

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BUILDING INSPECTION PERMIT

Permit Number: 040190

Please Read
Application And
Notes, If Any,
Attached

This is to certify that Ly Tim Q /Paramount Signs
has permission to 96 s.f. building sign
AT 468 Forest Ave 116 A003001

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

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

Notification of inspection must be given and when permission is procured before this building or part thereof is occupied or otherwise closed-in. **YOUR NOTIFICATION IS REQUIRED.**

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

OTHER REQUIRED APPROVALS

Fire Dept. _____
Health Dept. _____
Appeal Board _____
Other _____
Department Name

Jeannie Bourke 3/29/04
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

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

PERMIT ISSUED

| | | |
|-----------------------|----------------------------|---------------------|
| Permit No: 04-0190 | Issue Date: MAR 30 2004 | CBL: 116 A003001 |
|-----------------------|----------------------------|---------------------|

| | | | |
|---|-------------------------------------|---|----------------------|
| Location of Construction: 468 Forest Ave | Owner Name: Ly Tim Q | Owner Address: 468 Forest Ave CITY OF PORTLAND | Phone: |
| Business Name: | Contractor Name: Paramount Signs | Contractor Address: P.O. Box 8497 Portland | Phone: 2077975356 |
| Lessee/Buyer's Name | Phone: | Permit Type: Signs - Permanent | Zone: B2b |

| | | | | | |
|--|---|--|-------------------------|--|--|
| Past Use: Commercial/Light Industrial <i>r</i> | Proposed Use: Commercial/Light Industrial w/96 s.f. building sign <i>8'x6'</i> | Permit Fee: \$222.00 | Cost of Work: \$0.00 | CEO District: 3 | |
| Proposed Project Description: 96 s.f. building sign <i>6' x 8'</i> <i>legal use: retail, personal services & business</i> | | FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied | | INSPECTION: Use Group: <i>B</i> Type: <i>Sign</i> <i>BOCA 1999</i> | |
| | | Signature: | | Signature: <i>XMB 3/29/04</i> | |
| PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) | | | | | |
| Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied | | | | | |
| Signature: _____ Date: _____ | | | | | |

| | | |
|-------------------------|---------------------------------|-----------------|
| Permit Taken By: kwd | Date Applied For: 03/03/2004 | Zoning Approval |
|-------------------------|---------------------------------|-----------------|

| | | | |
|---|---|--|--|
| <p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p> | <p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland</p> <p><input type="checkbox"/> Wetland</p> <p><input type="checkbox"/> Flood Zone</p> <p><input type="checkbox"/> Subdivision</p> <p><input type="checkbox"/> Site Plan</p> <p>Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/></p> <p><i>ok with conditions</i> Date: <i>3/23/04</i></p> | <p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Date: _____</p> | <p>Historic Preservation</p> <p><input checked="" type="checkbox"/> Not in District or Landmark</p> <p><input type="checkbox"/> Does Not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied <i>S</i></p> <p>Date: _____</p> |
|---|---|--|--|

CERTIFICATION

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

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

City of Portland, Maine - Building or Use Permit

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

| | | |
|-----------------------|---------------------------------|---------------------|
| Permit No: 04-0190 | Date Applied For: 03/03/2004 | CBL: 116 A003001 |
|-----------------------|---------------------------------|---------------------|

| | | | |
|---|-------------------------------------|---|-------------------------|
| Location of Construction: 468 Forest Ave | Owner Name: Ly Tim Q | Owner Address: 468 Forest Ave | Phone: |
| Business Name: | Contractor Name: Paramount Signs | Contractor Address: P.O. Box 8497 Portland | Phone (207) 797-5356 |
| Lessee/Buyer's Name | Phone: | Permit Type: Signs - Permanent | |

| | |
|---|---|
| Proposed Use: Commercial/retail, personal service, business w/ 6' x 8' building sign | Proposed Project Description: Commercial/retail, personal service business w/ 6' x8' building sign |
|---|---|

Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 03/23/2004

Note: I was told by Paramount Signs that all other building signs have been removed. **Ok to Issue:**

- 1) BEFORE specific signage is put into any of the panels, This office needs a permit to insure that the use is allowed within this zone and that an applicable permit has been issued. PLEASE BE AWARE, signage is considered to be an assessorly use to a principal allowable use under the Zoning Ordinance.
- 2) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work. It is understood that all other building signs have been removed from the building. This multi-tenant sign shall be the ONLY SIGN affixed to the building.

