structure height:

Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

(h) Open space ratio:

1. Uses other than bed and breakfast. Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

2. Bed and breakfasts. A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the

lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.

(i) A below-grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.

(j) *Minimum gross floor area for bed and breakfasts:* Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.

(Ord. No. 538-84, 5-7-84; Ord. No. 634-86, § 1, 7-7-86; Ord. No. 264-87, § 1, 3-16-87; Ord. No. 85-88, § 4, 7-19-88; Ord. No. 230-90, § 1, 3-5-90; Ord. No. 33-91, § 9, 1-23-91; Ord. No. 235-91, § 14, 2-4-91; Ord. No. 33A-91, 4-17-91; Ord. No. 118-93, § 12, 10-18-93; Ord. No. 154-96, § 12, 12-16-96; Ord. No. 125-97, § 4, 3-3-97; Ord. No. 245-97, §§ 1, 2, 4-9-97; Ord. No. 232-99, §3, 3-15-99)

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\*Editor's note--Ord. No. 85-88, § 4, adopted July 19, 1988, amended § 14-139 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.  
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#### Sec. 14-140. Other requirements.

(a) *Offstreet parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article, except that required parking for residential building additions shall be located on the same lot.

(b) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(c) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be

Att. 3

City of Portland, Maine  
Code of Ordinances  
Sec 14-140

Land Use  
Chapter 14  
Rev. 2-21-01

subject to the requirements of division 26 and/or division 26.5.  
(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11, 6-15-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No. 122, 12-20-99)

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\*Editor's note--Ord. No. 85-88, § 5, adopted July 19, 1988, amended § 14-145(a) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.  
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DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14.141. Purpose.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.

(Ord. No. 122, 12-20-99)

Sec. 14-142. Permitted Uses.

Permitted uses in the R-7 Compact Urban Residential Overlay

Zone, shall be the uses permitted in the R-6 Zone, except that:

(a) Residential uses shall comply with the following dimensional requirements:

1. Minimum Lot Size: None
2. Minimum Frontage: None
3. Minimum Yard Dimensions: None, except that on lots or portions of lots which abut a lot under separate ownership with existing residential development, the side or rear setbacks of the R-6 Zone shall apply in areas adjacent to such abutting residential lot. In no case, however, shall this provision require a setback such that the distance between the existing residential building and proposed new residential structure exceed the combined setbacks of the respective zones.
4. Maximum Lot Coverage: 100%
5. Maximum Residential Density: Seven hundred twenty five (725) square feet of land area per dwelling unit is required, except for developments which are located within 500 feet, property line to property line, of a municipal park or playground, the density may be increased to four hundred thirty five (435) square feet of land area per dwelling unit for a portion of the lot which does not exceed the size of such municipal facility.
6. Maximum Building Height: Fifty (50) Feet

(b) Parking shall be provided at the ratio of 1 parking space for each dwelling unit;

(c) Residential development in the R-7 Zone shall be reviewed by the Planning Board for compliance with Article IV, Subdivisions, and Article V, Site Plan;

(d) Any new dwelling unit constructed in the R-7 Zone shall contain a minimum of 400 square feet of habitable floor area;

(e) All other uses in the R-7 Zone shall observe the

requirements of the R-6 Zone.  
(Ord. No. 122, 12-20-99)

**Sec. 14-143. Design Standards.**

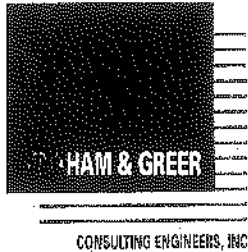
Residential development in the R-7 Zone shall be reviewed by the Planning Board under Article V, Site Plan. Such development shall also comply with the following development standards. The general intent of these development standards is to achieve an attractive and comfortable city neighborhood environment. Varied and human-scaled building facades are key to making a place "pedestrian-oriented." Building designs should provide a high level of visual interest, without creating a chaotic image. Residences should include design elements that enhance the streetscape and address the street.

- a. Porches and bays should face the street.
- b. Primary ground floor residential entries to multi-family buildings must orient to street, not to interior blocks or parking lots. Secondary and upper-floor entries from the interior of a block are acceptable. The front door to single-family homes, duplexes, and townhouses must be visible from the street.
- c. The design approach shall provide an architecture that will be a visible and permanent expression of the character of the neighborhood;
- d. The facade shall be varied and articulated to provide visual interest to pedestrians;
- e. Reinforce the public realm of the public open space, sidewalks and streets through appropriately scaled entries, porches, fenestration, landscaping, and architectural details;
- f. Provide visual and acoustical privacy between units;
- g. Maximize natural light and ventilation within units.

(Ord. No. 122, 12-20-99)

Sec. 14-144. Reserved.

Sec. 14-145. Reserved.



Att. 4  
170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

August 10, 2004  
File: 03181

Ms. Kandi Talbot  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE

Dear Kandi:

Enclosed is additional information for review by the Board to determine the appropriate zone change for the Iris Network. We have included an executive summary that details the requirements of the residents, a draft of a Contract Zone and additional plans.

The overall concept remains the same. Provide space for 31 apartments in the front building and provide office space in the rear building. The only issue is parking. We have provided a plan that shows maximum spaces with additional parking across the front of the building and across the rear. We believe this is not required for our operation.

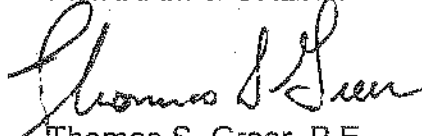
The preferred plan shows some restripping of the existing lot will provide adequate spaces. We have provided drop off zones in the front and rear of the property these will be of better service to our residents than parking spaces. Also attached is a narrative on parking demand.

Please review our information and let me know if I have omitted anything that the Board should know.

Thank you for your assistance with this project.

Sincerely,

PINKHAM & GREER

  
Thomas S. Greer, P.E.

TSG/rlo  
Enclosures  
Cc: Herb Semple, Semple & Drane

**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS  
EXECUTIVE SUMMARY**

The IRIS Network currently owns the Barker Building located at 189 Park Avenue in Portland. The building currently has 16 SRO units serving visually impaired and blind individuals. IRIS is proposing to redevelop this building and newly construct an addition for a total of 31 new units affordable to tenants at 50% and 60% of area median income. IRIS is proposing to develop 24 1-bedroom units and 6 2-bedroom units. One additional unit will be created to house on-site IRIS staff.

IRIS has been serving their residents at the Barker Building since 1905. The IRIS campus is composed of two three-story brick buildings, one that houses administrative offices and training areas, and the other that houses the Residential Program for blind and multi-disabled adults. The administration building was recently renovated to increase training and classroom space.

This project is designed for and will give preference to people who are blind or visually impaired. The complex will include physical adaptations such as Braille and Large Print signage; highly contrasted flooring for orientation purposes; additional lighting in apartments with contrasted surfaces for orientation; tactile and color-enhanced controls on laundry facilities, ovens, stoves, HVAC controls and other included appliances; a dog-wash area for residents with Guide Dogs; a Reading Room for residents to have mail read to them; and personal computers with speech output and large print software applications for accessibility. Common areas will include a room for dining, social and recreational activities, laundry facilities, and an exercise room with exercise equipment. Space will also be allocated for offices and a one-bedroom apartment for overnight, emergency staff.

The development plan will be sensitive to and will accommodate the needs of the existing tenants by constructing the new addition first and then allowing those tenants to move to the new wing before renovating the existing space.

The primary financing for the project will be provided by the Maine State Housing Authority 2004 Rental Loan Program. IRIS applied for and was successful in receiving an award of tax credits from MSHA in March 2004. Other potential sources of funds include the City of Portland and the Federal Home Loan Bank of Boston. This property will be restricted under MSHA guidelines for a period of 90 years. Restrictions will include operating the property as affordable housing and marketing to individuals with incomes at 50% and 60% of the Area Median Income. 18 of the units will be reserved for persons with incomes at or below 50% AMI and the remaining 12 will be reserved for individuals at or below 60% AMI. The rent levels for an individual at or below 50% AMI is \$548 for a 1-bedroom unit and \$658 for a 2-bedroom unit. The rent levels for an individual at or below 60% AMI will be \$658 for a 1-bedroom unit and \$790 for a 2-bedroom unit. A two person family at 50% AMI would earn no more than \$25,100/year and a two person family at 60% AMI would earn no more than \$30,120/year.

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**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS  
EXECUTIVE SUMMARY**

The new ownership entity will be IRIS Park Apartments, LP. IRIS Properties LLC will serve as General Partner. The sole member of IRIS Properties is The IRIS Network, a qualified 501(c)(3) non-profit entity. The initial Limited Partner will be The IRIS Network.

The total development costs are currently estimated at approximately \$4.7M. The plan will renovate the existing structure and newly construct an addition for a total of 31 housing units. IRIS will donate the land to the partnership in the form of a 90 year ground lease with zero annual cost. IRIS will also sell the building at the nominal price of \$100,000. Sources for the project include tax credit equity in the amount of \$2.9M, MSHA subsidy in the amount of \$600,000 (20K/unit), a deferred developer fee in the amount of \$164,000 (26%), \$100,000 at 0% from The IRIS Network, \$300,000 from the FHLBB AHP program and \$250,000 from the City of Portland. A disclosure and certification of total financing is attached as a 15-year Proforma.

The development team to date includes The IRIS Network, Curtis Thaxter Stevens and Micoleau, MacDonald Page Schatz Fletcher CPA's, Peoples Heritage Bank, Maine Bank and Trust, Semple and Drane Architects, Avesta Housing Development Corporation, NNHIF and Avesta Housing Management Corporation.

The IRIS Network will provide a Volunteer/Recreation Coordinator to use the new reading room to assist residents through the programs offered by IRIS. An amount of \$15,729 has been committed by IRIS to fund these services.



IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS

PARKING NEEDS

The Ryan Building currently provides space for 21 people. Thirteen drive and require parking. Eight do not drive and do not use parking, they walk to work, take the bus or are dropped off by ITN or family members.

The 31 unit housing facility will house blind or visually impaired individuals who will not be driving. One of the units or 3% will house a sighted person and need parking. Also there will be four volunteers who drive and there will be one maintenance staff person and one office manager.

The total parking spaces needed would be 59 if every resident and every staff person (including the job share staff) and every volunteer required a parking space. Based on the Wisconsin project, only 7% of the units at that project require parking spaces. If we use 7% of the parking spaces for the 31 unit housing facility then that would require only 3 spaces for the 31 units. The total adjusted parking required would be 35 (including all staff, volunteers, etc. in both buildings and for on site services in the Ryan Building)

The Badger Home in Wisconsin is the only other home in the country like ours (we are modeling our project after theirs). They use four parking spaces for 57 apartments or 7% of the parking spaces due to the fact that, like us, they are giving preference to people who are blind or visually impaired.

The Iris Network is planning to renovate the existing second floor of the Ryan Building to provide more onsite services. The anticipated parking need will be 4 spaces.

APARTMENT NEEDS FOR THE BLIND AND VISUALLY IMPAIRED IN PORTLAND

A market study was conducted and concluded that 21% or 50 persons who are blind or visually impaired, and are income eligible, are very interested in a project like this one in Portland.

## CONDITIONAL ZONE AGREEMENT

### THE IRIS NETWORK

**AGREEMENT** made this \_\_\_ day of \_\_\_\_\_, 2004 by **THE IRIS NETWORK** a not for profit corporation with a principal place of business located at Park Avenue, Portland, Maine 04101 (hereinafter sometimes referred to as "**IRIS**").

#### WITNESSETH

**WHEREAS, IRIS** seeks to develop property located at 189- 201 Park Avenue, in the City of Portland and identified on the City of Portland on the Assessor's maps at Map \_\_\_, Block \_\_, Lot(s) \_\_\_\_ (hereinafter referred to as the "**PROPERTY**"); and

**WHEREAS, IRIS** proposes to renovate the **PROPERTY** from offices and sixteen (16) SRO units to offices and twenty four (24) 1 bedroom residential units and six (6) 2-bedroom units. The residential units will serve the visually impaired and blind population; and

**WHEREAS, the PROPERTY** is currently located in the R-5 zoning district; and

**WHEREAS, research** has shown that the parking needs for persons with sight impairments is significantly lower than the residential parking requirements contained within the R-5 zone; and

**WHEREAS, the purpose** of this conditional rezoning is to allow a diminished parking requirement than would otherwise be allowed in the R-5 zone; and

**WHEREAS, the Planning Board** of the City of Portland, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Code §§ 14-60 to 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the **PROPERTY**, subject, however, to certain conditions; and

**WHEREAS, the CITY** by and through its City Council has determined that said rezoning would be and is pursuant to and consistent with the **CITY'S** comprehensive land use plan and will establish uses that are consistent with the uses in the original zones and the surrounding areas; and

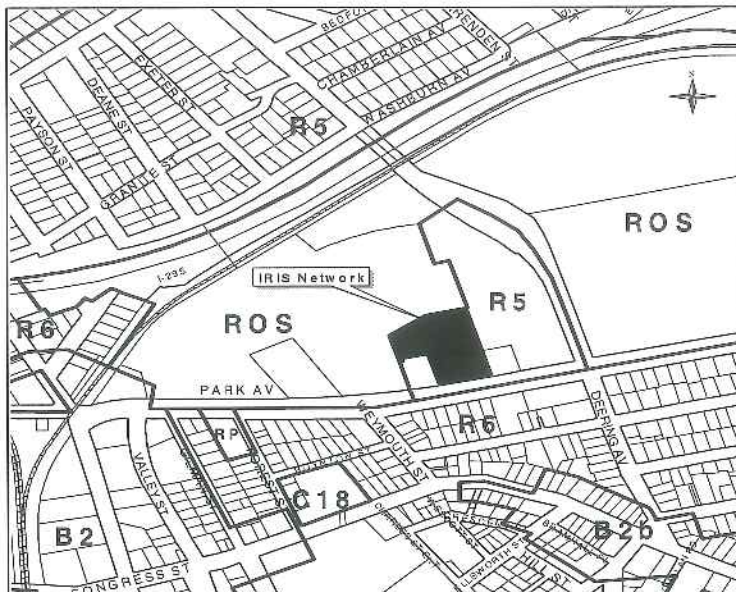
**WHEREAS, the CITY** has determined that the proposed development will be designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odors, and any other potential negative impacts of the proposal through the design and implementation of significant public traffic improvements, stormwater drainage improvements, landscaping and buffering; and

**WHEREAS**, the **CITY** has determined that because of the unusual nature and unique location of the proposed development and the need for significant public improvements it is necessary and appropriate to have conditions and restrictions which ensure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

**WHEREAS**, on \_\_\_\_\_, 2004, the **CITY** authorized amendment to its Zoning Map based upon the terms and conditions contained within this Agreement, which terms and conditions become part of the **CITY'S** zoning requirements; and

**NOW, THEREFORE**, in consideration of the rezoning, **IRIS** covenants and agrees as follows:

1. Effective thirty days from the affirmative vote of the City Council on rezoning the **PROPERTY**, by Council Order No. \_\_\_\_\_, the City amends the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Portland City Code, by adopting the map change amendment for the **PROPERTY** shown herein.



**Proposed Rezoning for  
IRIS Network, 189 Park Av., from R5 to R7**

City of Portland

June 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. This rezoning shall apply only while **IRIS**, or an entity controlled by or affiliated with **IRIS**, owns the **PROPERTY** and the housing thereon is reserved for use by sight impaired individuals. Otherwise, the **PROPERTY** shall revert to the R-5 or any successor zone.

