

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



# CITY OF PORTLAND BUILDING PERMIT

This is to certify that 32 THOMAS STREET, LLC

Located At 26 THOMAS ST

Job ID: 2012-07-4470-CH OF USE

CBL: 062- E-005-001

has permission to Change of use to 1<sup>st</sup> floor on the far left building to be no more than 2,800 sq ft of floor for office with day care and place of worship. (MAXIMUM 14 EMPLOYEES IN OFFICE AS PER CONDITIONAL RE-ZONING)  
provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the department.

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

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

Fire Prevention Officer

 8.10.12  
Code Enforcement Officer / Plan Reviewer

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

## BUILDING PERMIT INSPECTION PROCEDURES

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

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

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

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

Close In Elec/Plmb/Frame prior to insulate or gyp

Certificate of Occupancy Inspection

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

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



# PORTLAND MAINE

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Director of Planning and Urban Development  
Jeff Levine

Job ID: 2012-07-4470-CH OF USE

Located At: 26 THOMAS ST

CBL: 062- E-005-001

## **Conditions of Approval:**

### **Zoning**

1. Separate permits shall be required for any new signage. ANY exterior work requires a separate review and approval thru Historic Preservation.
2. This property is located within an Historic District.
3. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
4. This property shall remain offices for no more than 14 non-resident employees regularly scheduled to occupy the premises at any one time with a place of assembly and day care facilities. Any change of use shall require a separate permit application for review and approval.
5. The professional offices shall be located on the first floor of the parish house and shall occupy no more than 2,800 square feet of floor area.
6. The business utilizing the office space shall be a single tenant office user owned by or affiliated with the owner of the building complex.
7. The office use shall not generate frequent daily visitation by clients, customers, or the general public.
8. The owner or operator of the business shall secure and provide to its employees one (1) off-street parking space for each employee who commutes to the office by his or her automobile.

### **Building**

1. Application approval based upon information provided by the applicant or design professional. Any deviation from approved plans requires separate review and approval prior to work.
2. The change of use to business office applies to the 1<sup>st</sup> floor area only as designated, no other occupancy or use is allowed, separate permits required for such.
3. Separate permits are required for any electrical, plumbing, sprinkler, fire alarm, HVAC systems, heating appliances, including pellet/wood stoves, commercial hood exhaust systems and fuel tanks. Separate plans may need to be submitted for approval as a part of this process.

## **Fire**

1. Sections of the first floor identified as vacant on plan A101 and the upper floors of the old parish house shall remain vacant. Vacant spaces shall remain vacant from all uses until additional permits are approved and certificate of occupancy issued for those spaces.
2. All construction shall comply with City Code Chapter 10. The occupancy shall comply with City Code Chapter 10 upon inspection.
3. Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer. Contact Michelle Sweeney at 874-8682 for further information.
4. Any Fire alarm or Sprinkler systems shall be reviewed by a licensed contractor(s) for code compliance. All fire alarm installation and servicing companies shall have a Certificate of Fitness from the Fire Department. Compliance letters are required.
5. A separate Fire Alarm Permit is required for new systems; or for work effecting more than 5 fire alarm devices; or replacement of a fire alarm panel with a different model. This review does not include approval of fire alarm system design or installation.
6. Fire Alarm system shall be maintained. If system is to be off line over 4 hours a fire watch shall be in place. Dispatch notification required 874-8576.
7. All new smoke detectors and smoke alarms shall be photoelectric.
8. A separate Suppression System Permit is required for all new suppression systems or sprinkler work effecting more than 20 heads. This review does not include approval of sprinkler system design or installation.
9. A Knox Box is required.
10. Fire extinguishers are required per NFPA 1.
11. Emergency lights and exit signs are required to be labeled in relation to the panel and circuit and on the same circuit as the lighting for the area they serve.
12. Any cutting and welding done will require a Hot Work Permit from Fire Department.
13. Walls in structure are to be labeled according to fire resistance rating. IE; 1 hr. / 2 hr. / smoke proof.
14. A single source supplier should be used for all through penetrations.

## **Planning**

1. MAXIMUM 14 EMPLOYEES IN OFFICE AS PER CONDITIONAL RE-ZONING

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

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

Job No: 2012-07-4470-CH OF USE	Date Applied: 7/16/2012	CBL: 062- E-005-001	
Location of Construction: 26-32 THOMAS ST	Owner Name: 32 THOMAS STREET LLC	Owner Address: 477 CONGRESS ST, STE 601 PORTLAND, ME 04101	Phone:
Business Name: Majella Global Technologies	Contractor Name: LEDDY HOUSER	Contractor Address: 72 OCEAN ST SOUTH PORTLAND MAINE 04106	Phone: (207) 767-0903
Lessee/Buyer's Name:	Phone:	Permit Type: CHNG OF USE	Zone: Contract Zone
Past Use:  Place of Worship and day care Parish House	Proposed Use: To change the use of the 1 <sup>st</sup> floor on the far left building to be no more than 2,800 sq ft of floor area, with day care and place of worship (May 14 employees in office as per cond. REZONE AD)	Cost of Work: \$16,000.00	CEO District:
Proposed Project Description: Change of Use/ Religious to office		Fire Dept: 8/2/12 <input checked="" type="checkbox"/> Approved w/ conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A Signature: <i>[Signature]</i> (58)	Inspection: Use Group: A-3/B Type: 3B DBL-2009 Signature: <i>[Signature]</i>
Permit Taken By: Gayle		Zoning Approval	

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

<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland <i>N/A</i> <input type="checkbox"/> Wetlands <input type="checkbox"/> Flood Zone <i>N/A</i> <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan  Date: <i>OK with conditions</i> 7/26/12	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use <i>REZ</i> <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied  Date: 5/29/12	<b>Historic Preservation</b> <i>with</i> <input type="checkbox"/> Not in Dist or Landmark <input type="checkbox"/> Does not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Any Exterior work Date: <i>Requires A Separate review and Approval</i>
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## CERTIFICATION