Dept: Building **Status:** Approved **Reviewer:** Jeanine Bourke **Approval Date:** 03/29/2004

Note: **Ok to Issue:**

- 1) Separate permits are required for any electrical work.

04-0190

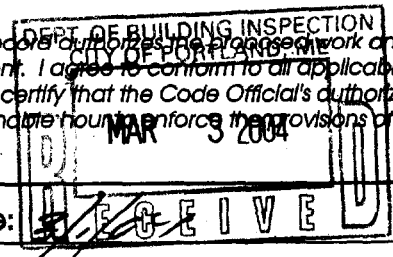
Signage/Awning Permit Application

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

| | | |
|--|--|--|
| Location/Address of Construction: <u>468 Forest Ave.</u> | | |
| Total Square Footage of Proposed Structure | Square Footage of Lot | |
| Tax Assessor's Chart, Block & Lot Chart# <u>116</u> Block# <u>A</u> Lot# <u>003</u> | Owner: | Telephone: |
| Lessee/Buyer's Name (if Applicable) <u>TIM G LY</u> <u>468 Forest Ave</u> <u>Portland ME 04102</u> | Applicant name, address & telephone: <u>PARAMOUNT SIGNS</u> <u>P.O. BOX 8497</u> <u>Portland ME</u> <u>04101</u> | Total s.f. of signage x \$1.00 per s.f. plus \$30.00 = Total Fee: \$ <u>3,500</u> Awning Fee = Cost Of Work: \$ _____ Total Fee: \$ _____ |
| Current use: Office bldg <u>commercial - light industrial</u> | | <u>96</u> 4 <u>2</u> = <u>192</u> <u>+ 30</u> <u>222</u> |
| If the location is currently vacant, what was prior use: <u>NC</u> | | |
| Approximately how long has it been vacant: <u>n/a</u> | | |
| Proposed use: Office Bldg <u>w/ 96 sf bldg. sign</u> | | |
| Project description: _____ | | |
| Contractor's name, address & telephone: <u>PARAMOUNT SIGNS</u> <u>Attn: Edward Blum as the owner</u> <u>P.O. BOX 8497</u> <u>Portland ME 04103</u> <u>797 5356</u> | | |
| Who should we contact when the permit is ready: Mailing address: _____ | | |
| We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. PHONE: _____ | | |

IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT. WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

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 of applicant: <u>Edward Blum</u> | Date: _____ |
|--|-------------|

This is NOT a permit, you may not commence ANY work until the permit is issued.

SIGNAGE/AWNING PRE-APPLICATION QUESTIONNAIRE

PLEASE ANSWER ALL QUESTIONS

ADDRESS: 468 Forest Ave ZONE: B2b

CBL: _____

SINGLE TENANT LOT? YES _____ NO _____ MULTI TENANT LOT? YES NO _____
MORE THAN ONE SIGN TOTAL WITH PROPOSED SIGN? YES _____ NO

INFORMATION ON PROPOSED SIGN(S):

FREESTANDING (e.g., pole) SIGN? YES _____ NO _____ DIMENSIONS PROPOSED: _____
BLDG. WALL SIGN? (attached to bldg) YES NO _____ DIMENSIONS PROPOSED: 6' x 8' = 48 sq ft
prop set by

INFORMATION ON ALREADY EXISTING AND PERMITTED SIGN(S):

FREESTANDING (e.g., pole) SIGN? YES _____ NO DIMENSIONS: _____
BLDG. WALL SIGN(attached to bldg) ? YES _____ NO DIMENSIONS: _____
AWNING? YES _____ NO _____ DIMENSIONS: _____

LOT FRONTAGE (FEET): 1
TENANT/ALLOCATED BUILDING SPACE FRONTAGE (FEET): bldg 20' high, 157' frontage, 120' long, 150 sq ft max

AWNING YES _____ NO _____ IS AWNING BACKLIT? YES _____ NO
HEIGHT OF AWNING: _____ LENGTH OF AWNING: _____ DEPTH: _____

IS THERE ANY COMMUNICATION, MESSAGE, TRADEMARK OR SYMBOL ON IT? YES _____ NO _____
IF YES, TOTAL S.F. OF PANELS WITH COMMUNICATIONS/MESSAGE/TRADEMARK/SYMBOL? _____ s.f.