3. The **PROPERTY** shall otherwise conform to the zoning requirements of the R-5 zone with the exceptions noted herein:
  - a. Parking: A total of 54 parking spaces shall be provided as follows:
    - 41 spaces available for office uses on the **PROPERTY**
    - 13 spaces available for residential use on the **PROPERTY**
4. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be reviewed by the Portland Planning Board under the subdivision and site plan provisions of the Portland City Code.
5. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall bind and benefit **IRIS**, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. Within 60 days of the rezoning by the City Council, **IRIS** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.
6. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
7. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
8. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRSA 4452) and City Ordinance. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **PROPERTY** rezoned.

Dated this \_\_\_ day of \_\_\_\_\_, 2004.

The Iris Network

\_\_\_\_\_  
 By: \_\_\_\_\_  
 Its: \_\_\_\_\_

State of Maine  
Cumberland, ss.

Date:

5c

Personally appeared the above-named \_\_\_\_\_, in his capacity as \_\_\_\_\_ of The Iris Network and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of Maine Workforce Housing LLC.

\_\_\_\_\_  
Notary Public



Att. 6

September 27, 2004

Kandi Talbot, Planning & Development  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

Dear Ms. Talbot:

Attached are minutes on the public informational meeting, which was held on Wednesday, September 15, 2004. I am forwarding a copy of the minutes as documented, which is a public record for the City of Portland.

Please feel free to contact me at 774-6273 if you should have any questions or concerns. Thank you for your cooperation.

Sincerely,

Debora Marie Berry  
Assistant to the President

dmb

cc: attachments

*A Statewide Focus on Maine's Visually Impaired Since 1905.*

---

189 Park Avenue, Portland, Maine 04102  
207.774.6273 • 800.715.0097 • fax 207.774.0679 • www.TheIris.org

# Iris Network

## Public Informational Meeting

September 15, 2004, 6:30 PM

Participant's in Attendance:

Name	Address
1. David Bobin	123 Cumberland Ave. Portland ME 04101
2. Mai Mango	194 Park Ave Ferraris Market
3. Adam Schiff	97 Grand St 2nd Floor
4. Chris Hamilton	205 Park Ave Hamilton Service
5. Wendy Cherubino	City of Portland HMT Division
6. Tom Green	Princeton & Green
7.	
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11.	
12.	
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18.	
19.	
20.	

A Statewide Focus on Maine's Visually Impaired Since 1905.

6b

## ***Public Information Meeting***

On Wednesday, September 15, 2004 at 6:30 P.M. the Iris Network will hold a Neighborhood Meeting to review its proposed redevelopment of their building and construction for additional housing. This meeting will be held on site at 189 Park Avenue in Portland.

This project is designed to offer independent living housing for people who are blind or visually impaired. Thirty-one and two-bedroom apartments are planned.

If you wish to attend, please RSVP to Debora at 774-6273. The meeting will be outdoors in the parking lot, so please dress appropriately. Light food and drinks will be served.



60

**THE IRIS NETWORK**  
Public Information Meeting  
Minutes  
September 15, 2004

**Presentors:** Michael Chestnut, Project Architect of Semple & Drane; Tom Greer, Principal Engineer of Pinkham & Greer; Mike Myatt, Senior Development Officer of Avesta Housing, and Steven Obremski, President/CEO of Iris Network. **Guests Present:** David J. Babin, Republican State Senate, District #8; Steven C. Scharf, Republican State Representative, District #119; Mal Mango, Owner of Terroni's; Chris Hamilton, Owner of Hamilton's Gas Station; and Wendy Cherubino, Housing Community Development Manager from the City of Portland. **Recorder:** Debora Berry, Assistant to the President of the Iris Network.

**Introduction of the Iris Network:** Steven Obremski opened the meeting with a brief history of the organization and the rationale for developing affordable housing for people who are blind or visually impaired. He also discussed a needs assessment that was conducted to determine the size of the complex.

**Introduction to Construction of the Iris Park Apartments:** Mike Myatt reported that the proposed construction is designed for one-bedroom and two-bedroom independent living apartments for people who are blind and visually impaired. He identified to qualify for these apartments individuals would have a maximum household income between \$20,000-28,000 a year. Mike Myatt stated that the project has received a reservation of funds from the Maine State Housing Authority and is currently seeking additional funds from the Federal Home Loan Bank of Boston and the City of Portland. The project has also requested housing vouchers from the Portland Housing Authority.

Mike Myatt acknowledged the timeline as follows: we are currently in the process of obtaining a contract zone (approval of site plan) with the City of Portland to be finalized at the end of March 2005, proposed construction to begin next year in the Spring of 2005 with completion anticipated in December 2006.

6d

Public Question: Chris Hamilton raised the question, how will the construction flow on and off the property impact his business?

Mike Myatt stated that Mr. Hamilton would be invited to discussions with the selected builder to ensure interruptions to his business, if any, are kept to a minimum. Iris Network also requires the driveway remain open at all times to give cars access to our rear building, as well as access to RTP that transports many of our current residents.

Overview of the Project from Site Engineer: Tom Greer depicted an aerial overview photograph of the building location and surrounding area, which illustrated the new parking layout design along with the addition of the new proposed building. Tom stated that the plan is to create a three-sided courtyard for the residents; there will be a minor pavement redesign to incorporate a drop-off zone in front on the right-hand side with ramp to the first-floor elevation. He identified that there will be no parking in front of the existing Ryan building, that space will be utilized as a drop-off zone designed as a circular plaza.

Overview of the Project from the Architect: Michael Chestnut reported on the architectural design of the project and that the original facade of the entrance will be replicated as originally depicted years ago. The courtyard will include a sensory garden for the residents. This area will not only serve as recreational and socialization space but also be used to provide educational training for mobility and gardening for the residents. The courtyard will be professionally designed by Mitchell and Associates and will incorporate walking paths with sharp angles and T-intersections to help train individuals to use a white cane. This will be an important part of the services to visually impaired residents and will be hindered if the area currently reserved for the courtyard is reduced.

Michael Chestnut identified at a Planning Board member's request, he met with Deborah Andrews, the Historic Preservation Manager, who had some concerns regarding the placement of the new addition. Michael Chestnut identified moving the addition 4-5 feet will have a major impact on the courtyard. There was consensus by the attendees that moving the building back by five feet would negatively impact the programmatic nature of the courtyard. Mr. Chestnut identified Ms. Andrews's preferred to have the new addition to be flush with the existing building. It was verified that the

existing site is not listed on any state or local historic register and is not a historic building.

A comment regarding the addition being flush with the existing building was made by Republican State Representative, Steve Sharf who stated that the City of Portland's current requirements would require the addition to be closer to the front instead of pushed back to be flush with the existing building. He also reported that the old City of Portland's requirements would require the addition to be set back in accordance with the laws that governed at that time. There was some discussion; the consensus from the group was that there was no problem with the placement of the addition.

Steven Obremski identified that the project will continue offering services to its residents including housekeeping services, home-help services, free transportation, assistance with reading mail and bill paying as well as recreational and socialization activities. He also noted that the agency currently utilizes volunteers on many fronts to assist the residents with reading their mail and poetry, walks, trips to the parks and various events, etc.

Michael Chestnut reported that the agency's building committee has approved having a construction manager to come onboard in lieu of a General Contractor. It was recognized that the Iris Park Apartments will be built with a steel-frame structure. Mal Mango commented on the expense and rising costs of steel-frame construction. Michael Chestnut acknowledged that bringing a construction manager on board early would help alleviate rising costs, help provide cost savings and guarantee a maximum price.

Public Question: The question was asked what is the current budget on the project? Michael Chestnut identified \$4.7 million as the total budget and \$3.1 million as the construction budget.

The overall consensus from the public was favorable and all those present felt it was a great project that they would like to see move forward.

It was announced that the City of Portland would be holding a public hearing on September 28, 2004 at 7:30 PM regarding the Iris Park Apartments.

Lof

Steven Obremski thanked everyone for attending the public informational meeting and expressed his appreciation and their support of this project.

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,  
Debora Marie Berry, Recorder

Att. 9

To: Chair Delogu and Members of the Portland Planning Board  
From: P. Littell, Associate Corporation Counsel  
Re: The Iris Network  
Date: 10-06-04

A question was raised at the last hearing regarding the ownership of a triangular parcel of land adjacent to the property proposed for development by The Iris Network and whether the City agreed to convey such parcel to them. The City has no record of any agreement to convey the "triangle," located to the north of the site, and to date has not conveyed it. As a result, no property interest in the triangular piece of property rests with The Iris Network.

Att. 9

To: Chair Delogu and Members of the Portland Planning Board  
From: P. Littell, Associate Corporation Counsel  
Re: The Iris Network  
Date: 10-06-04

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**CITY OF PORTLAND, MAINE  
CITY COUNCIL AGENDA REQUEST FORM**

**TO:** Sonia Bean  
**FROM:** Alexander Jaegerman, Director of Planning Division  
**DATE:** November 9, 2004  
**SUBJECT:** Agenda Request  
201 Park Avenue, Conditional Rezoning Request

- 1) Council Meeting at which action is requested (Date): First Reading: December 8, 2004  
Public Hearing: December 20, 2004
- 2) Can action be taken at a later date?  YES  NO

**I. SUMMARY OF ISSUE**

The IRIS Network is proposing a conditional rezoning for the property located at 201 Park Avenue. The site is currently zoned R-5. The purpose of the zone change request is to allow the applicant to renovate and expand the existing dormitory to house thirty-one (31) one and two bedroom apartments, with a reduced number of parking spaces. The administrative offices will remain in the rear of the building. The expansion would create additional living facilities for individuals who are blind or have sight impairments.

**II. REASON FOR SUBMISSION (What issue/problem will this address?)**

The conditional rezoning request is in order to provide a reduced number of parking spaces for the use of the property. The applicant is proposing a conditional rezoning with a total of 54 parking spaces.

**III. INTENDED RESULT (How does it resolve the issue/problem?)**

To provide a reduced number of parking spaces for the use of the property.

**IV. FINANCIAL IMPACT**

The proposal does not have any known financial impact on the City.

**V. STAFF ANALYSIS & RECOMMENDATION**

The Planning Board held a public hearing on the proposed development on October 12, 2004 and voted to recommend unanimously (4-0, Anton, Beal and Silk abstained) to recommend the conditional rezoning to the Portland City Council.

**Attachments:**  
Planning Board Report

cc: Elizabeth Boynton, Associate Corporation Counsel



201 PARK AVENUE  
CONDITIONAL REZONING REQUEST  
THE IRIS NETWORK, APPLICANT

Submitted to:

Portland City Council  
Portland, Maine  
November 9, 2004

Submitted by:  
Portland Planning Board

## I. INTRODUCTION

The IRIS Network is requesting a review of a conditional rezoning for the property located at 201 Park Avenue. Fitzpatrick Stadium, Portland Ice Arena, King Middle School and a gas station bound the site. The site is currently zoned R-5. The purpose of the zone change request is to allow the applicant to renovate and expand the existing dormitory to house thirty-one (31) one and two bedroom apartments, with a reduced number of parking spaces. The administrative offices will remain in the rear of the building. The expansion would create additional living facilities for individuals who are blind or have sight impairments.

The applicant has explored both the R-6 and R-7 zone for this proposal. It appears that this project can work under both zones, with the exception of parking, which would not meet the R-6 or R-7 requirements.

166 notices were sent to area property owners. Two notices of the public hearing appeared in the Portland Press Herald. The notice was posted in the City Clerks office 14 days prior to the Public Hearing. A neighborhood meeting was held on September 15, 2004. The minutes and sign-in sheet from that meeting are included as Attachment 6.

## II. FINDINGS

Current Zoning:	R-5 Residential
Proposed Zoning:	Conditional Zone
Land Area:	1.93 acres
Existing Use:	Administrative offices and residential dorm rooms
Proposed Use:	Expansion to accommodate 31 one and two bedroom apartments.
Land Uses in the Vicinity:	residential, King Middle School, parks, medical offices

## III. DEVELOPMENT PLAN

The proposed use of the property will remain consistent with the current use. The IRIS Network administration offices will remain in the rear building. The front building will be expanded in size to accommodate thirty-one (31) one and two bedroom apartments. The expansion will occur on the north side of the existing structure toward King Middle School. Modifications to the court yard and drop off area will occur as part of the overall plan.

The conditional rezoning request is in order to provide a reduced number of parking spaces for the use of the property. Attachment 4 is a discussion of the parking needs necessary for the proposed IRIS Park Apartments. The applicant looked at a similar home in Wisconsin, which has a total of 57 apartments. The Badger Home in Wisconsin uses four parking spaces for 57 apartments due to the fact that their residents are people who are blind or visually impaired. The applicant is proposing a conditional rezoning with a total of 55 parking spaces. Based on zoning, 42 parking spaces are required for the office use and there would be a remainder of 31 parking spaces for the residential tenants.

The applicant has submitted two site plans. Sheet 1, which is included as Attachment 7 shows the layout that the applicant is currently proposing for the conditional rezoning. Sheet 2, which is included as Attachment 8, depicts the maximum space available for parking spaces, which is a total of 105 parking spaces. Sheet 2 shows additional parking could be provided within the front of the proposed building expansion and a triangle parcel at the rear of the property.

There has been some discussion by the applicant that a number of years ago, the City and the Maine Institute for the Blind swapped two triangle pieces of property. The parcel conveyed to the City was recorded, however, the parcel conveyed to the Maine Institute for the Blind was never recorded and is still listed as City property. The City has researched this issue and cannot find any information suggesting that the City did convey the triangle piece of property to the Maine Institute for the Blind. Included as Attachment 9 is a memo from Corporation Counsel regarding this issue. There is a small area of the existing parking lot, which had been constructed on city land. To address this concern, the City would be willing to issue a license for the parking lot encroachment.

While the grassed area in front of the proposed expansion along Park Avenue could be used in the future as parking or to meet the present requirements of the R-7 zone, the applicant would prefer to keep the area in the front of the proposed expansion grassed with landscaping.

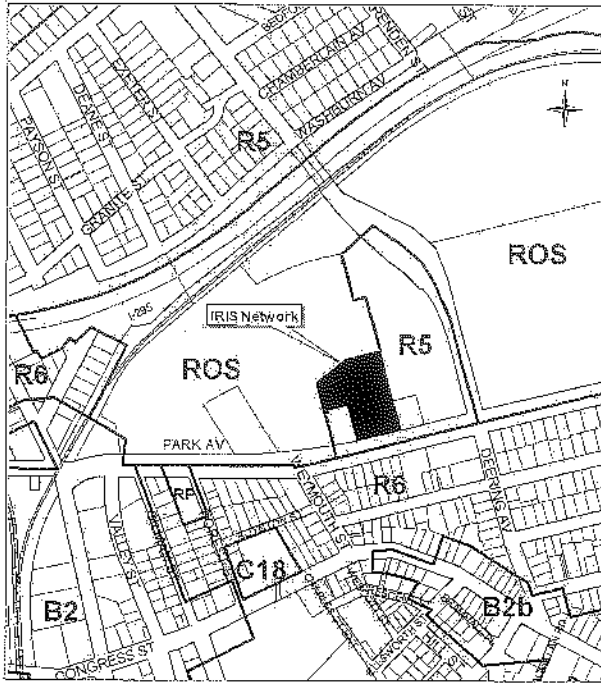
#### Parking Comparison Summary

Existing Parking	47 spaces
Proposed Parking with Addition	54 spaces
R-6 Required Parking with Addition	104 spaces
R-7 Required Parking with Addition	73 spaces
Potential Future Buildout of Parking	105 spaces

#### IV. CONDITIONS FOR REZONING

This rezoning shall be subject to the following proposed conditions, as outlined in the executed agreement between the City and the applicant. The proposed conditional rezoning is included as Attachment 5.

1. Effective thirty days from the affirmative vote of the City Council on rezoning the **PROPERTY**, by Council Order No. \_\_\_\_\_, the City amends the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Portland City Code, by adopting the map change amendment for the **PROPERTY** shown herein.