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

SIGNATURE OF APPLICANT ADDRESS DATE PHONE

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE DATE PHONE



# General Building Permit Application

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

26-32

Location/Address of Construction: <u>32-36 Thomas St Portland ME 04101</u>		
Total Square Footage of Proposed Structure/Area <u>2,750 SF (Interior Reno)</u>		Square Footage of Lot <u>17,997</u>
Tax Assessor's Chart, Block & Lot Chart# <u>602</u> Block# <u>-E</u> Lot# <u>-5</u>	Applicant *must be owner, Lessee or Buyer* Name <u>M2 Thomas St LLC</u> Address <u>32 Thomas St, 4 77 Congress St St 6d</u> City, State & Zip <u>Portland ME 04101</u>	
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name Address City, State & Zip	Telephone: Cost Of Work: \$ <u>16,000</u> C of O Fee: \$ <u>75</u> Total Fee: \$ <u>255</u>
Current legal use (i.e. single family) <u>Religious &amp; Educational</u> If vacant, what was the previous use? Proposed Specific use: <u>Office</u> Is property part of a subdivision? _____ If yes, please name _____ Project description: <u>Installation of New 2-Hr rated door, (2) 90-minute doors w/ associated life safety features for change of use</u>		
Contractor's name: <u>Lenny Hauser</u> Address: <u>72 Ocean St</u> City, State & Zip <u>South Portland ME 04107</u> Telephone: <u>(207) 767-0903</u> Who should we contact when the permit is ready: _____ Telephone: _____ Mailing address: <u>72 Ocean St South Portland ME 04107</u>		

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

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

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

Signature: [Signature]

Date: 07/16/12

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



# Certificate of Design

Date:

July 16, 2012

From:

Matthew Winkler, Architect

These plans and / or specifications covering construction work on:

Grounds from to 32 Thomas St in the Parish  
House of Wilmston West.

Have been designed and drawn up by the undersigned, a Maine registered Architect / Engineer according to the *2003 International Building Code* and local amendments.

Signature:

M. Winkler

Title:

Architect

(SEAL)

Firm:

Gosselin Consulting

Address:

41 Bowdoin  
Portland

Phone:

(207) 450-0750

For more information or to download this form and other permit applications visit the Inspections Division on our website at [www.portlandmaine.gov](http://www.portlandmaine.gov)



# Commercial Interior & Change of Use Permit Application Checklist

All of the following information is required and must be submitted. Checking off each item as you prepare your application package will ensure your package is complete and will help to expedite the permitting process.

## One (1) complete set of construction drawings must include:

Note: Construction documents for costs in excess of \$50,000.00 must be prepared by a Design Professional and bear their seal.

- ☒ Cross sections w/framing details
- ☒ Detail of any new walls or permanent partitions
- ☒ Floor plans and elevations
- ☒ Window and door schedules
- ☐ Complete electrical and plumbing layout.
- ☐ Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment or other types of work that may require special review
- ☐ Insulation R-factors of walls, ceilings, floors & U-factors of windows as per the IECC 2003
- ☐ Proof of ownership is required if it is inconsistent with the assessors records.
- ☒ Reduced plans or electronic files in PDF format are required if originals are larger than 11" x 17".
- ☐ Per State Fire Marshall, all new bathrooms must be ADA compliant.

Separate permits are required for internal and external plumbing, HVAC & electrical installations.

For additions less than 500 sq. ft. or that does not affect parking or traffic, a site plan exemption should be filed including:

- ☒ The shape and dimension of the lot, footprint of the existing and proposed structure and the distance from the actual property lines.
- ☒ Location and dimensions of parking areas and driveways, street spaces and building frontage.
- ☒ Dimensional floor plan of existing space and dimensional floor plan of proposed space.

A Minor Site Plan Review is required for any change of use between 5,000 and 10,000 sq. ft. (cumulatively within a 3-year period)





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**Planning & Urban Development Department**

Jeff A. Levine, AICP, Director

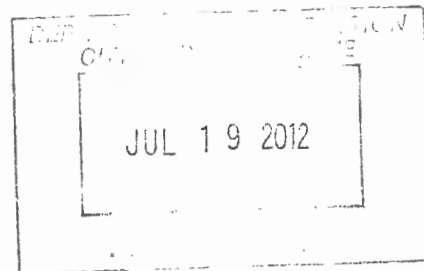
**Planning Division**

Alexander Jaegerman, Director

July 17<sup>th</sup>, 2012

Professor Frank Monsour  
32 Thomas Street LLC  
c/o Majella Global Technology  
477 Congress Street, Suite 601  
Portland, ME 04101

Matthew Winch  
Garrison Consulting  
41 Edgewood Avenue  
Portland, ME 04103



**RE: Application for Conditional Rezoning**  
**26-32 Thomas Street, Portland**  
**APP. NO: # 2012-414**  
**CBL: 62-E-5**

Dear Professor Monsour:

On May 29<sup>th</sup>, 2012 the Portland Planning Board voted 5-2 (Lewis and Silk opposed) to recommend the Conditional Zone Agreement and the associated map amendment to the City Council for its approval.

On June 18<sup>th</sup>, 2012 the City Council considered Order 214-11/12, Amendment to City Code §14-49 (Zoning Text and Map Amendment) Re: Conditional Zoning Agreement Williston-West Church. The City Council voted to pass the amendments with a vote of 6-3 (Coyne, Anton and Leeman opposed) subject to amendments.

The agreement must be signed and recorded at the Cumberland County Registry of Deeds within sixty (60) days after the effective date of the City Council's approval of the Order (as per provision 1 of the Conditional Rezoning Agreement). Please send the Planning Division a copy of the recorded agreement.

A certified copy of the agreement, in Order No 214-11/12 as passed, is available from the City Clerk's Office; Exhibits A and B (as approved and attached to this letter) should be appended to it, and the blanks filled in, prior to final signature and recording.