A SITE SKETCH AND BUILDING SKETCH SHOWING EXACTLY WHERE EXISTING AND NEW SIGNAGE IS LOCATED MUST BE PROVIDED. SKETCHES AND/OR PICTURES OF PROPOSED SIGNAGE ARE ALSO REQUIRED.

SIGNATURE OF APPLICANT: Eldred [Signature] DATE: 3/2/04
superintendent 3/2/04

***** FOR OFFICE USE ONLY *****

OFFICE OF BUILDING INSPECTION
CITY OF PORTLAND, ME

MAR 3 2004

FIVE



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

Current Owner Information

| | |
|--------------------------|---|
| Card Number | 1 of 1 |
| Parcel ID | 116 A003001 |
| Location | 468 FOREST AVE |
| Land Use | RETAIL & PERSONAL SERVICE |
| Owner Address | LY TIM Q 468 FOREST AVE PORTLAND ME 04101 |
| Book/Page | 18895/159 |
| Legal | 116-A-3 FOREST AVE 466-468 6524 SF |

Valuation Information

| | | |
|-------------|-----------------|--------------|
| Land | Building | Total |
| \$101,430 | \$238,350 | \$339,780 |

Building Information

| Bldg # | Year Built | # Units | Bldg Sq. Ft. | Identical Units |
|--------|------------|---------|--------------|-----------------|
| 1 | 1959 | 1 | 5750 | 1 |

| | | | | |
|--------------------|------------------------|----------------|----------------------------|----------------------|
| Total Acres | Total Buildings | Sq. Ft. | Structure Type | Building Name |
| 0.15 | 5750 | | OFFICE BUILDING - LOW-RISE | QUINN ENTERPRISES |

Exterior/Interior Information

| Section | Levels | Size | Use |
|---------|--------|------|-----------------|
| 1 | 81/81 | 2080 | SUPPORT AREA |
| 1 | 01/01 | 3670 | OFFICE BUILDING |

| Height | Walls | Heating | A/C |
|--------|-------------|----------|------|
| 10 | | HW/STEAM | |
| 14 | CONC. BLOCK | ELECTRIC | NONE |

Building Other Features

| Line | Structure Type | Identical Units |
|------|--------------------------|-----------------|
| 2 | ELEVATOR - ELEC. FREIGHT | 1 |
| 2 | CANOPY - ONLY | 1 |

Yard Improvements

| Year Built | Structure Type | Length or Sq. Ft. | # Units |
|------------|-----------------|-------------------|---------|
| 1980 | ASPHALT PARKING | 2950 | 1 |

ACORD™ INSURANCE BINDER

DATE (MM/DD/YY)

FEB 17 04

THIS BINDER IS A TEMPORARY INSURANCE CONTRACT, SUBJECT TO THE CONDITIONS SHOWN ON THE REVERSE SIDE OF THIS FORM

PRODUCER
STEPHEN P ST ANGELO
 ANDERSON WATKINS ASSOCIATES, INC
 31 CENTRAL STREET
 WESTBROOK ME 04092
 PHONE: 207-866-5500
 FAX: 207-866-0004
 CODE: 6210570 SUB CODE

COMPANY
PEERLESS INSURANCE CO
 BINDER # 487
 DATE EFFECTIVE TIME DATE EXPIRATION TIME
 FEB 18 04 AM MAR 17 04 X 12:01 AM
 PM NOON

AGENCY CUSTOMER # 111
 INSURED
TIM Q LY
 212 ST JOHN ST
 PORTLAND ME 04102

THIS BINDER IS ISSUED TO EXTEND COVERAGE IN THE ABOVE NAMED COMPANY PER EXPIRING POLICY #:
 DESCRIPTION OF OPERATIONS/VEHICLES/PROPERTY (Including Location)
488 Forest Ave Portland ME 04101