**Proposed Rezoning for  
IRIS Network, 189 Park Av., from R5 to R7**

Map prepared by the City of Portland's Department of Planning & Development with the GIS Workgroup

2. This rezoning shall apply only while **IRIS**, or an entity controlled by or affiliated with **IRIS**, owns the **PROPERTY** and the housing thereon is reserved for use by sight impaired individuals. Otherwise, the **PROPERTY** shall revert to the R-5 or any successor zone.
  
3. The **PROPERTY** shall otherwise conform to the zoning requirements of the R-5 zone with the exceptions noted herein:
  - a. Parking: A total of 54 parking spaces shall be provided as follows:
    - 41 spaces available for office uses on the **PROPERTY**
    - 13 spaces available for residential use on the **PROPERTY**
  
4. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be reviewed by the Portland Planning Board under the subdivision and site plan provisions of the Portland City Code.
  
5. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall bind and benefit **IRIS**, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. Within 60 days of the rezoning by the City Council, **IRIS** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.

6. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
7. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
8. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRSA 4452) and City Ordinance. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **PROPERTY** rezoned.

## V. **POLICY CONSIDERATIONS**

The IRIS Network building has been located on this site since 1909, and has been formerly known as the Maine Center for the Blind. The IRIS Network is located on Park Avenue, on the peninsula, within walking distance of the downtown, and shopping and community facilities. This area also has transit service. The applicant has provided research to show that the parking needs for persons with sight impairments is significantly lower than the residential parking requirements contained within the R-5 zone.

### Housing Plan

The Housing Plan recommends a diversity of housing types. The IRIS Network would offer independent living for blind or visually impaired residents and the IRIS Network has stated that there is a need for this type of housing.

## VI. **PLANNING BOARD RECOMMENDATION**

The Planning Board held a public hearing on the proposed development on October 12, 2004 and voted to recommend unanimously (4-0, Anton, Beal and Silk abstained) to recommend the conditional rezoning to the Portland City Council.

Attachments:

1. Zone Change Application
2. R-6 Zoning Text
3. R-7 Zoning Text
4. Letter submitted by Applicant dated August 10, 2004 regarding financial information and parking needs
5. Proposed Conditional Rezoning
6. Neighborhood Meeting Sign-In Sheets and Minutes
7. Proposed Plan
8. Maximum Parking Layout Plan
9. Memo from Corporation Counsel dated October 6, 2004



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

1. Applicant Information:

The IRIS Network  
Name

189 Park Avenue  
Address

Portland, Maine 04102

207-774-6273      207-774-0679  
Phone                      Fax

2. Subject Property:

201 Park Avenue  
Address

Portland, Maine 04102

52-C-3  
Assessor's Reference (Chart-Block-Lot)

3. Property Owner:     Applicant     Other

Name

The IRIS Network  
Address

189 Park Avenue Portland, ME 04102

207-774-6273      207-774-0679  
Phone                      Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Deed Attached: Book 4445 Page 1 dated June 25, 1979

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

1a

6. Existing Use:

Describe the existing use of the subject property:

This property is currently used by the IRIS Network for administrative office space and is also residential dorm rooms.

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property will remain consistent with the current use. The IRIS administrative offices will remain in the rear building. The front building will be expanded in size to accommodate 31 one and two bedroom apartments. The expansion will occur on the North side of the existing structure, toward King Middle School. See attached Site Plan.

Modifications to the Court Yard and drop off area will occur as part of the overall project.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R5 to R7

B.  Zoning Text Amendment to Section 14-\_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (~~example~~), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)




11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below): The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

<u>  X  </u> Zoning Map Amendment	\$2,000.00
<u>      </u> Zoning Text Amendment	\$2,000.00
<u>      </u> Contract/Conditional Rezoning	
Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00
Legal Advertisements	percent of total bill
Notices	.55 cents each
(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statue and local ordinance. Applicants are billed directly by the newspaper for these notices.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

April 30, 2004  
Date of Filing

  
Signature of Applicant

**Further Information:**

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: July 6, 1998



170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

April 30, 2004  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE REQUEST

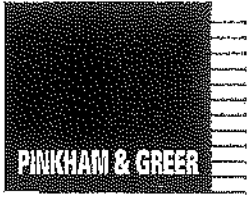
Dear Sarah:

Enclosed is the application for Zoning Amendment with the support data and fee for the IRIS Network. This project will renovate and expand the existing dormitory to house 31 one and two bedroom apartments. The administrative offices will remain in the rear building.

We have reviewed the City's R-6 and R-7 zones for possible options. It appears that this project can fit under each zone except for the parking. We think the project needs to be an R7 in order to make the parking work. The current data on the site includes:

- Tax Map Property Size	1.94 acres
- Area of Buildings	11,544 sq ft
- Area of Paving	28,500 sq ft
- Number of Existing Parking Spaces	47
- Percent Impervious	46%
- Allowable Density R-5	11
- Proposed Units Parking	31
- Office Parking	30
- Density R-6 Allowable	72 units
- Density R-7 Allowable	115 units

It is my understanding the City will review the data and determine which zone may be appropriate for this project.



CONSULTING ENGINEERS, INC.

1c  
Ms. Sarah Hopkins  
April 30, 2004  
Page 2 of 2

We are in the process of completing the boundary and topographic surveys that are required for the Site Plan review process. As soon as we refine the design we will provide you with copies.

Please let me know if you require any additional information.

Sincerely,

PINKHAM & GREER

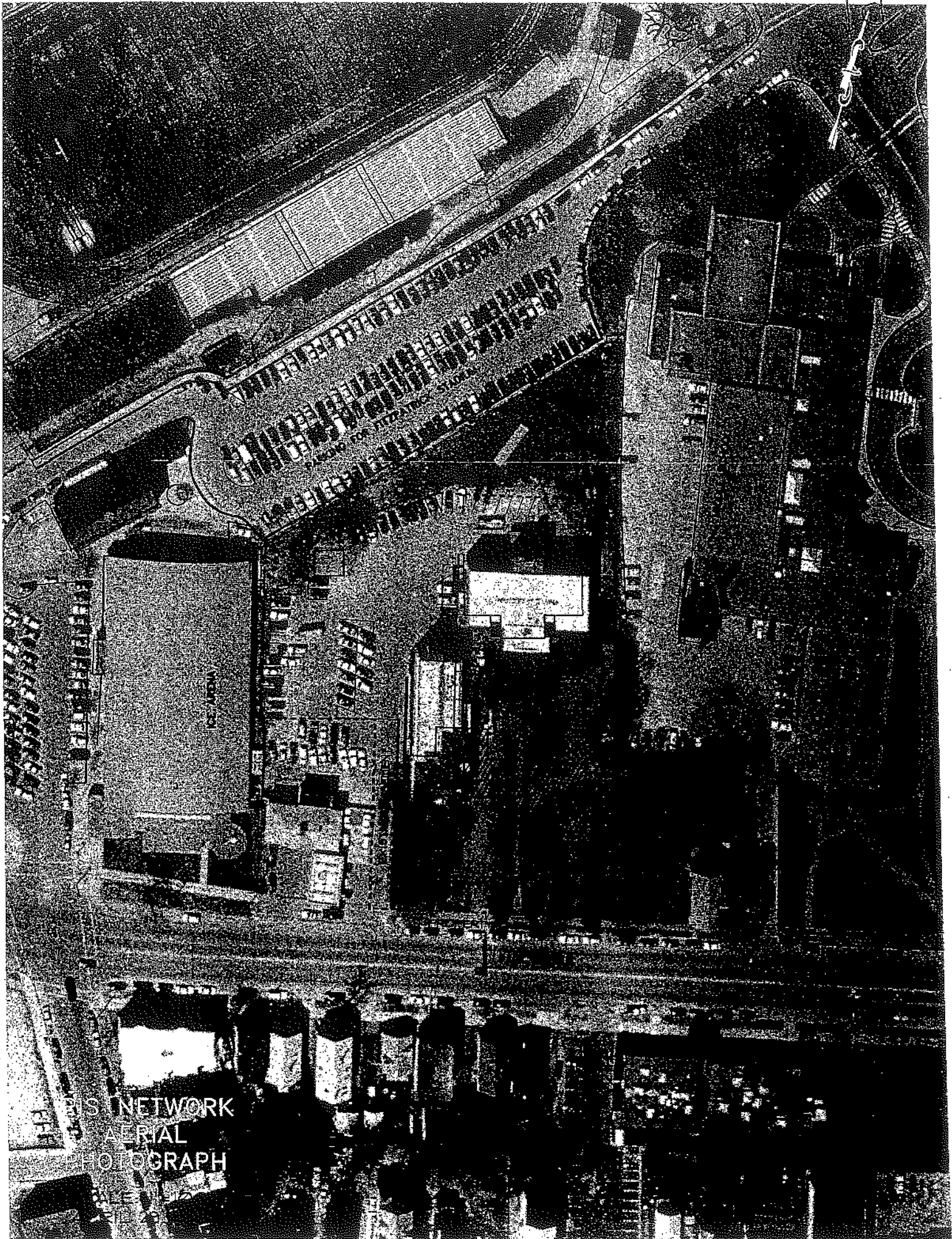
A handwritten signature in cursive script, appearing to read "Thomas S. Greer".

Thomas S. Greer, P.E.

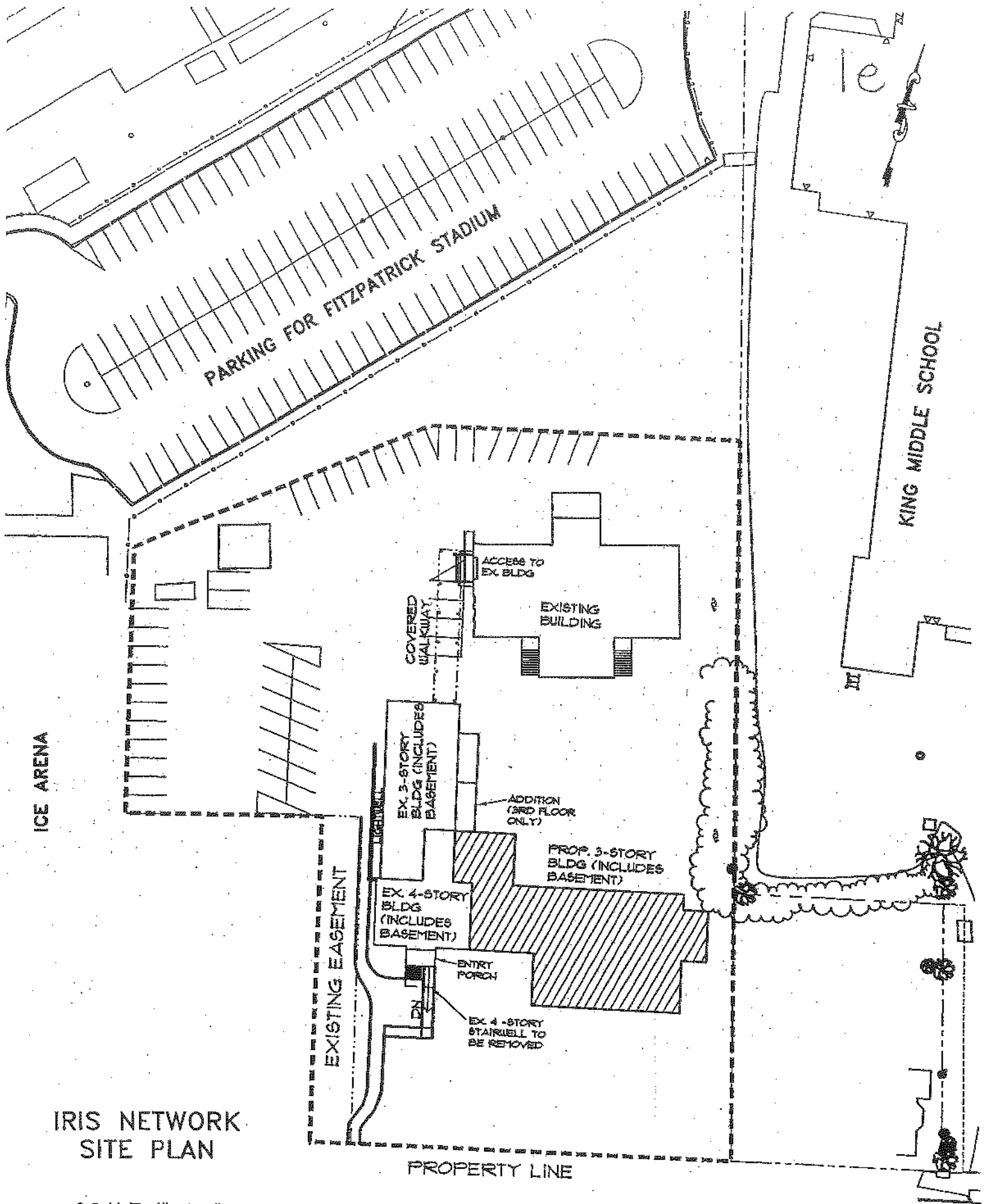
TSG/rlo

Enclosures

Cc: Herb Semple, Semple & Drane



ELI NETWORK  
AERIAL  
PHOTOGRAPH



IRIS NETWORK  
SITE PLAN

SCALE: 1"=60"  
APRIL 29, 2004

PARK AVENUE

18

See 8564 Book Page 197 *Ernie Vanace*

FORM 102 (1917) Mailed Weekly Bureau of Land Management

15766

TRUSTEES OF THE STATE OF MAINE  
Lumber, Paper, Portland Cement, Portland

# Know all Men by these Presents

That Maine Institution for the Blind

~~CONVEYANCE~~

a corporation organized and existing under the laws of the State of Maine  
and located at 189 Park Avenue, Portland,  
in the County of Cumberland and State of Maine  
in consideration of One Dollar (\$1.00) and other valuable consideration

paid by George F. Hamilton.

the receipt whereof it does hereby acknowledge, does hereby  
give, grant, bargain, sell and convey unto the said George F. Hamilton,  
his heirs and assigns forever,

a certain lot or parcel of land with the buildings thereon situated on the  
North side of Park Avenue (formerly Portland Street) in the City of  
Portland, County of Cumberland and State of Maine bounded and des-  
cribed as follows:

Beginning at a point on the North side line of Park Avenue at the  
Southeast corner of land of the City of Portland, said point being  
Westerly 595.61 feet from the intersection of the Westorly side line  
of Deering Avenue and the North side line of Park Avenue; Thence  
Easterly along the North side line of Park Avenue on a curve to the  
left, whose radius is 2865.34 feet, 100.00 feet to a point; Thence  
N1°-40'E 150.00 feet to a point; Thence N83°-59'-30"W 82.93 feet to  
a point; Thence S2°-05'W 10.47 feet to a point; Thence N87°-54'W  
16.93 feet to a point; Thence S1°-40'W along land of the City of  
Portland 138.37 feet to the point of beginning; containing 14,796  
square feet.

Also conveying a perpetual right of way and easement for ingress and  
egress by foot or by vehicle, but not for parking vehicles, in com-  
mon with the grantor on the East side of the above described parcel,  
said right of way being bounded and described as follows:

Beginning at the Southeast corner of the above described parcel;  
thence Easterly 7 feet along the North side line of Park Avenue; thence  
Northerly 150 feet more or less; thence N83°-59'-30"W 14 feet to the  
Northeast corner of the above described parcel; thence S1°-40'W 150  
feet to the point of beginning.

Reserving to the grantor a perpetual right of way and easement for  
ingress and egress by foot or by vehicle, but not for parking vehicles,  
in common with with the grantee bounded and described as follows:

Beginning at the Southeast corner of the first parcel described above;  
thence Westerly 9 feet along the North side line of Park Avenue, thence  
Northerly 150 feet more or less; thence S83°-59'-30"E 2 feet to the  
Northeast corner of the first parcel described above; thence S1°-40'W  
150 feet to the point of beginning.