If there are any questions, please contact Jean Fraser, Planner, at 874-8728 or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,

Alexander Jaegerman  
Planning Division Director

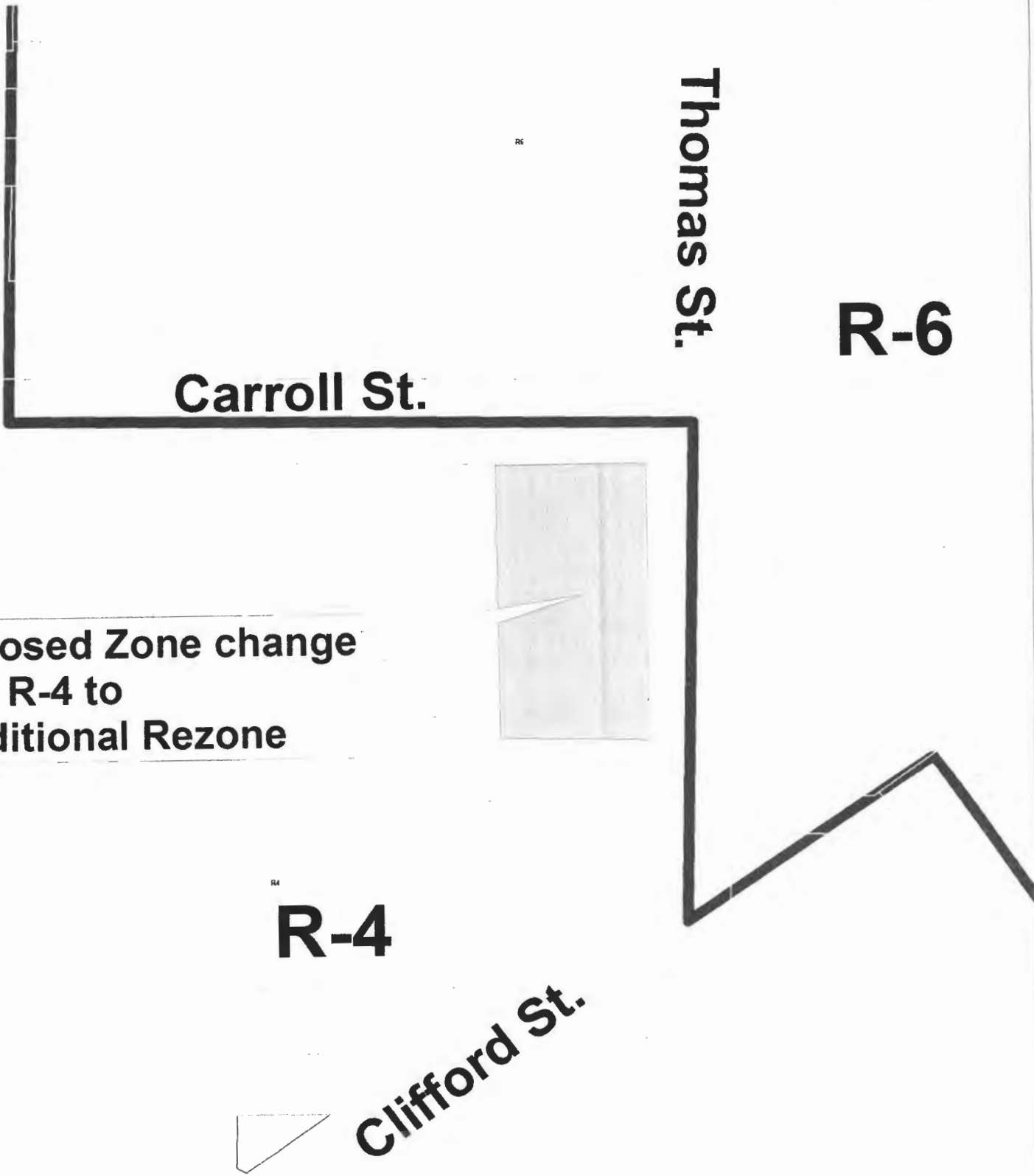
Attachments: Exhibits to Order 214-11/12

**cc. Electronic circulation:**

Jeff A Levine, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Tammy Munson, Inspections Division Director  
Danielle West-Chuhta, Associate Corporation Counsel

Michael Bobinsky, Public Services Director  
Katherine Earley, Public Services  
Bill Clark, Public Services  
David Margolis-Pineo, Deputy City Engineer  
Assessor's Office  
Approval Letter File

Mary Costigan, Bernstein Shur



Proposed Zone change  
from R-4 to  
Conditional Rezone

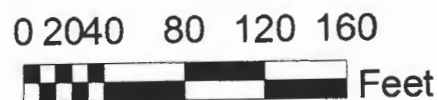
R-4

R-6

Clifford St.

Thomas St.

Carroll St.



Conditional Rezoning from R-4

22 Thomas Street

Order 214-11/12

Given first reading on 6/4/12

Passage as amended: 6-3 (Coyne, Anton, Leeman) 6-18-12

MICHAEL F. BRENNAN (MAYOR)

KEVIN J. DONOGHUE (1)

DAVID A. MARSHALL (2)

EDWARD J. SUSLOVIC (3)

CHERYL A. LEEMAN (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

JOHN R. COYNE (5)

JOHN M. ANTON (A/L)

JILL C. DUSON (A/L)

NICHOLAS M. MAVODONES (A/L)

**AMENDMENT TO CITY CODE  
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)  
RE: Conditional Zoning Agreement  
Williston-West Church**

**ORDERED**, that the zoning map and text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

**CONDITIONAL ZONE AGREEMENT**

**RE:**

**WILLISTON-WEST CHURCH**

AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2012 by 32 Thomas Street, LLC, 477 Congress St., Suite 601, Portland, Maine ("Developer"), and its successors and assigns.