COVERAGES

| TYPE OF INSURANCE | CAUSES OF LOSS | COVERAGE/FORMS | DEDUCTIBLE | COINS % | AMOUNT |
|---|--|---|------------|---------|--|
| PROPERTY | BASIC <input type="checkbox"/> BROAD <input type="checkbox"/> SPEC <input checked="" type="checkbox"/> | BUILDING-ACV BII | 2,500 | 75 | 280,000 ALS |
| GENERAL LIABILITY | COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> | COMMERCIAL GENERAL LIABILITY | | | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES \$ 50,000 MEDICAL EXPENSE (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPLETE AGG \$ 1,000,000 |
| AUTOMOBILE LIABILITY | ALL AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS | | | | COMBINED SINGLE LIMIT BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$ MEDICAL PAYMENTS \$ PERSONAL INJURY PROT \$ UNINSURED MOTORIST \$ |
| AUTO PHYSICAL DAMAGE | COLLISION OTHER THAN COLL | ALL VEHICLES <input type="checkbox"/> SCHEDULED VEHICLES <input type="checkbox"/> | | | ACTUAL CASH VALUE STATED AMOUNT \$ OTHER \$ |
| GARAGE LIABILITY | ANY AUTO | | | | AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY EACH ACCIDENT \$ AGGREGATE \$ |
| EXCESS LIABILITY | UMBRELLA FORM OTHER THAN UMBRELLA FORM | RETRO DATE FOR CLAIMS MADE: | | | EACH OCCURRENCE \$ AGGREGATE \$ SELF-INSURED RETENTION \$ |
| WORKERS COMPENSATION AND EMPLOYER'S LIABILITY | | | | | WC STATUTORY LIMITS E.L. EACH ACCIDENT \$ E.L. DISEASE - EACH EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |
| SPECIAL CONDITIONS/OTHER COVERAGES: | TEMPORARY PROOF OF INSURANCE UNTIL POLICY IS ISSUED | | | | FEE \$ TAXES \$ ESTIMATED TOTAL PREMIUM \$ |

DEPT OF REVENUE
 CITY OF PORTLAND, ME
 RECEIVED
 MAR 3 2004
 MORTGAGE LOSS PAYEE
 AUTHORIZED REPRESENTATIVE

NAME & ADDRESS

ATTENTION:
ACORD 76-B (2001/01)
 NOTE: IMPORTANT STATE INFORMATION ON REVERSE SIDE
 © ACORD CORPORATION 1993
 PRR31897
 Stephen P. St Angelo

Table 2.13, continued

b. Individual Business Signs

Alternative 1

| | B-1, B-2, AB, B-4, IB Zones | |
|--|------------------------------------|------------------------------------|
| | Tenant's Frontage < 150 linear ft. | Tenant's frontage ≥ 150 linear ft. |
| - Maximum Area | 150 sq. ft. | na |
| - Sq. ft. per linear ft. of bldg. front | 1.5 sq. ft. | na |
| - Maximum % of wall area on which sign(s) is(are) to be placed | na | 5% |
| - # permitted per business (a) | 1 | 1 |

(a) If individual tenant fronts on more than one street, one additional building sign is permitted for each additional frontage, but at 1/2 the maximum allowable area of the first.

1.5

15

Alternative 2

Note: Alternative 2 is available as an option to proprietors of multi-tenant lots needing greater flexibility in allocating signs to tenants. This option requires the submission of a signage plan as described in Section 14-368 (d) as evidence that all building signs on the subject lot comply with the provisions of this ordinance, including the size and number limits of this table. All nonconforming building signs must be brought into compliance to be eligible for the Alternative 2 option.

| | | |
|--|--|---------------------------|
| - Maximum Permitted Sign Area | na | |
| - Maximum % of wall area on which signs are to be placed | Principal Facade(s) 5% | All Other Facade(s) 2% |
| - # building signs permitted per lot | 1 per tenant plus 1 additional per building face | |

5%

35

Applicant:

Date:

Address:

Assessor's No.:

CHECK LIST AGAINST ZONING ORDINANCE

Date - 3-22-89

Zone Location - B-2

Interior or corner lot -

Use - retail, personal service, business

Sewage Disposal - city

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

Lot Area -

Building Area -

Area per Family -

Width of Lot -

Lot Frontage -

Off-street Parking -

Loading Bays -

Site Plan -

Shoreland Zoning -

Flood Plains -

use is ok - I checked with corp. counsel, they seem to agree

PERMIT # _____ CITY OF Portland BUILDING PERMIT APPLICATION

MAP # _____ LOT# _____

Please fill out any part which applies to job. Proper plans must accompany form.