Also conveying the perpetual right and easement to use, maintain, re-  
pair and replace the existing light, sign and pole on which they are  
affixed, on the East side of the first parcel described above, said  
pole being approximately 4 feet North of the street line of Park  
Avenue and 9 feet East of the Easterly boundary of said first parcel  
described above.

*4045*  
*1*  
*7*

2

Also conveying the perpetual right and easement to use, maintain, repair and replace the drain from the existing catch basin on the first parcel described above, which drain apparently crosses the remaining land of the grantor.

Reserving to the grantor the perpetual right and easement to use, maintain, repair and replace the existing catch basin hereinabove described, for the purpose of draining remaining adjacent land of the grantor herein.

Being a portion of the premises conveyed to Maine Institution for the Blind by the City of Portland by deed dated April 4, 1908 and recorded in the Cumberland County Registry of Deeds in Book 621, Page 196.

To Have and to Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said George P. Hamilton

his heirs and assigns, to them and their use and behoof forever.

And does COVENANT with the said Grantee, his heirs and assigns, that it is lawfully seized in fee of the premises that they are free of all encumbrances: except for easements and restrictions of record

that it has ~~xxxx~~ good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns will WARRANT and DEFEND the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In WITNESS Whereof, the said Maine Institution for the Blind has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Cathen Gilman and Sidney Schwartz

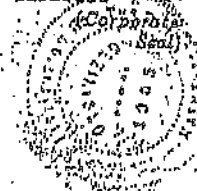
thereunto duly authorized, this 25<sup>th</sup> day of June in the year one thousand nine hundred and seventy-nine

Signed, Sealed and Delivered in presence of

*Charles S. Henshaw*  
to both:

Maine Institution for the Blind

By *Cathen Gilman*  
Cathen Gilman, Director  
*Sidney Schwartz*  
Sidney Schwartz, Director



State of Maine, Cumberland

June 25 1979

Then personally appeared the above named Cathen Gilman

of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

REGISTRY OF DEEDS, Cumberland County, Maine

Received JUN 25 1979 at 12 H 11 M P.M. and recorded in BOOK 4445 PAGE 1 Attest: *Leslie D. Dillwith* DEED REGISTER

*Charles S. Henshaw*  
Notary Public  
Attorney at Law



or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

- (c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 537-84, 5-7-84; Ord. No. 15-92, § 10, 6-15-92)

- Sec. 14-132. Reserved.
- Sec. 14-133. Reserved.
- Sec. 14-134. Reserved.

DIVISION 7. R-6 RESIDENTIAL ZONE\*

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\*Editor's note--Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131--14-134, and enacted a new Div. 9, §§ 14-135--14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the city, the provision has been included as Div. 7.  
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Sec. 14-135. Purpose.

The purpose of the R-6 residential zone is:

To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(Ord. No. 538-84, 5-7-84)

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 residential zone:

(a) Residential:

1. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section 14-524 shall be altered to include any

additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with section 14-524 or not reviewed under article V, which is altered or enlarged to include any additional dwelling unit after this five-year period, shall be reviewed as a major development pursuant to article V of this chapter.

2. Multifamily dwellings, provided that any alteration of a structure in residential use on December 2, 1987:

a. Shall not result in the creation of any additional dwelling unit of less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic; and

b. Shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement and attic;

c. Parking shall be provided as required by division 20 of this article;

d. No open outside stairways or fire escapes above the ground floor shall be constructed;

e. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;

f. Such development shall be subject to article V (site plan) of this chapter for site plan review and approval.

3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.

4. Single-family, multiple-component manufactured

housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.

5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:
  - a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
  - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.
  - c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.
  - d. Each unit shall have the long side of the unit

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parallel to the street line where the required street frontage is met.

- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) Other:

- 1. Lodging house;
- 2. Cemeteries;
- 3. Parks, and other active and passive noncommercial recreation spaces;
- 4. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
- 5. Home occupation subject to the provisions of section 14-410 (home occupation) of this article;
- 6. Municipal uses, excluding those specifically set forth in section 14-137 of this division;
- 7. Special needs independent living units, provided

that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

8. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with up to four (4) guest rooms, subject to the standards of article V (site plan).

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 1, 12-17-84; Ord. No. 67-87, § 4, 11-2-87; Ord. No. 85-88, §§ 1, 2, 7-19-88; Ord. No. 86A-89, § 7, 8-21-89; Ord. No. 95-89, § 2, 9-6-89; Ord. No. 279-90, § 2, 3-19-90; Ord. No. 33-91, § 8, 1-23-91; Ord. No. 33A-91, § 6, 4-17-91; Ord. No. 125-97, § 2, 3-3-97)

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\*Editor's note--Ord. No. 85-88, §§ 1, 2, adopted July 19, 1988, amended § 14-136 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88. Ord. No. 95-89, § 2, adopted Sept. 6, 1989, amended subsection (1)a of § 14-136 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."  
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#### Sec. 14-137. Conditional uses.

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

(a) Residential:

1. Reserved.

2. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:

- a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines.
- b. There shall be no open outside stairways or fire escapes above the ground floor.
- c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

3. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.

(c) Institutional: Any of the following conditional uses provided that, notwithstanding section 14-474(a)

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(conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;
2.
  - a. Long-term and extended care facilities;
  - b. Intermediate care facility for thirteen (13) or more persons;
3. Intermediate care facility;
4. Church or other place of worship;
5. Private club or fraternal organization;
6. Community Hall provided that:
  - a. The structure was in existence as of date of enactment, March 15, 1999;
  - b. The structure was built for institutional or other non-residential uses;
  - c. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
  - d. A parking management plan is submitted for review and approval by the Planning Board.
7. Hospital;
8. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing

site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and

- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(c) Other:

1. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
2. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

Professional office uses shall meet the following standards in addition to provisions of section 14-474, except that subsections a., b., c. and d. of this section 14-137(c)2 shall not apply to the use of any building not designed or constructed for residential use, which was not in actual use as a



residence on April 18, 1984, or thereafter.

- a. A professional office shall not be located within five hundred (500) feet of another as measured along the street line to the respective property lines.
  - b. A building with one (1) or more professional offices shall have at least fifty (50) percent of the total floor area of the building devoted to residential uses.
  - c. The total number of individuals working in a building of professional offices shall not exceed the equivalent of four (4) full-time employees.
  - d. Any additions or exterior alterations shall be compatible with the architecture of the building and maintain the residential appearance of the building. Construction of a new building shall be compatible with the architectural character of the surrounding area.
  - e. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.
  - f. On-site parking shall be required as specified in division 20 (off-street parking) of this article for the combined uses of the site.
3. Chancellery.
  4. Nursery school and kindergarten.
  5. Off-street parking for passenger cars for uses permitted in the R-6 zone.
  6. Day care facilities or home babysitting services

not permitted as a home occupation under section 14-410, subject to the following conditions:

- a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.
- b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
- c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- e. Day care facilities located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children

shall meet the following additional standards:

- i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;
- ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;
- iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
- iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
- v. The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
- vi. Off-street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;
- vii. The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and

viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

7. Community Center, as defined in Section 14-17.

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 2, 12-17-84; Ord. No. 76-85, § 8, 7-1-85; Ord. No. 85-88, § 3, 7-19-88; Ord. No. 235-91, § 13, 2-4-91; Ord. No. 118-93, § 11, 10-18-93; Ord. No. 133-96, § 7, 11-18-96; ; Ord. No. 154-96, § 11, 12-16-96; Ord. No. 125-97, § 3, 3-3-97; Ord. No. 232-99, §2, 3-15-99; Ord. No. 77-02/03, § 2, 10-21-02)

Sec. 14-138. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

(Ord. No. 538-84, 5-7-84)

Sec. 14-139. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 zone shall meet or exceed the following minimum requirements:

(a) Minimum lot size:

1. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
2. Reserved.
3. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
4. Intermediate care facility: One (1) acre.
5. School: Thirty thousand (30,000) square feet.

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6. Church or place of worship: Seventy-five hundred (7,500) square feet for a seating capacity of fifty (50) plus one thousand (1,000) square feet for each additional increment of fifteen (15) seats or major fraction thereof within the principal place of assembly for worship.
7. Fraternal organization:; Ten thousand (10,000) square feet.
8. Municipal use: Forty-five hundred (4,500) square feet.
9. Hospital: Two (2) acres.
10. All other uses: Forty-five hundred (4,500) square feet.
11. Lodging house: Four thousand five hundred (4,500) square feet.
12. Community Hall: None, provided that no existing lot housing a community hall may be reduced to less than four thousand five hundred (4,500) square feet.

Provided that for uses specified in section 14-139(a)3 through 9 above, no minimum lot area shall be required in the following cases:

- a. Uses existing on June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

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d. Expansion onto land other than the lot on which the principal use is located of not more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

- (b) 1. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.
2. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
3. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.
4. *Minimum land area per intermediate care facility resident:* Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.
- (c) *Minimum street frontage:* Forty (40) feet.
- (d) *Minimum yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Front yard:*

Principal or accessory structures: Ten (10) feet.

A front yard need not exceed the average depth of

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front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

2. Rear yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- b. Detached accessory structures with a ground coverage of one hundred (100) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. Side yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

Height of Structure	Required Side Yard
1 story . . . . .	10 feet
2 stories . . . . .	10 feet
3 stories . . . . .	10 feet
4 stories . . . . .	12 feet
5 stories . . . . .	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to

provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

- b. Detached accessory structures with ground coverage of one hundred (100) square feet or less: Five (5) feet. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

4. *Side yard on side streets:*

- a. Principal or accessory structures: Ten (10) feet.

(e) *Maximum lot coverage:* Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.

(f) *Minimum lot width:* Fifty (50) feet.

(g) *Maximum structure height:*

Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

(h) *Open space ratio:*

1. *Uses other than bed and breakfast:* Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.
2. *Bed and breakfasts.* A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the



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lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.

- (i) A below-grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.
- (j) *Minimum gross floor area for bed and breakfasts:* Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.

(Ord. No. 538-84, 5-7-84; Ord. No. 634-86, § 1, 7-7-86; Ord. No. 264-87, § 1, 3-16-87; Ord. No. 85-88, § 4, 7-19-88; Ord. No. 230-90, § 1, 3-5-90; Ord. No. 33-91, § 9, 1-23-91; Ord. No. 235-91, § 14, 2-4-91; Ord. No. 33A-91, 4-17-91; Ord. No. 118-93, § 12, 10-18-93; Ord. No. 154-96, § 12, 12-16-96; Ord. No. 125-97, § 4, 3-3-97; Ord. No. 245-97, §§ 1, 2, 4-9-97; Ord. No. 232-99, § 3, 3-15-99)

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\*Editor's note--Ord. No. 85-88, § 4, adopted July 19, 1988, amended § 14-139 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.  
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#### Sec. 14-140. Other requirements.

(a) *Offstreet parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article, except that required parking for residential building additions shall be located on the same lot.

(b) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(c) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be

Att. 3

City of Portland, Maine  
Code of Ordinances  
Sec 14-140

Land Use  
Chapter 14  
Rev. 2-21-01

subject to the requirements of division 26 and/or division 26.5.  
(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11,  
6-15-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No.  
122, 12-20-99)

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\*Editor's note--Ord. No. 85-88, § 5, adopted July 19, 1988, amended §  
14-145(a) to read as herein set out. See also the editor's note to Art. III of  
this chapter for additional provisions relative to Ord. No. 85-88.  
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DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14.141. Purpose.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.

(Ord. No. 122, 12-20-99)

Sec. 14-142. Permitted Uses.

Permitted uses in the R-7 Compact Urban Residential Overlay

3a

Zone, shall be the uses permitted in the R-6 Zone, except that:

(a) Residential uses shall comply with the following dimensional requirements:

1. Minimum Lot Size: None
2. Minimum Frontage: None
3. Minimum Yard Dimensions: None, except that on lots or portions of lots which abut a lot under separate ownership with existing residential development, the side or rear setbacks of the R-6 Zone shall apply in areas adjacent to such abutting residential lot. In no case, however, shall this provision require a setback such that the distance between the existing residential building and proposed new residential structure exceed the combined setbacks of the respective zones.
4. Maximum Lot Coverage: 100%
5. Maximum Residential Density: Seven hundred twenty five (725) square feet of land area per dwelling unit is required, except for developments which are located within 500 feet, property line to property line, of a municipal park or playground, the density may be increased to four hundred thirty five (435) square feet of land area per dwelling unit for a portion of the lot which does not exceed the size of such municipal facility.
6. Maximum Building Height: Fifty (50) Feet

(b) Parking shall be provided at the ratio of 1 parking space for each dwelling unit;

(c) Residential development in the R-7 Zone shall be reviewed by the Planning Board for compliance with Article IV, Subdivisions, and Article V, Site Plan;

(d) Any new dwelling unit constructed in the R-7 Zone shall contain a minimum of 400 square feet of habitable floor area;

(e) All other uses in the R-7 Zone shall observe the

requirements of the R-6 Zone.  
(Ord. No. 122, 12-20-99)

Sec. 14-143. Design Standards.

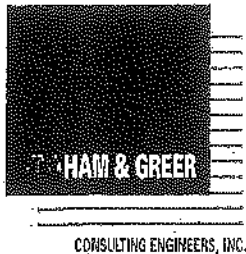
Residential development in the R-7 Zone shall be reviewed by the Planning Board under Article V, Site Plan. Such development shall also comply with the following development standards. The general intent of these development standards is to achieve an attractive and comfortable city neighborhood environment. Varied and human-scaled building facades are key to making a place "pedestrian-oriented." Building designs should provide a high level of visual interest, without creating a chaotic image. Residences should include design elements that enhance the streetscape and address the street.

- a. Porches and bays should face the street.
- b. Primary ground floor residential entries to multi-family buildings must orient to street, not to interior blocks or parking lots. Secondary and upper-floor entries from the interior of a block are acceptable. The front door to single-family homes, duplexes, and townhouses must be visible from the street.
- c. The design approach shall provide an architecture that will be a visible and permanent expression of the character of the neighborhood;
- d. The facade shall be varied and articulated to provide visual interest to pedestrians;
- e. Reinforce the public realm of the public open space, sidewalks and streets through appropriately scaled entries, porches, fenestration, landscaping, and architectural details;
- f. Provide visual and acoustical privacy between units;
- g. Maximize natural light and ventilation within units.

(Ord. No. 122, 12-20-99)

Sec. 14-144. Reserved.

Sec. 14-145. Reserved.



Att. 4  
170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

August 10, 2004  
File: 03181

Ms. Kandi Talbot  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE

Dear Kandi:

Enclosed is additional information for review by the Board to determine the appropriate zone change for the Iris Network. We have included an executive summary that details the requirements of the residents, a draft of a Contract Zone and additional plans.

The overall concept remains the same. Provide space for 31 apartments in the front building and provide office space in the rear building. The only issue is parking. We have provided a plan that shows maximum spaces with additional parking across the front of the building and across the rear. We believe this is not required for our operation.

The preferred plan shows some restripping of the existing lot will provide adequate spaces. We have provided drop off zones in the front and rear of the property these will be of better service to our residents than parking spaces. Also attached is a narrative on parking demand.

Please review our information and let me know if I have omitted anything that the Board should know.

Thank you for your assistance with this project.

Sincerely,

PINKHAM & GREER

Thomas S. Greer, P.E.