**W I T N E S S E T H**

WHEREAS, the Developer owns real property located at 32 Thomas Street, consisting of the parcel shown on the City's Tax Map 62, Block E, Lot 5, being more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 29217, Page 171 (collectively the "Property"); and

WHEREAS, the existing building complex located on the Property was formerly used as the Williston-West Church; and

WHEREAS, the Property, located within the West End Historic District, is currently zoned R-4 Residential; and

WHEREAS, the properties on the opposite sides of Thomas and Carroll Streets, directly across from the Property, are zoned R-6 Residential; and

WHEREAS, the building complex located on the Property is comprised of two principal portions, the sanctuary and the parish house; and

WHEREAS, the building complex is listed in the National Register of Historic Places, the sanctuary is a designated local landmark as defined by Article IX of the

Portland City Code and the parish house is a contributing structure within the West End Historic District under Article IX; and

WHEREAS, the sanctuary and the parish hall are important, unique, large-scale, non-residential historic structures that were designed by noted architects Francis Fassett and John Calvin Stevens respectively; and

WHEREAS, the building complex significantly contributes to the architectural fabric of the neighborhood and distinctive sense of place that defines Portland and therefore requires special consideration with regard to its rehabilitation and preservation; and

WHEREAS, the standards of review for alterations of historic structures set forth in Portland City Land Use Code (the "Code") §14-650 include the following: (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose; and (b) The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

WHEREAS, the building complex located on the Property is falling into a state of disrepair; and

WHEREAS, historically appropriate and neighborhood compatible adaptive re-use of historic religious structures is often challenging, and reasonable use flexibility may enable economically viable rehabilitation and productive use of such buildings for their long term preservation; and

WHEREAS, the City's comprehensive plan includes the following stated goals: to preserve Portland's architectural and historic heritage; to promote an economic climate which increases job opportunities and overall economic well-being; and to preserve and enhance the quality and vitality of neighborhoods within and adjacent to the Downtown; and

WHEREAS, offices in residential zones, particularly in the R-4 zone, have been limited and any allowance of an office use in the R-4 zone should only be considered for large, unique, and historically significant structures which have not previously been in residential use, and must be carefully considered and controlled to achieve an appropriate balance between policies supporting neighborhood preservation and policies supporting economic development and preservation of the City's architectural and historic heritage; and

WHEREAS, the Developer proposes and intends to rehabilitate the parish house to provide for a family residence on the second and third floors, and a caretaker residence and office space on the first floor, as illustrated in Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to rehabilitate, preserve and maintain the sanctuary and to use the building as a community hall for limited community uses; and

WHEREAS, the Developer intends to maintain the historic character of the structures and Property and will commit to a rehabilitation schedule of improvements to the building complex to address immediate needs to ensure the soundness and integrity of the building envelope and structural elements, and intends to perform additional improvements to the building complex to prolong its useful life and preserve the historic character, all with the goal of extending the useful life of the building complex for a time period approaching fifty (50) years or longer; and

WHEREAS, the existing zoning is R-4 which has dimensional requirements that the existing building complex does not meet, but is lawfully nonconforming; and

WHEREAS, the proposed use of the building complex by the owner/Developer includes an office component that is a necessary economic value and program element for the feasibility of the productive use of the building complex and the associated rehabilitation investments; and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed development of the Property which will facilitate funding the comprehensive rehabilitation and long-term maintenance of the historic structures; and

WHEREAS, the proposed uses of the Property are consistent with the existing and permitted uses in the neighborhood, which include a mix of residential, commercial and institutional uses; and

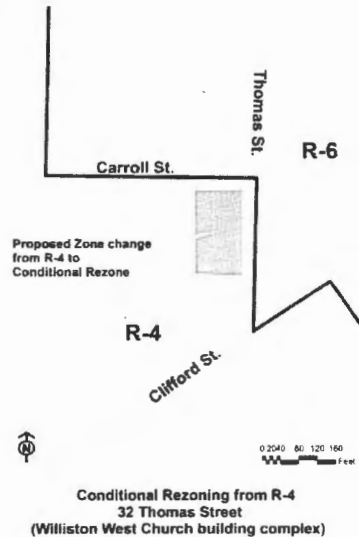
WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this AGREEMENT; and

WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ 14-60 to 14-62 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this AGREEMENT; and

WHEREAS, the Portland City Council has on \_\_\_\_\_, 2012 approved this Agreement in its entirety, by City Council Order No. \_\_\_\_\_, a true copy of which is attached hereto as Attachment 1 (the "Order");

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

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property conditional R-4, subject to the conditions contained below.



If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-4 zone.

2. Permitted uses:

- a. All uses allowed in the R-4 zone.
- b. Professional offices, including computer software programming and marketing, and excluding personal services, retail services and veterinarians, subject to the following limitations:
  - (1) Professional offices shall be located on the first floor of the parish house and shall occupy no more than 2,800 square feet of floor area.
  - (2) The total number of individuals working in the professional offices shall not exceed fourteen (14) non-resident employees regularly scheduled to occupy the premises at any one time.

- (3) The business utilizing the office space shall be a single tenant office user owned by or affiliated with the owner of the building complex.
- (4) The office use shall not generate frequent daily visitation by clients, customers, or the general public.
- (5) The owner or operator of the business shall secure and provide to its employees one (1) off street parking space for each employee who commutes to the office by his or her automobile.

3. Use of the sanctuary as a community hall shall be reviewed as a conditional use by the Planning Board, which may place limitations on the use of the sanctuary as a community hall, in addition to the requirements for community halls set forth in section 14-103(b)(2)(e). Said limitations may include, but are not limited to the following:

- a. Occupancy load;
- b. Hours and days of operation;
- c. Record keeping and reporting;
- d. Number of organizations that may be entitled to regular use of the community hall at any one time;
- e. Noise level as the property line; and
- f. Service of alcohol.

4. The underlying dimensional requirements of the R-4 zone shall apply and are modified as follows:

- a. Minimum Lot Size for place of assembly and professional office uses combined: 17,500 square feet.
- b. Minimum Yard Dimensions:
  1. Front yard: 3 feet.
  2. Rear Yard: 3 feet.
  3. Side Yard: 4 feet
  4. Side Yard on Side Streets: 8 feet.
- c. Maximum Lot Coverage: 90%.
- d. Maximum Structure Height (Sanctuary): 37 feet.
- e. Maximum Structure Height (Parish House): 46 feet.
- f. Maximum Structure Height (Bell Tower): 70 feet.
- g. Maximum Floor Area for Places of Assembly: 6,000 sq. ft.