TSG/rlo  
Enclosures  
Cc: Herb Semple, Semple & Drane

4a

**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS  
EXECUTIVE SUMMARY**

The IRIS Network currently owns the Barker Building located at 189 Park Avenue in Portland. The building currently has 16 SRO units serving visually impaired and blind individuals. IRIS is proposing to redevelop this building and newly construct an addition for a total of 31 new units affordable to tenants at 50% and 60% of area median income. IRIS is proposing to develop 24 1-bedroom units and 6 2-bedroom units. One additional unit will be created to house on-site IRIS staff.

IRIS has been serving their residents at the Barker Building since 1905. The IRIS campus is composed of two three-story brick buildings, one that houses administrative offices and training areas, and the other that houses the Residential Program for blind and multi-disabled adults. The administration building was recently renovated to increase training and classroom space.

This project is designed for and will give preference to people who are blind or visually impaired. The complex will include physical adaptations such as Braille and Large Print signage; highly contrasted flooring for orientation purposes; additional lighting in apartments with contrasted surfaces for orientation; tactile and color-enhanced controls on laundry facilities, ovens, stoves, HVAC controls and other included appliances; a dog-wash area for residents with Guide Dogs; a Reading Room for residents to have mail read to them; and personal computers with speech output and large print software applications for accessibility. Common areas will include a room for dining, social and recreational activities, laundry facilities, and an exercise room with exercise equipment. Space will also be allocated for offices and a one-bedroom apartment for overnight, emergency staff.

The development plan will be sensitive to and will accommodate the needs of the existing tenants by constructing the new addition first and then allowing those tenants to move to the new wing before renovating the existing space.

The primary financing for the project will be provided by the Maine State Housing Authority 2004 Rental Loan Program. IRIS applied for and was successful in receiving an award of tax credits from MSHA in March 2004. Other potential sources of funds include the City of Portland and the Federal Home Loan Bank of Boston. This property will be restricted under MSHA guidelines for a period of 90 years. Restrictions will include operating the property as affordable housing and marketing to individuals with incomes at 50% and 60% of the Area Median Income. 18 of the units will be reserved for persons with incomes at or below 50% AMI and the remaining 12 will be reserved for individuals at or below 60% AMI. The rent levels for an individual at or below 50% AMI is \$548 for a 1-bedroom unit and \$658 for a 2-bedroom unit. The rent levels for an individual at or below 60% AMI will be \$658 for a 1-bedroom unit and \$790 for a 2-bedroom unit. A two person family at 50% AMI would earn no more than \$25,100/year and a two person family at 60% AMI would earn no more than \$30,120/year.

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**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS  
EXECUTIVE SUMMARY**

The new ownership entity will be IRIS Park Apartments, LP. IRIS Properties LLC will serve as General Partner. The sole member of IRIS Properties is The IRIS Network, a qualified 501(c)(3) non-profit entity. The initial Limited Partner will be The IRIS Network.

The total development costs are currently estimated at approximately \$4.7M. The plan will renovate the existing structure and newly construct an addition for a total of 31 housing units. IRIS will donate the land to the partnership in the form of a 90 year ground lease with zero annual cost. IRIS will also sell the building at the nominal price of \$100,000. Sources for the project include tax credit equity in the amount of \$2.9M, MSHA subsidy in the amount of \$600,000 (20K/unit), a deferred developer fee in the amount of \$164,000 (26%), \$100,000 at 0% from The IRIS Network, \$300,000 from the FHLBB AHP program and \$250,000 from the City of Portland. A disclosure and certification of total financing is attached as a 15-year Proforma.

The development team to date includes The IRIS Network, Curtis Thaxter Stevens and Micoleau, MacDonald Page Schatz Fletcher CPA's, Peoples Heritage Bank, Maine Bank and Trust, Semple and Drane Architects, Avesta Housing Development Corporation, NNHIF and Avesta Housing Management Corporation.

The IRIS Network will provide a Volunteer/Recreation Coordinator to use the new reading room to assist residents through the programs offered by IRIS. An amount of \$15,729 has been committed by IRIS to fund these services.

IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS

PARKING NEEDS

The Ryan Building currently provides space for 21 people. Thirteen drive and require parking. Eight do not drive and do not use parking, they walk to work, take the bus or are dropped off by ITN or family members.

The 31 unit housing facility will house blind or visually impaired individuals who will not be driving. One of the units or 3% will house a sighted person and need parking. Also there will be four volunteers who drive and there will be one maintenance staff person and one office manager.

The total parking spaces needed would be 59 if every resident and every staff person (including the job share staff) and every volunteer required a parking space. Based on the Wisconsin project, only 7% of the units at that project require parking spaces. If we use 7% of the parking spaces for the 31 unit housing facility then that would require only 3 spaces for the 31 units. The total adjusted parking required would be 35 (including all staff, volunteers, etc. in both buildings and for on site services in the Ryan Building)

The Badger Home in Wisconsin is the only other home in the country like ours (we are modeling our project after theirs). They use four parking spaces for 57 apartments or 7% of the parking spaces due to the fact that, like us, they are giving preference to people who are blind or visually impaired.

The Iris Network is planning to renovate the existing second floor of the Ryan Building to provide more onsite services. The anticipated parking need will be 4 spaces.

APARTMENT NEEDS FOR THE BLIND AND VISUALLY IMPAIRED IN PORTLAND

A market study was conducted and concluded that 21% or 50 persons who are blind or visually impaired, and are income eligible, are very interested in a project like this one in Portland.



CONDITIONAL ZONE AGREEMENT

THE IRIS NETWORK

AGREEMENT made this \_\_\_ day of \_\_\_\_\_, 2004 by THE IRIS NETWORK a not for profit corporation with a principal place of business located at Park Avenue, Portland, Maine 04101 (hereinafter sometimes referred to as "IRIS").

WITNESSETH

WHEREAS, IRIS seeks to develop property located at 189- 201 Park Avenue, in the City of Portland and identified on the City of Portland on the Assessor's maps at Map \_\_\_, Block \_\_\_, Lot(s) \_\_\_\_\_ (hereinafter referred to as the "PROPERTY"); and

WHEREAS, IRIS proposes to renovate the PROPERTY from offices and sixteen (16) SRO units to offices and twenty four (24) 1 bedroom residential units and six (6) 2-bedroom units. The residential units will serve the visually impaired and blind population; and

WHEREAS, the PROPERTY is currently located in the R-5 zoning district; and

WHEREAS, research has shown that the parking needs for persons with sight impairments is significantly lower than the residential parking requirements contained within the R-5 zone; and

WHEREAS, the purpose of this conditional rezoning is to allow a diminished parking requirement than would otherwise be allowed in the R-5 zone; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Code §§ 14-60 to 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the PROPERTY, subject, however, to certain conditions; and

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be and is pursuant to and consistent with the CITY'S comprehensive land use plan and will establish uses that are consistent with the uses in the original zones and the surrounding areas; and

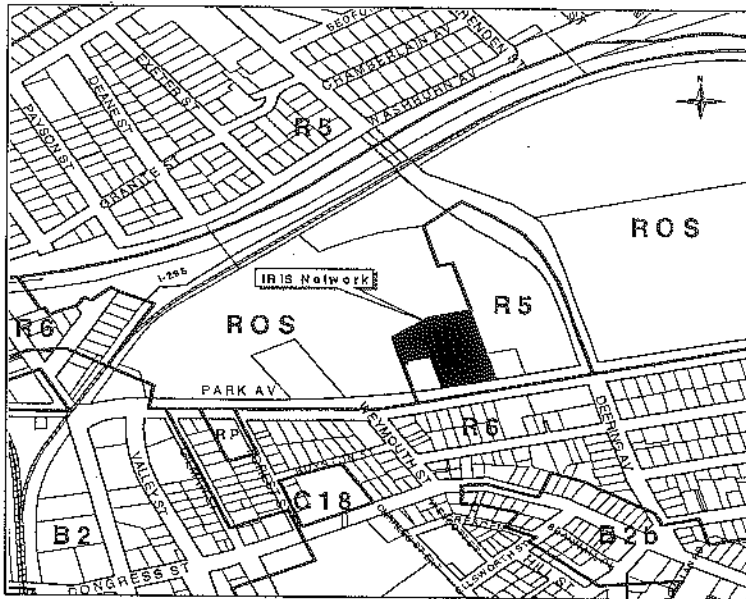
WHEREAS, the CITY has determined that the proposed development will be designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odors, and any other potential negative impacts of the proposal through the design and implementation of significant public traffic improvements, stormwater drainage improvements, landscaping and buffering; and

WHEREAS, the CITY has determined that because of the unusual nature and unique location of the proposed development and the need for significant public improvements it is necessary and appropriate to have conditions and restrictions which ensure that the rezoning is consistent with the CITY'S comprehensive land use plan; and

WHEREAS, on \_\_\_\_\_, 2004, the CITY authorized amendment to its Zoning Map based upon the terms and conditions contained within this Agreement, which terms and conditions become part of the CITY's zoning requirements; and

NOW, THEREFORE, in consideration of the rezoning, IRIS covenants and agrees as follows:

1. Effective thirty days from the affirmative vote of the City Council on rezoning the **PROPERTY**, by Council Order No. \_\_\_\_\_, the City amends the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Portland City Code, by adopting the map change amendment for the **PROPERTY** shown herein.



**Proposed Rezoning for  
IRIS Network, 189 Park Av., from R5 to R7**

10-1-00 Update File  
June 2004  
Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. This rezoning shall apply only while **IRIS**, or an entity controlled by or affiliated with **IRIS**, owns the **PROPERTY** and the housing thereon is reserved for use by sight impaired individuals. Otherwise, the **PROPERTY** shall revert to the R-5 or any successor zone.

- 3. The **PROPERTY** shall otherwise conform to the zoning requirements of the R-5 zone with the exceptions noted herein:
  - a. Parking: A total of 54 parking spaces shall be provided as follows:
    - 41 spaces available for office uses on the **PROPERTY**
    - 13 spaces available for residential use on the **PROPERTY**
- 4. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be reviewed by the Portland Planning Board under the subdivision and site plan provisions of the Portland City Code.
- 5. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall bind and benefit **IRIS**, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. Within 60 days of the rezoning by the City Council, **IRIS** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.
- 6. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
- 7. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
- 8. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRSA 4452) and City Ordinance. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **PROPERTY** rezoned.

Dated this \_\_\_ day of \_\_\_\_\_, 2004.

The Iris Network

\_\_\_\_\_  
 By: \_\_\_\_\_  
 Its: \_\_\_\_\_

State of Maine  
Cumberland, ss.

Date:

5c

Personally appeared the above-named \_\_\_\_\_, in his capacity as \_\_\_\_\_ of The Iris Network and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of Maine Workforce Housing LLC.

\_\_\_\_\_  
Notary Public



Att. 6

September 27, 2004


Kandi Talbot, Planning & Development  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

Dear Ms. Talbot:

Attached are minutes on the public informational meeting, which was held on Wednesday, September 15, 2004. I am forwarding a copy of the minutes as documented, which is a public record for the City of Portland.

Please feel free to contact me at 774-6273 if you should have any questions or concerns. Thank you for your cooperation.

Sincerely,



Debora Marie Berry  
Assistant to the President

dmb

cc: attachments

*A Statewide Focus on Maine's Visually Impaired Since 1905.*

189 Park Avenue, Portland, Maine 04102  
207.774.6273 • 800.715.0097 • fax 207.774.0679 • www.TheIris.org

# Iris Network

Public Informational Meeting

September 15, 2004, 6:30 PM

Participant's in Attendance:

Name	Address
1. David Babini	123 Cumberland Ave. Portland ME 04101
2. Mal Mango	194 Park Ave Ferraro's Market
3. Dawn Schif	97 Grand St 2nd Floor
4. Chris Hamilton	205 Park Ave Hamilton Service
5. Wendy Cherubino	City of PTH HNS Division
6. Tom Green	Punkin & Green
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A Statewide Focus on Maine's Visually Impaired Since 1905.

6b

## ***Public Information Meeting***

On Wednesday, September 15, 2004 at 6:30 P.M. the Iris Network will hold a Neighborhood Meeting to review its proposed redevelopment of their building and construction for additional housing. This meeting will be held on site at 189 Park Avenue in Portland.

This project is designed to offer independent living housing for people who are blind or visually impaired. Thirty-one and two-bedroom apartments are planned.

If you wish to attend, please RSVP to Debora at 774-6273. The meeting will be outdoors in the parking lot, so please dress appropriately. Light food and drinks will be served.

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**THE IRIS NETWORK**  
Public Information Meeting  
Minutes  
September 15, 2004

**Presentors:** Michael Chestnut, Project Architect of Semple & Drane; Tom Greer, Principal Engineer of Pinkham & Greer; Mike Myatt, Senior Development Officer of Avesta Housing, and Steven Obremski, President/CEO of Iris Network. **Guests Present:** David J. Babin, Republican State Senate, District #8; Steven C. Scharf, Republican State Representative, District #119; Mal Mango, Owner of Terroni's; Chris Hamilton, Owner of Hamilton's Gas Station; and Wendy Cherubino, Housing Community Development Manager from the City of Portland. **Recorder:** Debora Berry, Assistant to the President of the Iris Network.

**Introduction of the Iris Network:** Steven Obremski opened the meeting with a brief history of the organization and the rationale for developing affordable housing for people who are blind or visually impaired. He also discussed a needs assessment that was conducted to determine the size of the complex.

**Introduction to Construction of the Iris Park Apartments:** Mike Myatt reported that the proposed construction is designed for one-bedroom and two-bedroom independent living apartments for people who are blind and visually impaired. He identified to qualify for these apartments individuals would have a maximum household income between \$20,000-28,000 a year. Mike Myatt stated that the project has received a reservation of funds from the Maine State Housing Authority and is currently seeking additional funds from the Federal Home Loan Bank of Boston and the City of Portland. The project has also requested housing vouchers from the Portland Housing Authority.

Mike Myatt acknowledged the timeline as follows: we are currently in the process of obtaining a contract zone (approval of site plan) with the City of Portland to be finalized at the end of March 2005, proposed construction to begin next year in the Spring of 2005 with completion anticipated in December 2006.



6d

Public Question: Chris Hamilton raised the question, how will the construction flow on and off the property impact his business?

Mike Myatt stated that Mr. Hamilton would be invited to discussions with the selected builder to ensure interruptions to his business, if any, are kept to a minimum. Iris Network also requires the driveway remain open at all times to give cars access to our rear building, as well as access to RTP that transports many of our current residents.

Overview of the Project from Site Engineer: Tom Greer depicted an aerial overview photograph of the building location and surrounding area, which illustrated the new parking layout design along with the addition of the new proposed building. Tom stated that the plan is to create a three-sided courtyard for the residents; there will be a minor pavement redesign to incorporate a drop-off zone in front on the right-hand side with ramp to the first-floor elevation. He identified that there will be no parking in front of the existing Ryan building, that space will be utilized as a drop-off zone designed as a circular plaza.

Overview of the Project from the Architect: Michael Chestnut reported on the architectural design of the project and that the original facade of the entrance will be replicated as originally depicted years ago. The courtyard will include a sensory garden for the residents. This area will not only serve as recreational and socialization space but also be used to provide educational training for mobility and gardening for the residents. The courtyard will be professionally designed by Mitchell and Associates and will incorporate walking paths with sharp angles and T-intersections to help train individuals to use a white cane. This will be an important part of the services to visually impaired residents and will be hindered if the area currently reserved for the courtyard is reduced.

Michael Chestnut identified at a Planning Board member's request, he met with Deborah Andrews, the Historic Preservation Manager, who had some concerns regarding the placement of the new addition. Michael Chestnut identified moving the addition 4-5 feet will have a major impact on the courtyard. There was consensus by the attendees that moving the building back by five feet would negatively impact the programmatic nature of the courtyard. Mr. Chestnut identified Ms. Andrews's preferred to have the new addition to be flush with the existing building. It was verified that the

6e

existing site is not listed on any state or local historic register and is not a historic building.

A comment regarding the addition being flush with the existing building was made by Republican State Representative, Steve Sharf who stated that the City of Portland's current requirements would require the addition to be closer to the front instead of pushed back to be flush with the existing building. He also reported that the old City of Portland's requirements would require the addition to be set back in accordance with the laws that governed at that time. There was some discussion; the consensus from the group was that there was no problem with the placement of the addition.

Steven Obremski identified that the project will continue offering services to its residents including housekeeping services, home-help services, free transportation, assistance with reading mail and bill paying as well as recreational and socialization activities. He also noted that the agency currently utilizes volunteers on many fronts to assist the residents with reading their mail and poetry, walks, trips to the parks and various events, etc.

Michael Chestnut reported that the agency's building committee has approved having a construction manager to come onboard in lieu of a General Contractor. It was recognized that the Iris Park Apartments will be built with a steel-frame structure. Mal Mango commented on the expense and rising costs of steel-frame construction. Michael Chestnut acknowledged that bringing a construction manager on board early would help alleviate rising costs, help provide cost savings and guarantee a maximum price.

Public Question: The question was asked what is the current budget on the project? Michael Chestnut identified \$4.7 million as the total budget and \$3.1 million as the construction budget.

The overall consensus from the public was favorable and all those present felt it was a great project that they would like to see move forward.

It was announced that the City of Portland would be holding a public hearing on September 28, 2004 at 7:30 PM regarding the Iris Park Apartments.

Lof

Steven Obremski thanked everyone for attending the public informational meeting and expressed his appreciation and their support of this project.

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,  
Debora Marie Berry, Recorder

JILL C. DUJON (MAYOR)(A/L)  
PETER O'DONNELL (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)

CITY OF PORTLAND  
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEEMAN (4)  
JAMES I. COHEN (5)

**ORDER AMENDING COUNCIL ORDER NO. 121-04/05  
RE: CONDITIONAL REZONING FOR  
The Iris Network  
189-201 Park Avenue**

**ORDERED**, that the language contained within the Conditional Rezoning at 189-201 Park Avenue be amended and superceded by the following language. This amendment is intended to clarify the original intent of the Council to allow for building within the existing R-5 zone but to modify the parking and density requirements.

**AMENDED  
CONDITIONAL ZONE AGREEMENT  
THE IRIS NETWORK**

**AGREEMENT** made this \_\_\_ day of \_\_\_\_\_, 2005~~4~~ by **THE IRIS NETWORK** a not for profit corporation with a principal place of business located at Park Avenue, Portland, Maine 04101 (hereinafter sometimes referred to as "**IRIS**").

**WITNESSETH**

**WHEREAS**, **IRIS** seeks to develop property located at 189- 201 Park Avenue, in the City of Portland and identified on the City of Portland on the Assessor's maps at Map \_\_\_, Block \_\_, Lot(s) \_\_\_\_ (hereinafter referred to as the "**PROPERTY**"); and

**WHEREAS**, **IRIS** proposes to renovate the **PROPERTY** from offices and sixteen (16) SRO units to offices and twenty four (24) 1 bedroom residential units and six (6) 2-bedroom units. The residential units will serve the visually impaired and blind population; and

**WHEREAS**, the **PROPERTY** is currently located in the R-5 zoning district; and

**WHEREAS**, research has shown that the parking needs for persons with visual impairments is significantly lower than the residential parking requirements contained within the R-5 zone; and

**WHEREAS**, the purpose of this conditional rezoning is to allow a diminished parking requirement and an increased density requirement than would otherwise be allowed in the R-5 zone; and

**WHEREAS**, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Code §§ 14-60 to 14-62, and after notice and

hearing and due deliberation thereon, recommended the rezoning of the **PROPERTY**, subject, however, to certain conditions; and

**WHEREAS**, the **CITY** by and through its City Council has determined that said rezoning would be and is pursuant to and consistent with the **CITY'S** comprehensive land use plan and will establish uses that are consistent with the uses in the original zones and the surrounding areas; and

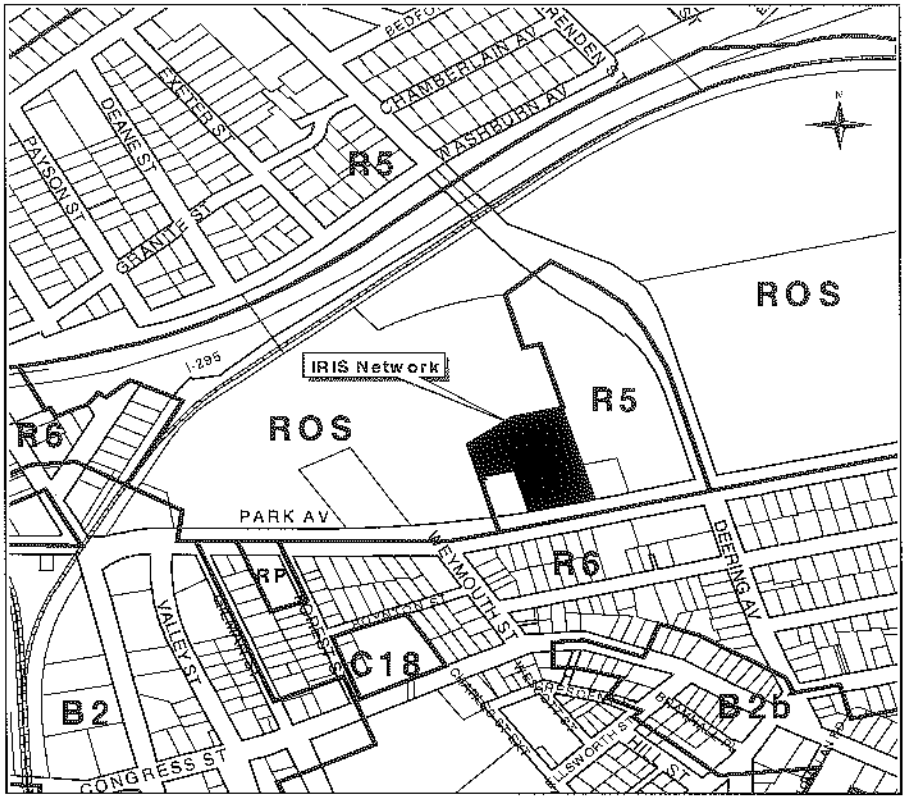
**WHEREAS**, the **CITY** has determined that the proposed development will be designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odors, and any other potential negative impacts of the proposal through the design and implementation of significant public traffic improvements, stormwater drainage improvements, landscaping and buffering; and

**WHEREAS**, the **CITY** has determined that because of the unusual nature and unique location of the proposed development and the need for significant public improvements it is necessary and appropriate to have conditions and restrictions which ensure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

**WHEREAS**, on \_\_\_\_\_, 2005<sup>4</sup>, the **CITY** authorized amendment to its Zoning Map based upon the terms and conditions contained within this Agreement, which terms and conditions become part of the **CITY'S** zoning requirements; and

**NOW, THEREFORE**, in consideration of the rezoning, **IRIS** covenants and agrees as follows:

1. Effective thirty days from the affirmative vote of the City Council on rezoning the **PROPERTY**, by Council Order No. \_\_\_\_\_, the City amends the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Portland City Code, by adopting the map change amendment for the **PROPERTY** shown herein.



**Proposed Rezoning for**  
**IRIS Network, 189 Park Ave., from R5 to R7**  
**IRIS Network, 189 Park Ave.**

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

**March 2005**

2. This rezoning shall apply only while **IRIS**, or an entity controlled by or affiliated with **IRIS**, owns the **PROPERTY**, the housing thereon is reserved for use by visually impaired individuals, and the 16,800 square feet of office use if primarily related to the operation of **IRIS** or any successor not-for-profit entity. Otherwise, the **PROPERTY** shall revert to the R-5 or any successor zone.
3. Notwithstanding the density requirements in the underlying R-5 zone, **IRIS** shall be allowed to renovate the existing buildings on the **PROPERTY** from offices and sixteen (16) SRO units to offices and twenty four (24) 1 bedroom residential units and six (6) 2-bedroom units. The residential units will serve the visually impaired and blind population. **IRIS** agrees to maintain, for a period of ninety (90) years, the following controls on the residential portion of the development:

Marketing the residential units to visually impaired individuals  
 with incomes at 50% and 60% of the Area Median Income

These affordability restrictions shall be secured by covenants and restrictions and conditions in any deeds conveyed out by **OWNER**.

4. ~~The **PROPERTY** shall otherwise conform to the zoning requirements of the R-5 zone. Notwithstanding the parking requirements of the underlying R-5 zone, the following parking requirements shall be met, with the exceptions noted herein:~~
  - a. Parking: A total of 54 parking spaces shall be provided as follows:
    - 41 spaces available for office uses on the **PROPERTY**
    - 13 spaces available for residential use on the **PROPERTY**
5. The **PROPERTY** shall otherwise conform to the zoning requirements of the R-5 zone
6. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be reviewed by the Portland Planning Board under the subdivision and site plan provisions of the Portland City Code.
- ~~6.7.~~ The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall bind and benefit **IRIS**, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. Within 60 days of the rezoning by the City Council, **IRIS** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.
- ~~7.8.~~ If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
- ~~8.9.~~ Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
- ~~9.10.~~ This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRSA 4452) and City Ordinance. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **PROPERTY** rezoned.

Dated this \_\_\_ day of \_\_\_\_\_, 20054.

The Iris Network

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

State of Maine  
Cumberland, ss.

Date:

Personally appeared the above-named \_\_\_\_\_, in his capacity as \_\_\_\_\_ of The Iris Network and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of Maine Workforce Housing LLC.

\_\_\_\_\_  
Notary Public



Land

Order 214-0412  
~~Feb 28 4 4 05~~  
Feb 22 4 25 05

JILL C. DUSON (MAYOR)(A/L)  
PETER O'DONNELL (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)

CITY OF PORTLAND  
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEEMAN (4)  
JAMES I. COHEN (5)

ORDER AMENDING COUNCIL ORDER NO. 121-04/05  
RE: CONDITIONAL REZONING FOR  
The Iris Network  
189-201 Park Avenue

ORDERED, that the language contained within the Conditional Rezoning at 189-201 Park Avenue be amended and superceded by the following language. This amendment is intended to clarify the original intent of the Council to allow for building within the existing R-5 zone but to modify the parking and density requirements.

AMENDED  
CONDITIONAL ZONE AGREEMENT  
THE IRIS NETWORK

AGREEMENT made this \_\_\_ day of \_\_\_\_\_, 20054 by THE IRIS NETWORK a not for profit corporation with a principal place of business located at Park Avenue, Portland, Maine 04101 (hereinafter sometimes referred to as "IRIS").

WITNESSETH

WHEREAS, IRIS seeks to develop property located at 189- 201 Park Avenue, in the City of Portland and identified on the City of Portland on the Assessor's maps at Map \_\_\_, Block \_\_\_, Lot(s) \_\_\_ (hereinafter referred to as the "PROPERTY"); and

WHEREAS, IRIS proposes to renovate the PROPERTY from offices and sixteen (16) SRO units to offices and twenty four (24) 1 bedroom residential units and six (6) 2-bedroom units. The residential units will serve the visually impaired and blind population; and

WHEREAS, the PROPERTY is currently located in the R-5 zoning district; and

WHEREAS, research has shown that the parking needs for persons with visual impairments is significantly lower than the residential parking requirements contained within the R-5 zone; and

WHEREAS, the purpose of this conditional rezoning is to allow a-diminished density and parking requirements than would otherwise be allowed in the R-5 zone; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Code §§ 14-60 to 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the PROPERTY, subject, however, to certain conditions; and

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be and is pursuant to and consistent with the CITY'S comprehensive land use plan and will establish uses that are consistent with the uses in the original zones and the surrounding areas; and

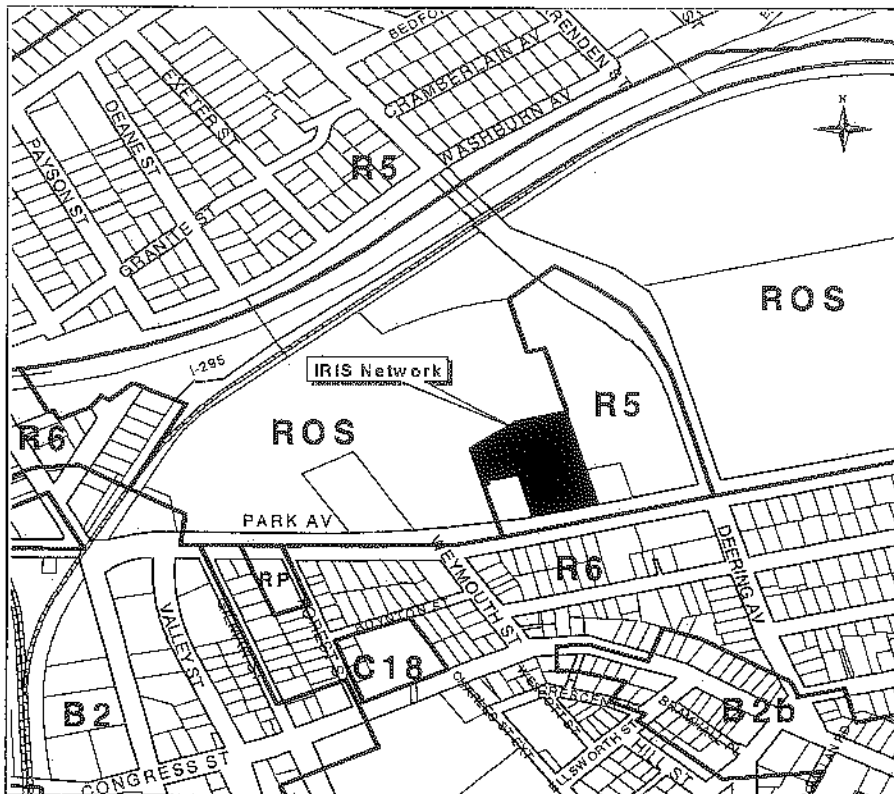
WHEREAS, the CITY has determined that the proposed development will be designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odors, and any other potential negative impacts of the proposal through the design and implementation of significant public traffic improvements, stormwater drainage improvements, landscaping and buffering; and

WHEREAS, the CITY has determined that because of the unusual nature and unique location of the proposed development and the need for significant public improvements it is necessary and appropriate to have conditions and restrictions which ensure that the rezoning is consistent with the CITY'S comprehensive land use plan; and

WHEREAS, on \_\_\_\_\_, 2005, the CITY authorized amendment to its Zoning Map based upon the terms and conditions contained within this Agreement, which terms and conditions become part of the CITY's zoning requirements; and

NOW, THEREFORE, in consideration of the rezoning, IRIS covenants and agrees as follows:

1. Effective thirty days from the affirmative vote of the City Council on rezoning the PROPERTY, by Council Order No. \_\_\_\_\_, the City amends the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Portland City Code, by adopting the map change amendment for the PROPERTY shown herein.



**Proposed Contract Zone in R5 for  
IRIS Network, 189 Park Ave.**

March 2005

2. This rezoning shall apply only while **IRIS**, or an entity controlled by or affiliated with **IRIS**, owns the **PROPERTY**, the housing thereon is reserved for use by visually impaired individuals, and the 16,800 square feet of office use if primarily related to the operation of **IRIS** or any successor not-for-profit entity. Otherwise, the **PROPERTY** shall revert to the R-5 or any successor zone.
3. Notwithstanding the density requirements in the underlying R-5 zone, **IRIS** shall be allowed to renovate the existing buildings on the **PROPERTY** from offices and sixteen (16) SRO units to offices and twenty four (24) 1 bedroom residential units and six (6) 2-bedroom units. The residential units will serve the visually impaired and blind population. **IRIS** agrees to maintain, for a period of ninety (90) years, the following controls on the residential portion of the development:

Marketing the residential units to visually impaired individuals with incomes at 50% and 60% of the Area Median Income

These affordability restrictions shall be secured by covenants and restrictions and conditions in any deeds conveyed out by **OWNER**.