- h. Residential dwellings within the existing structures shall be governed by the provisions of Section 14-103(a)(2) of the underlying R-4 zone. Density calculations for residential use shall be based on the lot size of the parcel without land area deductions for other non-residential uses on the site.

5. Any increase in the volume or footprint of either the parish house or the sanctuary shall be prohibited.

6. Subject to receiving all necessary regulatory approvals, the Developer shall rehabilitate the Property in accordance with the Rehabilitation Schedule and related elevation drawings A-1 through A-8, attached hereto as Exhibit B, in keeping with the standards of Article IX, Historic Preservation, of the Portland City Code and as shall be reviewed and approved by the Historic Preservation Board or staff under the terms of this Article. Rehabilitation shall commence within six (6) months of [date of enactment] and shall be completed within twenty-four (24) months of [date of enactment]. Any rehabilitation improvements required by this AGREEMENT not completed before the issuance of the certificate of occupancy for the office use shall be secured by a performance guarantee in the form of an escrow account, letter of credit, or equivalent surety approved by the Corporation Counsel of the City of Portland, in an amount equal to the estimated cost of completion of such improvements. Such performance guarantee shall be reduced by the City upon completion of improvement phases, but shall not be reduced to less than the estimated cost of any incomplete required improvements. In the event that the owner/developer fails to execute the required improvements by the time specified herein, unless granted an extension in writing from the Planning Authority of the time to complete for good cause and not to exceed an additional twelve (12) months, then the City of Portland or its designee shall have the right to utilize the proceeds of the performance guarantee to hire a competent contractor to complete such improvements. In such event, the Planning Authority shall have the right to review and approve the work scope consistency with the required improvements of Exhibit B, the specifications and methods of such work items, and contractor qualifications.

7. If any required approval, including the City Council's approval of this AGREEMENT, has been appealed or becomes the subject of litigation, then the required performance time frames contained in this AGREEMENT shall be measured from the final disposition of any such appeal or litigation. Failure, however, to commence the rehabilitation improvements or post the performance guarantee within the timeframes stipulated in this paragraph and/or paragraph 13 shall result in the reversion of the subject property to the underlying R-4 zone and this AGREEMENT shall be null and void.

8. The provisions of this AGREEMENT are intended to replace and/or supersede the associated provisions of the underlying R-4 zone. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-4 zone shall otherwise apply to the Property.



9. For a period of five (5) years from [date of enactment], Developer shall submit an annual report to the Planning Authority which shall include the number of employees working at the premises, the location and number of secured off street parking spaces, and other items pertaining to compliance with provisions of this AGREEMENT as required by the Planning Authority. Thereafter, to the extent the Planning Authority requires additional information/report(s) the Developer shall provide the Authority with any such additional information/report(s).

10. The Developer shall replace and/or repair the sidewalk and all other public property surrounding the entire Property if said sidewalk or other public property is damaged as a result of construction on the Property including, but not limited to, construction of the residential and office uses described in this AGREEMENT.

11. Under no circumstances shall the Developer be permitted to convert any residential property in the R-4 zone to an institutional use.

1240. In the event of a breach by the Developer or its successors or assigns of the provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a Court determines such breach), the Planning Board, after notice and hearing, may review the circumstances of the breach and recommend to the City Council that this AGREEMENT be amended or be rescinded and determine that such rescission should result in the termination of this AGREEMENT and a reversion of the Property to the R-4 zone requirements in place before the execution of this AGREEMENT.

1341. This AGREEMENT may also be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRS § 4452 and the Portland City Code.

1412. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

1513. The Planning Authority shall be notified of any potential and/or pending sale of the Property (which most likely will be evidenced by a Purchase & Sales Agreement or its equivalent), and prior to closing the sale of the Property shall meet with the buyer and verify that he/she/it has read, understood and agrees to be bound by the terms, conditions, limitations and provisions of this AGREEMENT, and said buyer shall so state in a signed affidavit to be kept on file with the Planning Authority.

1614. 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.

1745. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code, including but not limited to, the maintenance requirements for historic structures set forth in section 14-690 of the Code, and any applicable amendments thereto or replacement thereof.

**[Signatures to Follow on Next Page]**

WITNESS: \_\_\_\_\_

32 THOMAS STREET, LLC

\_\_\_\_\_  
BY:

STATE OF MAINE  
CUMBERLAND, ss.

\_\_\_\_\_, 2012

Personally appeared before me the above-named \_\_\_\_\_, in his/her capacity as \_\_\_\_\_ of 32 THOMAS STREET, LLC, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law



# PORTLAND MAINE

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

## Receipts Details:

**Tender Information:** Check , BusinessName: Majella Global Technologies, Check Number: 2187

**Tender Amount:** 255.00

## Receipt Header:

**Cashier Id:** gguertin

**Receipt Date:** 7/16/2012

**Receipt Number:** 46003

## Receipt Details:

Reference ID:	7269	Fee Type:	BP-C of O
Receipt Number:	0	Payment Date:	
Transaction Amount:	75.00	Charge Amount:	75.00
Job ID: Job ID: 2012-07-4470-CH OF USE - Change of Use/ Religious to office			
Additional Comments: 26 thomas , Majella Global Technologies			

Reference ID:	7272	Fee Type:	BP-Constr
Receipt Number:	0	Payment Date:	
Transaction Amount:	180.00	Charge Amount:	180.00
Job ID: Job ID: 2012-07-4470-CH OF USE - Change of Use/ Religious to office			



# Certificate of Design Application

From Designer:

Matthew Winkler, Architect.