4. The ~~PROPERTY shall otherwise conform to the zoning requirements of the R-5 zone~~ Notwithstanding the parking requirements of the underlying R-5 zone, the following parking requirements shall be met: ~~with the exceptions noted herein:~~
  - a. Parking: A total of 54 parking spaces shall be provided as follows:
    - 41 spaces available for office uses on the **PROPERTY**
    - 13 spaces available for residential use on the **PROPERTY**
5. The **PROPERTY** shall otherwise conform to the zoning requirements of the R-5 zone
6. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be reviewed by the Portland Planning Board under the subdivision and site plan provisions of the Portland City Code.
- 6.7. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall bind and benefit **IRIS**, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. Within 60 days of the rezoning by the City Council, **IRIS** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.
- 7.8. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
- 8.9. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
- 9.10. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRSA 4452) and City Ordinance. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **PROPERTY** rezoned.

Dated this \_\_\_ day of \_\_\_\_\_, 20054.

The Iris Network

By: \_\_\_\_\_  
Its: \_\_\_\_\_

State of Maine  
Cumberland, ss.

Date:

Personally appeared the above-named \_\_\_\_\_, in his capacity as \_\_\_\_\_ of The Iris Network and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of Maine Workforce Housing LLC.

\_\_\_\_\_  
Notary Public

**CITY OF PORTLAND, MAINE  
CITY COUNCIL AGENDA REQUEST FORM**

2 copies to be submitted (with supporting material) at least 12 days before Council Meeting: 1 copy to City Manager (Sonia Bean)  
1 copy to Legal (Elizabeth Boynton)

- 1) Council Meeting at which action is requested (Date): April 25, 2005
- 2) Can action be taken at a later date? Yes: \_\_\_\_\_ No: X  
If no, why not? Construction schedules will not permit the delay.

If a memo addresses the following issues you may attach and reference the memo but please highlight it so staff can easily answer I-V.

**I. SUMMARY OF ISSUE**

The Conditional Rezoning Agreement approved by the Council in December failed to explicitly waive the density requirements otherwise applicable to this development (i.e. those requirements in the underlying R-5 zone: 6000 sq. ft. per dwelling). Although the sum and substance of the rezoning was to allow for the addition of residential units serving the needs of the blind, and although the attachments depicted the increase in unit numbers, the language of the agreement did not address the need to waive the underlying density requirements. As a result, it is necessary to adopt the redlined changes shown in the Order.

**II. REASON FOR SUBMISSION (What issue/problem will this address?)**

See I. Above.

**III. INTENDED RESULT (How does it resolve the issue/problem?)**

The adoption of the modified Agreement will allow the development to go forward.

**IV. FINANCIAL IMPACT**

There is no financial impact to the City.

**V. STAFF ANALYSIS & RECOMMENDATION**

Staff approves this modified Rezoning language.

Date: March 29, 2005

Prepared by: Penny Littell



170 U.S. Route One  
Falmouth, Maine 04105  
Tel: (207) 781-5242  
Fax: (207) 781-4245

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## FAX MEMORANDUM

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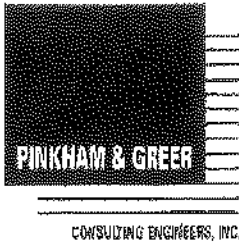
TO: *See Memo for Names*  
FAX #: *856-2206 784-0152 756-8258*  
FROM: *Tom Greer*  
DATE: *06.06.05*  
RE: *IRIS Network*  
FILE: *03/81*

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# of Pages (including this one):

*6*

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170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

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## MEMORANDUM

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TO: Jim Seymour - Sebago Technics, Inc.

CC: Kandi Talbot - City of Portland Planning Department  
Michael Chestnutt - Semple & Drane Architects, Inc.

FROM: *Tom Greer*  
Tom Greer

DATE: *Tom Greer*  
June 6, 2005

RE: Response to March 3<sup>rd</sup> Memo from Sebago Technics

FILE: 03181

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Jim:

Attached is Michael Chestnutt's email summarizing the items you agreed to on Friday. I have addressed some of the outstanding issues below.

Item 1-B. The Board has already signed the mylar for recording. Adding the note cannot be done. If the note is required the staff can process a diminimous change and we will record it. I think the existing record is clear on the size of the building; floor plans were provided.

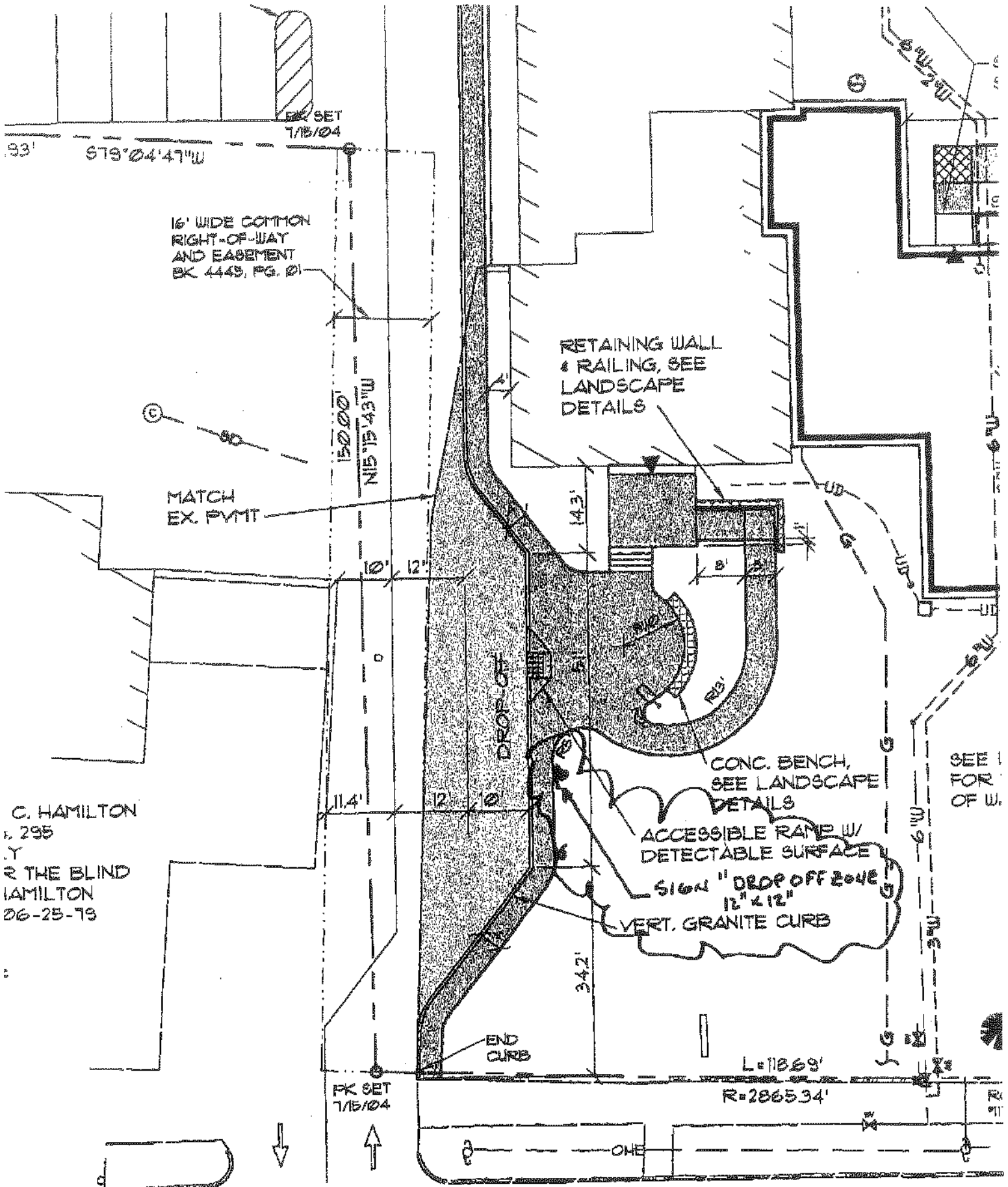
Item 2-A. See Sketch - Future Drain Location

Item 5-B. See Sketch - Sign Location

Item 5-C. The snow will be stockpiled along the west side of the parking lot along the Ice Arena's property. This has worked for the last 20 years.

Item 6-C. See Sketches - Dumpster Location and Dumpster Enclosure





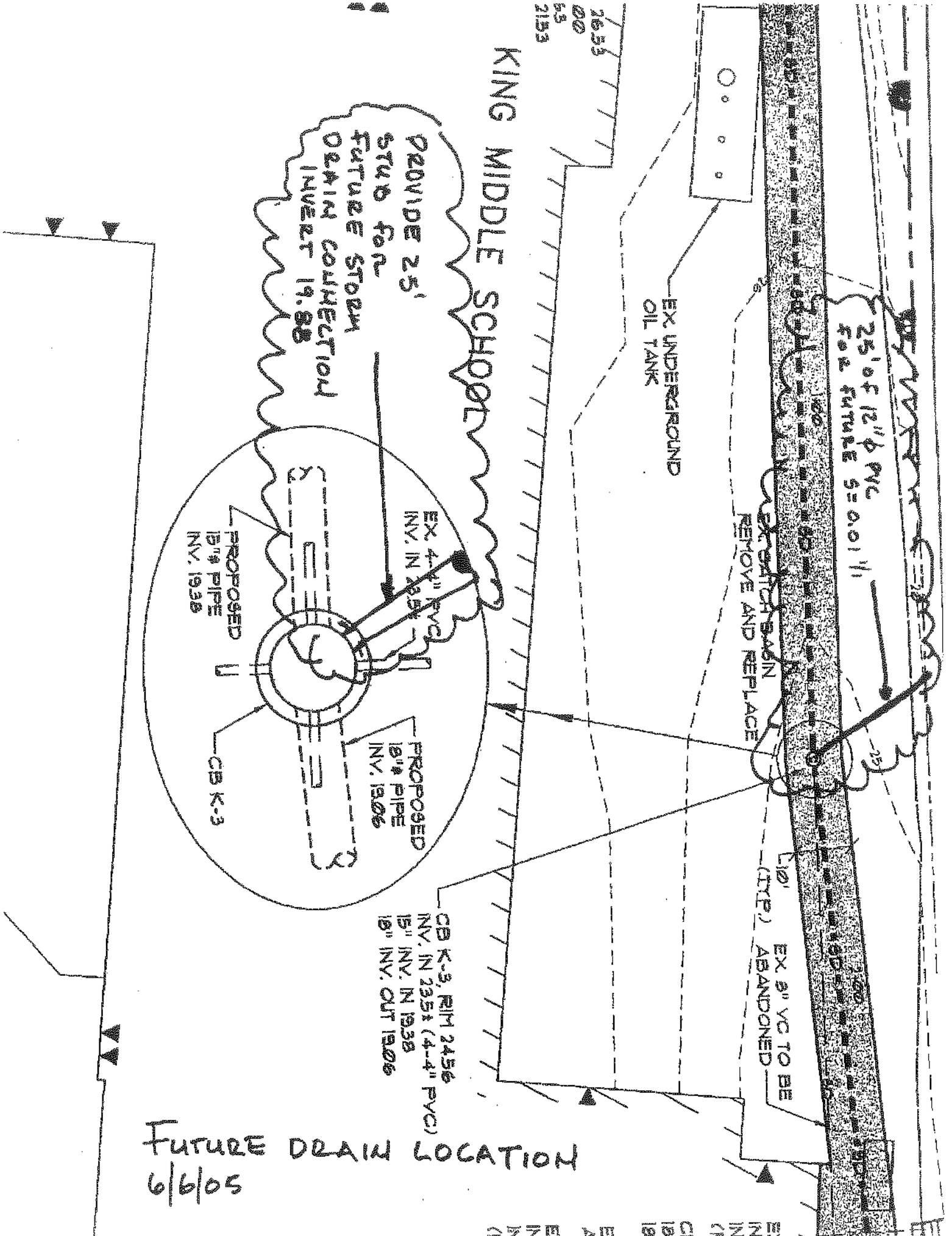
C. HAMILTON  
 P. 295  
 R THE BLIND  
 HAMILTON  
 06-25-79

SIGN LOCATION  
 DROP OFF ZONE  
 6/6/05



MIN 7 0 19 19 14 14 14 14

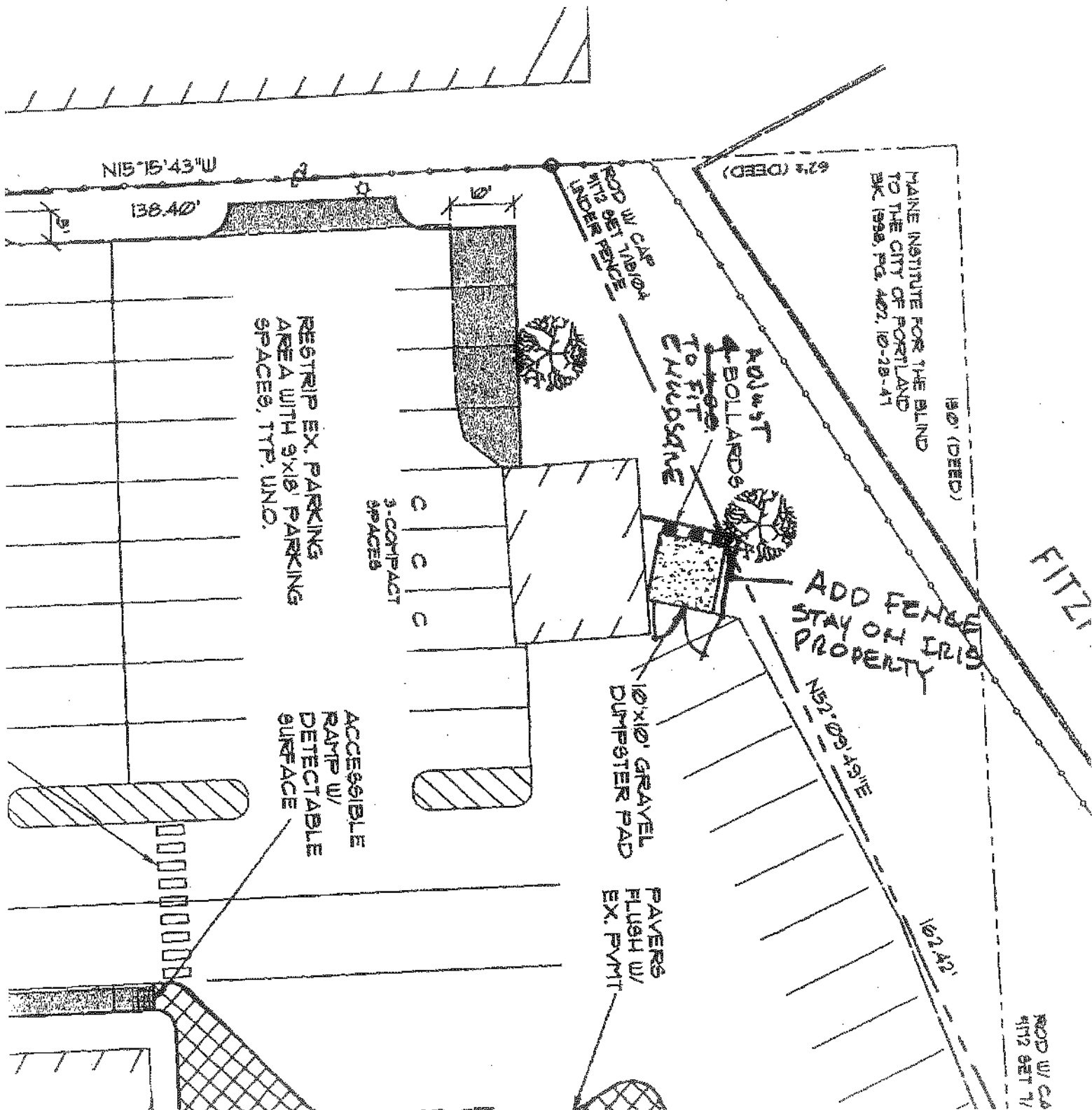
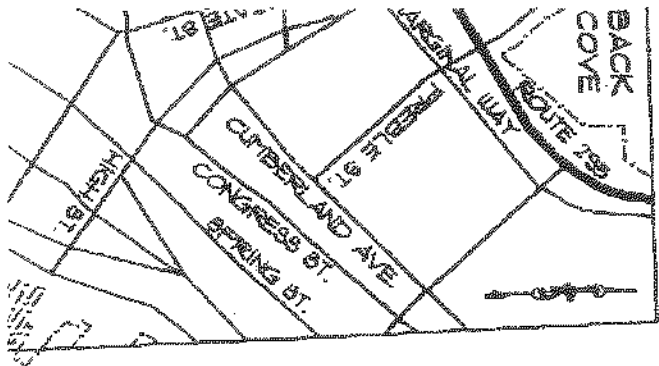
FUTURE DRAIN LOCATION  
6/6/05