Date:

7/16/12

Job Name:

32 Thomas St

Address of Construction:

32 Thomas St

## 2003 International Building Code

Construction project was designed to the building code criteria listed below:

Building Code & Year 2009 Use Group Classification (s) B

Type of Construction 3A

Will the Structure have a Fire suppression system in Accordance with Section 903.3.1 of the 2003 IRC (H)

Is the Structure mixed use? Yes If yes, separated or non separated or non separated (section 302.3) Separated

Supervisory alarm System? Yes Geotechnical/Soils report required? (See Section 1802.2) No

### Structural Design Calculations N/A

Submitted for all structural members (106.1 – 106.11)

### Design Loads on Construction Documents (1603)

Uniformly distributed floor live loads (7603.11, 1807)

Floor Area Use	Loads Shown

### Wind loads (1603.1.4, 1609)

- Design option utilized (1609.1.1, 1609.6)
- Basic wind speed (1809.3)
- Building category and wind importance Factor,  $I_w$  (table 1604.5, 1609.5)
- Wind exposure category (1609.4)
- Internal pressure coefficient (ASCE 7)
- Component and cladding pressures (1609.1.1, 1609.6.2.2)
- Main force wind pressures (7603.1.1, 1609.6.2.1)

### Earth design data (1603.1.5, 1614-1623)

- Design option utilized (1614.1)
- Seismic use group ("Category")
- Spectral response coefficients,  $S_D$  &  $S_{D1}$  (1615.1)
- Site class (1615.1.5)

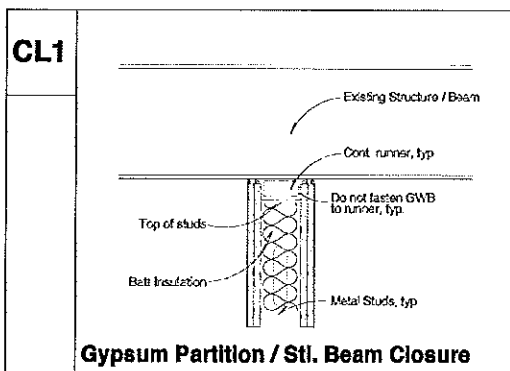
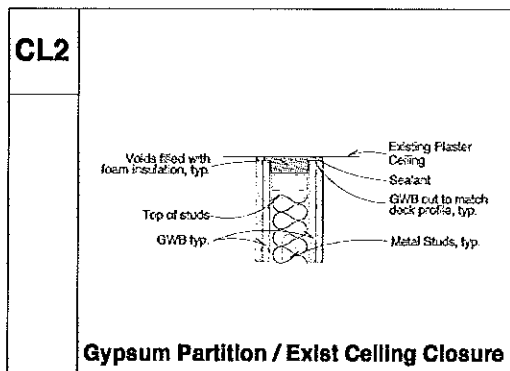
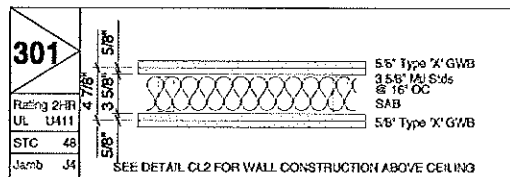
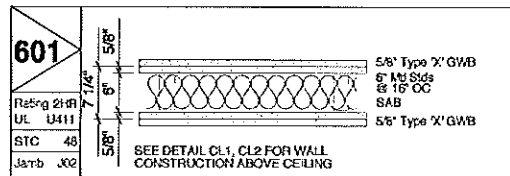
- Live load reduction
- Roof live loads (1603.1.2, 1607.11)
- Roof snow loads (1603.7.3, 1608)
- Ground snow load,  $P_g$  (1608.2)
- If  $P_g > 10$  psf, flat-roof snow load  $P_f$
- If  $P_g > 10$  psf, snow exposure factor,  $E$
- If  $P_g > 10$  psf, snow load importance factor,  $I_s$
- Roof thermal factor,  $C_t$  (1608.4)
- Sloped roof snowload,  $P_s$  (1608.4)
- Seismic design category (1616.3)
- Basic seismic force resisting system (1617.6.2)
- Response modification coefficient,  $R$ , and deflection amplification factor,  $C_d$  (1617.6.2)
- Analysis procedure (1616.6, 1617.5)
- Design base shear (1617.4, 1617.5.1)

### Flood loads (1803.1.6, 1612)

- Flood Hazard area (1612.3)
- Elevation of structure

### Other loads

- Concentrated loads (1607.4)
- Partition loads (1607.5)
- Misc. loads (Table 1607.8, 1607.6.1, 1607.7, 1607.12, 1607.13, 1610, 1611, 2404)



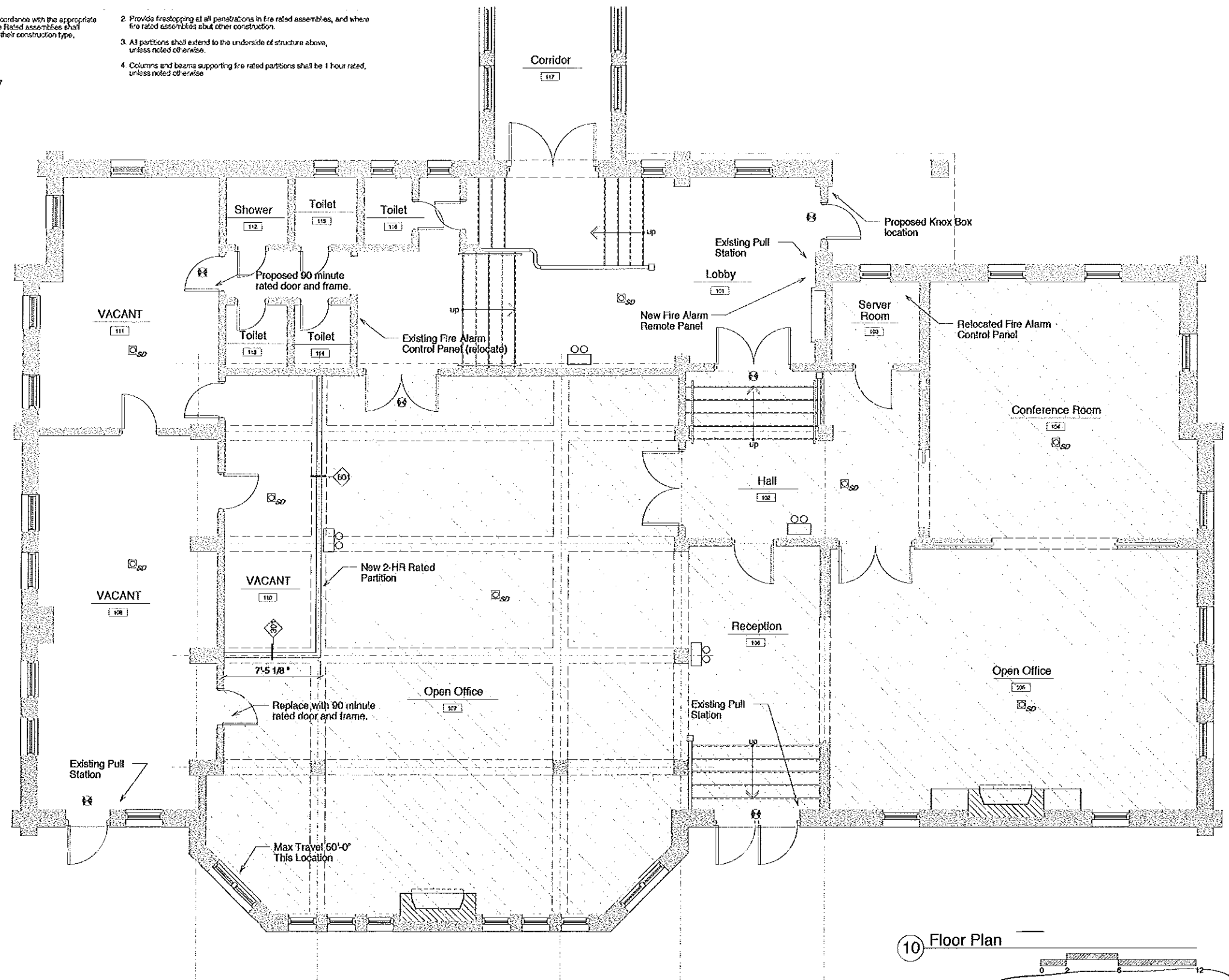
1. Partition type designations refer to the following wall construction systems:  
300 Series - 3 5/8" Metal stud construction to approx 12'-0" AFF (VERIFY)  
600 Series - 3 5/8" Metal stud construction to approx 19'-0" AFF (VERIFY)
2. All GWB to be cut to fit around penetrations, pipes, ducts, conduit, cables, etc. All penetrations shall be sealed with acoustic sealant, unless noted otherwise.
3. All partitions extending to underside of slab above shall fully follow the contour of structure.
4. All sound insulated partitions shall extend to the underside of structure above, unless noted otherwise.
5. All sound insulated partitions shall be sealed with acoustic sealant under the shoe, head, and jamb, and at all GWB joints.
6. Refer to Room Finish Schedule for wall finish and base information.
- 623**
- Partition type designation
- 1HR (not rated), 1HR, 2HR, 3HR as applicable
- UL design number. See Fire Rating notes this sheet
- STC design value for partition as applicable
- Jamb detail reference for this partition type
- Partition Notes / Legend**

## Fire Rating Notes

- All Fire Rated assemblies to be constructed in accordance with the appropriate U.L. design number for the construction type. Fire Rated assemblies shall conform to the following U.L. design numbers for their construction type, unless noted otherwise:
  - 1 Hour Assemblies  
GWB Partitions UL465  
GWB / Cementitious Partitions UL404, UL407
  - 2 Hour Assemblies  
GWB Partitions UL411  
GWB / Cementitious Partitions UL404.A  
CMU Partitions UL905
- Provide firestopping at all penetrations in fire rated assemblies, and where fire rated assemblies abut other construction.
- All partitions shall extend to the underside of structure above, unless noted otherwise.
- Columns and beams supporting fire rated partitions shall be 1 hour rated, unless noted otherwise.

## Light Fixture Legend

- 1 strip fluorescent w/ wraparound lens
- 2 strip fluorescent w/ wraparound lens
- cold weather rtd lensed GW fluorescent PL in 6" diameter housing
- bathroom exhaust fan
- lensed GW fluorescent PL in 6" diameter housing
- Schleut 100 DS w/ fluorescent add on kit
- GW fluorescent PL in 6" diameter housing
- smoke detector (wireless) w/ diagnostic nickel-cad battery
- EXIT signage Duraglow Photoluminescent
- Emergency Lighting Lead Calcium Battery



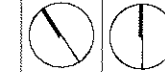
**10 Floor Plan**

Denotes Office Change of Use 2,750 Square Feet

**GARRISON CONSULTING**

41 edgewood ave  
portland, maine 04103  
telephone 207 450 0750  
e-mail matthew.winch@earthlink.net

<b>J02</b>	3 1/2" x 5 1/4" x 5/8"	5/8" Gyp Type X (2 Layers) Studs @ 16" OC HM Frame (2-Hr) 5/8" Gyp Type X (2 Layers)	Max. Rating 2HR Part Types 601
<b>J01</b>	3 1/4" x 3 1/4" x 3/4"	3/4" Lath & Plaster Studs @ 16" OC HM Frame (2-Hr) 3/4" Lath & Plaster	Max. Rating 2HR Part Types EX-1



project name **Majella GT**

project location **32 Thomas Street  
Portland, Maine**

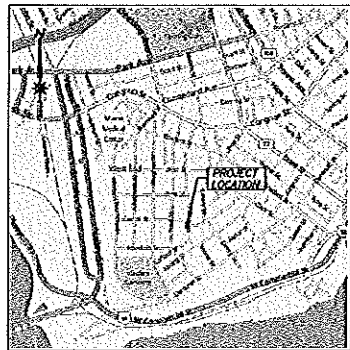
date **July 16, 2012**

scale **1/4" = 1'-0"**

project # **2012-018**

drawing title **Floor Plan,  
Partition Details**

drawing number **A101**



VICINITY MAP  
N.T.S.

NEAL STREET

3" O/S GRANITE MONUMENT FOUND (HELD 0.25' OFF LINE)

N/F McLELLAN SCHOOL HOUSES-CONDOMINIUMS 62-E-1

N/F Sidney TRIPP 15671/307 62-E-2

N/F WILLISTON CHURCH 525/221 & 652/460 62-E-5 17,998 S.F.