26.53  
00  
6.3  
21.53

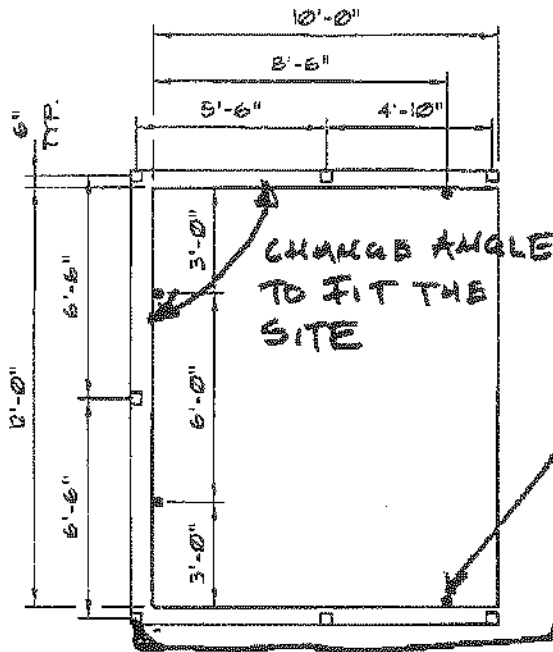
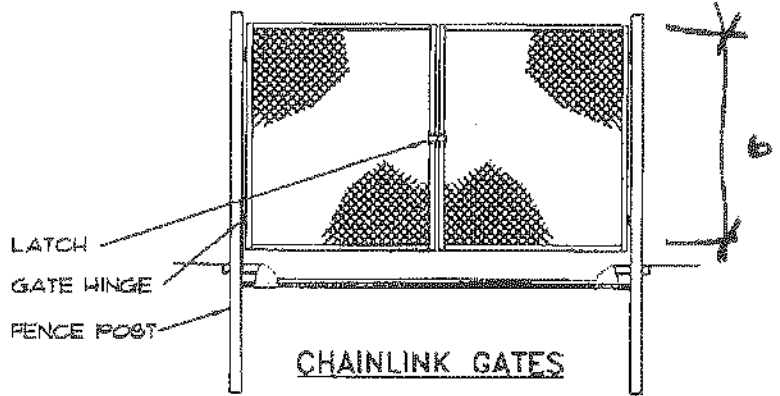
# DUMPSTER LOCATION

6/6/05



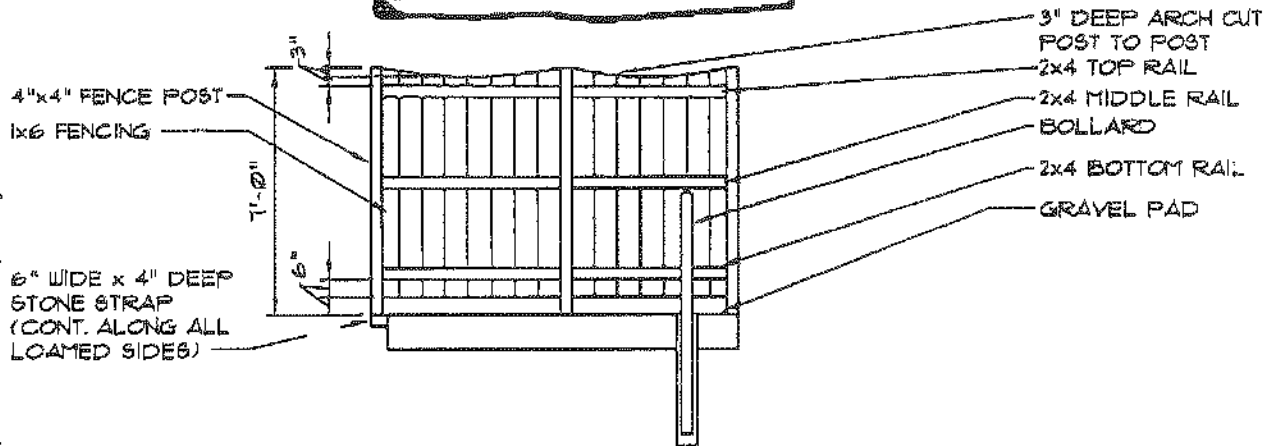
# IRIS DUMPSTER ENCLOSURE

6/6/05



- NOTES:
1. ALL WOOD TO BE PRESSURE TREATED TO A MIN. NET OF 40 lbs. CCA PER CUBIC FOOT OF WOOD AND EACH PIECE SHALL BEAR THE AMERICAN WOOD PRESERVERS BUREAU QUALITY MARK LP-22 "GROUND CONTACT USE."
  2. ALL NAILS AND SCREWS TO BE GALVANIZED.

ADJUST BOLLARD LOCATION  
EXTEND TO GARAGE



C:\Lond Projects 3\Drawing.dwg, Modif. 05/06/2005 1:29:46 PM

## 1 DUMPSTER ENCLOSURE DETAIL

NOT TO SCALE

ROBERT S. HARK  
rhark@troubhheisler.com  
PORTLAND OFFICE



Trough Heisler  
ATTORNEYS AT LAW

JUN 06 2005

June 2, 2005

Penny Littel, Esq.  
Associate Corporation Counsel  
City Hall for the City of Portland  
389 Congress Street  
Portland, ME 04101

RE: IRIS NETWORK  
Our file #: 200821.1

Dear Penny:

Enclosed for your file is a copy of the Order Amending Council Order No. 121-04/05 RE: Conditional Rezoning for the Iris Network 189-201 Park Avenue which was recorded in the Cumberland County Registry of Deeds on May 20, 2005, at Book 22658, Page 64.

Very truly yours,

Robert S. Hark

RSB/dlt  
Enclosure

TROUGH HEISLER PIAMPIANO  
HARK ANDRUCKI

PORTLAND OFFICE  
511 Congress Street  
P.O. Box 9711  
Portland, Maine 04104-5011  
207.780.6789  
Fax 207.774.2339

LEWISTON OFFICE  
179 Lisbon Street  
P.O. Box 7120  
Lewiston, Maine 04243-7120  
207.777.4600  
Fax 207.777.1328

[www.troubhheisler.com](http://www.troubhheisler.com)

JILL C. DUSON (MAYOR)(A/L)  
PETER O'DONNELL (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)

CITY OF PORTLAND  
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEE MAN (4)  
JAMES I. COIEN (5)

**ORDER AMENDING COUNCIL ORDER NO. 121-04/05  
RE: CONDITIONAL REZONING FOR  
The Iris Network  
189-201 Park Avenue**

**ORDERED**, that the language contained within the Conditional Rezoning at 189-201 Park Avenue be amended and superceded by the following language. This amendment is intended to clarify the original intent of the Council to allow for building within the existing R-5 zone but to modify the parking and density requirements.

**AMENDED  
CONDITIONAL ZONE AGREEMENT  
THE IRIS NETWORK**

**AGREEMENT** made this 11<sup>th</sup> day of May, 2005 by **THE IRIS NETWORK** a not for profit corporation with a principal place of business located at Park Avenue, Portland, Maine 04101 (hereinafter sometimes referred to as "**IRIS**").

**WITNESSETH**

**WHEREAS**, **IRIS** seeks to develop property located at 189- 201 Park Avenue, in the City of Portland and identified on the City of Portland on the Assessor's maps at Map 052, Block C, Lot(s) 003 (hereinafter referred to as the "**PROPERTY**"); and

**WHEREAS**, **IRIS** proposes to renovate the **PROPERTY** from offices and sixteen (16) SRO units to offices and twenty four (24) 1 bedroom residential units and six (6) 2-bedroom units. The residential units will serve the visually impaired and blind population; and

**WHEREAS**, the **PROPERTY** is currently located in the R-5 zoning district; and

**WHEREAS**, research has shown that the parking needs for persons with visual impairments is significantly lower than the residential parking requirements contained within the R-5 zone; and

**WHEREAS**, the purpose of this conditional rezoning is to allow a diminished parking requirement and an increased density requirement than would otherwise be allowed in the R-5 zone; and

**WHEREAS**, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Code §§ 14-60 to 14-62, and after notice and

hearing and due deliberation thereon, recommended the rezoning of the **PROPERTY**, subject, however, to certain conditions; and

**WHEREAS**, the **CITY** by and through its City Council has determined that said rezoning would be and is pursuant to and consistent with the **CITY'S** comprehensive land use plan and will establish uses that are consistent with the uses in the original zones and the surrounding areas; and

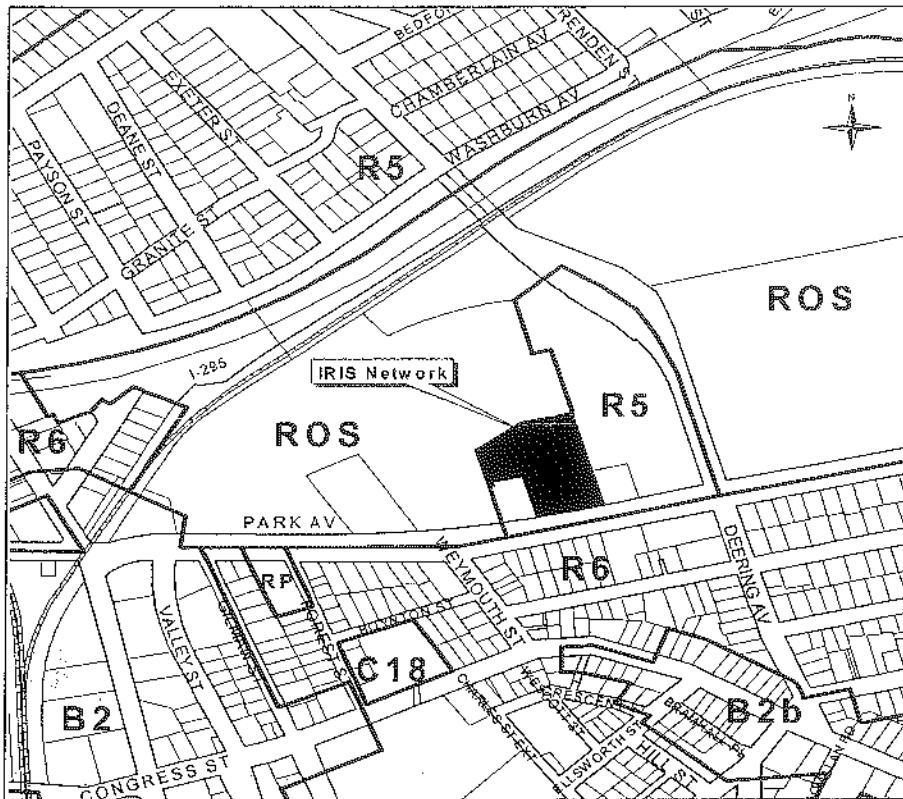
**WHEREAS**, the **CITY** has determined that the proposed development will be designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odors, and any other potential negative impacts of the proposal through the design and implementation of significant public traffic improvements, stormwater drainage improvements, landscaping and buffering; and

**WHEREAS**, the **CITY** has determined that because of the unusual nature and unique location of the proposed development and the need for significant public improvements it is necessary and appropriate to have conditions and restrictions which ensure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

**WHEREAS**, on April 25, 2005, the **CITY** authorized amendment to its Zoning Map based upon the terms and conditions contained within this Agreement, which terms and conditions become part of the **CITY'S** zoning requirements; and

**NOW, THEREFORE**, in consideration of the rezoning, **IRIS** covenants and agrees as follows:

1. Effective thirty days from the affirmative vote of the City Council on rezoning the **PROPERTY**, by Council Order No. 214-04/05, the City amends the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Portland City Code, by adopting the map change amendment for the **PROPERTY** shown herein.



## Proposed Contract Zone in R5 for IRIS Network, 189 Park Ave.

March 2005

2. This rezoning shall apply only while **IRIS**, or an entity controlled by or affiliated with **IRIS**, owns the **PROPERTY**, the housing thereon is reserved for use by visually impaired individuals, and the 16,800 square feet of office use if primarily related to the operation of **IRIS** or any successor not-for-profit entity. Otherwise, the **PROPERTY** shall revert to the R-5 or any successor zone.
3. Notwithstanding the density requirements in the underlying R-5 zone, **IRIS** shall be allowed to renovate the existing buildings on the **PROPERTY** from offices and sixteen (16) SRO units to offices and twenty four (24) 1 bedroom residential units and six (6) 2-bedroom units. The residential units will serve the visually impaired and blind population. **IRIS** agrees to maintain, for a period of ninety (90) years, the following controls on the residential portion of the development:

Marketing the residential units to visually impaired individuals with incomes at 50% and 60% of the Area Median Income



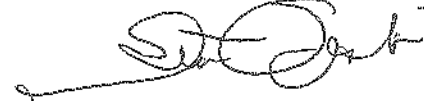
These affordability restrictions shall be secured by covenants and restrictions and conditions in any deeds conveyed out by **OWNER**.

4. Notwithstanding the parking requirements of the underlying R-5 zone, the following parking requirements shall be met:
  - a. Parking: A total of 54 parking spaces shall be provided as follows:
    - 41 spaces available for office uses on the **PROPERTY**
    - 13 spaces available for residential use on the **PROPERTY**
5. The **PROPERTY** shall otherwise conform to the zoning requirements of the R-5 zone.
6. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be reviewed by the Portland Planning Board under the subdivision and site plan provisions of the Portland City Code.
7. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall bind and benefit **IRIS**, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. Within 60 days of the rezoning by the City Council, **IRIS** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.
8. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
9. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
10. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRSA 4452) and City Ordinance. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of

11. the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **PROPERTY** rezoned.

Dated this 11 day of May, 2005.

THE IRIS NETWORK



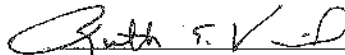
By: Steven Obremski  
Its: President

STATE OF MAINE  
CUMBERLAND, SS.

Date: May 11, 2005

Personally appeared the above-named Steven Obremski, in his capacity as President of The Iris Network and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of The Iris Network.

Ruth E. Vinal  
Notary Public  
State of Maine  
My Commission Expires  
March 3, 2012



Notary Public

[Print Name:] Ruth Vinal

SEAL

Received  
Recorded Register of Deeds  
May 20, 2005 10:41:53A  
Cumberland County  
John B OBrien