N/F MCKEE ASSOCIATES LLC. 15262/140 62-E-12

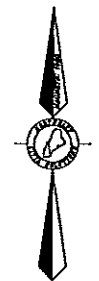
ABUTTER'S DWELLING

CARROLL STREET

SPRUCE STREET

THOMAS STREET

CLIFFORD STREET



PINE STREET

### LEGEND

- #5 REBAR WITH PLASTIC CAP STAMPED "NCS, INC. PLS 1314" SET ON 12/22/11
- FOUND IRON PIPE (AS NOTED)
- FOUND MONUMENT (AS NOTED)
- ⊕ FOUND DRILL HOLE
- ⊖ FOUND IRON ROD
- ⊙ UTILITY POLE
- ⊗ GUY WIRE ANCHOR
- ⊘ FOUND DECIDUOUS TREE
- BOUNDARY LINE
- EASEMENT LINE
- EDGE OF PAVEMENT
- RIGHT-OF-WAY LINE
- ABUTTER LINE
- OVERHEAD UTILITY
- NOW OR FORMERLY OWNED BY DEED BOOK AND PAGE (CCORD)
- TAX MAP-BLOCK-LOT
- PARENTHESIS DENOTE RECORD DATA

### NOTES

- THE BASIS OF BEARING FOR THIS SURVEY MAGNETIC 1990 AND FROM PLAN REFERENCED IN NOTE 4.0.
- DEED AND PLAN BOOK REFERENCES ARE TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
- RECORD OWNERSHIP OF THE PARCELS SURVEYED CAN BE FOUND IN THE FOLLOWING DEEDS OF RECORD:
  - a. DEED FROM ASSEY STEEL TO WILLISTON CHURCH DATED APRIL 13, 1886 AND RECORDED IN DEED BOOK 525, PAGE 221.
  - b. DEED FROM EDWARD CHASE TO WILLISTON CHURCH DATED SEPTEMBER 9, 1897 AND RECORDED IN DEED BOOK 652, PAGE 460.
- REFERENCE IS MADE TO THE FOLLOWING PLANS:
  - a. PLAN OF LAND ON NEAL AND CARROLL STREETS PORTLAND, MAINE FOR McLELLAN SCHOOL HOUSES, BY OWEN HASKELL, INC., DATED DECEMBER 15, 1992 AND RECORDED IN PLAN BOOK 87, PAGE 1.
  - b. CLIFFORD STREET CONDOMINIUM AT 15 CLIFFORD STREET PORTLAND, MAINE FOR WILLIAM HAMILL, BY OWEN HASKELL, INC. DATED SEPTEMBER 10, 1990 AND RECORDED IN PLAN BOOK 37, PAGE 1.
  - c. PLAN OF REVALUATION PLAN OF PORTLAND, DATED OCTOBER 24, 1894 AND RECORDED IN PLAN BOOK 5, PAGE 62.
  - d. VARIOUS RIGHT-OF-WAY PLANS OBTAINED FROM THE CITY OF PORTLAND ENGINEERING DEPARTMENT.
- THE PARCEL SURVEYED IS IDENTIFIED ON THE CITY OF PORTLAND TAX ASSESSOR'S MAP 62, BLOCK E, PARCEL 5.
- THE PARCEL SURVEYED IS LOCATED IN THE R-4 ZONE/DISTRICT. PORTIONS OF BULK AND SPACE REQUIREMENTS ARE AS FOLLOWS:
  - MINIMUM STREET FRONTAGE.....50'
  - MINIMUM FRONT YARD.....25'
  - MINIMUM SIDE YARD.....10'
  - MINIMUM REAR YARD.....25'\*SIDE YARD IS DETERMINED BY HEIGHT OF STRUCTURE AND CAN INCREASE TO 16'
- THE WIDTH AND LAYOUT OF CARROLL AND THOMAS STREETS IS 60' AND FROM PLANS REFERENCED IN NOTES 4.4
- REFERENCE IS MADE TO THE FOLLOWING EASEMENTS OF RECORD:
  - a. SUBJECT TO THE RIGHT OF CENTRAL MAINE POWER AND NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY TO CONSTRUCT, ERECT, REBUILD, OPERATE, MAINTAIN AND REMOVE ELECTRIC DISTRIBUTION AND COMMUNICATION LINES AS DESCRIBED IN DEED BOOK 3157, PAGE 51.
- THE UTILITIES SHOWN ON THIS PLAN WERE FROM FIELD OBSERVATION ONLY. THERE MAY BE OTHER UTILITIES EXISTING THAT ARE NOT SHOWN. CONTACT DIG-SAFE (888)DIG-SAFE PRIOR TO ANY EXCAVATION WORK.
- THERE IS MENTION OF AN UNDERGROUND OIL STORAGE FACILITY IN DEED BOOK 9824, PAGE 155. THE LOCATION OF THIS FACILITY IS UNKNOWN.


Revision	By	Date	Change
1	ADA	12/22/11	UPDATED SET MONUMENTATION

PROJECT: 33078	DRAWING NAME: 33078.DWG
DATE: DECEMBER 13, 2011	SCALE: 1"=20'
FIELD BY: ADA	DRAWN BY: ADA

Boundary Survey  
26 THOMAS STREET, PORTLAND, MAINE

Owner:  
WILLISTON CHURCH  
26 THOMAS STREET, PORTLAND, MAINE

Prepared For:  
MAJELLA GLOBAL TECHNOLOGY DEVELOPMENT  
1200 MIDDLE STREET, PORTLAND, MAINE



SURVEYING ENGINEERING LAND PLANNING


**Northeast Civil Solutions**

INCORPORATED

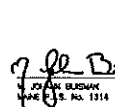
153 US ROUTE 1, SCARBOROUGH, MAINE 04074

tel: 207.883.1000 fax: 207.883.1001 e-mail: info@northeastcivilsolutions.com

800.882.2227




### STAMP AND SIGNATURE



*J. W. Buisman*

J. W. BUISMAN  
MAINE REG. NO. 1314

DATE: 12-22-11



IF THIS PLAN DOES NOT CONTAIN AN EMBOSSED SEAL, IT IS NOT AN ORIGINAL AND MAY BE VOID.