Owner: Carlton P. Morin - 603-436-3251

Address: P. O. Box 6676 Portsmouth, N. H. 03801

LOCATION OF CONSTRUCTION 468 Forest Avenue - 1-story with base.

CONTRACTOR: none SUBCONTRACTORS: _____

ADDRESS: _____

Est. Construction Cost: 3,000.00 Type of Use: offices

Post Use: COMM

Building Dimensions L _____ W _____ Sq Ft _____ # Stories _____ Lot Size _____

Is Proposed Use: _____ Seasonal _____ Condominium _____ Apartment _____

Conversion - Explain Interior renovations on 1st. Floor, as per plan.

COMPLETE ONLY IF THE NUMBER OF UNITS WILL CHANGE

Residential Buildings Only:
Of Dwelling Units _____ # Of New Dwelling Units _____

Foundation:

1. Type of Soil: _____
2. Set Backs - Front _____ Rear _____ Side(s) _____
3. Footings Size: _____
4. Foundation Size: _____
5. Other _____

Floors:

1. Sills Size: _____ Sills must be anchored.
2. Girder Size: _____
3. Lally Column Spacing: _____ Size: _____
4. Joists Size: _____ Spacing 16" O.C.
5. Bridging Type: _____ Size: _____
6. Floor Sheathing Type: _____ Size: _____
7. Other Material: _____

Exterior Walls:

1. Studding Size _____ Spacing _____
2. No. windows _____
3. No. Doors _____
4. Header Sizes _____ Span(s) _____
5. Bracing: Yes _____ No _____
6. Corner Posts Size _____
7. Insulation Type _____ Size _____
8. Sheathing Type _____ Size _____
9. Siding Type _____ Weather Exposure _____
10. Masonry Materials _____
11. Metal Materials _____

Interior Walls:

1. Studding Size _____ Spacing _____
2. Header Sizes _____ Span(s) _____
3. Wall Covering Type _____
4. Fire Wall if required _____
5. Other Materials _____

For Official Use Only

Date: March 8, 1989 Subdivision: Yes / No

Inside Fire Limits _____ Name _____

High Code _____ Lot _____

Time Limit _____ Block _____

Estimated Cost: \$3,000.00 Permit Expiration: _____

Value Structure _____ Ownership: _____

Fee: 35.00

PERMIT ISSUED

Ceilings:

1. Ceiling Joists Size: _____
2. Ceiling Strapping Size _____ Spacing _____ MR-88-1089
3. Type Ceiling: _____
4. Insulation Type _____ Size _____
5. Ceiling Height: _____

City Of Portland

Roof:

1. Truss or Rafter Size _____ Span _____
2. Sheathing Type _____ Size _____
3. Roof Covering Type _____
4. Other _____

Chimneys:

Type: _____ Number of Fire Places _____

Heating:

Type of Heat: _____

Electrical:

Service Entrance Size: _____ Smoke Detector Required: Yes _____ No _____

Plumbing:

1. Approval of soil test if required: Yes _____ No _____
2. No. of Tubs or Showers _____
3. No. of Fixtures _____
4. No. of Lavatories _____
5. No. of Other Fixtures _____

Swimming Pools:

1. Type: _____
2. Pool Size: _____ x _____ Square Footage _____
3. Must conform to National Electrical Code and State Law.

Zoning:

District: _____ Front Frontage Req. _____ Provided _____

Required Setbacks: Front _____ Back _____ Side _____

Review Required:

Zoning Board Approval: Yes _____ No _____ Date _____

Planning Board Approval: Yes _____ No _____ Date _____

Conditional Use: _____ Variance: _____ Site Plan: _____ Subdivision: _____

Shore and Floodplain Mgmt. _____ Special Exception: _____

Other: _____ (Explain) _____

Date Approved: _____

Permit Received By: Joyce M. Rinaldi

Signature of Applicant: [Signature] Date: 3-8-89

Signature of CEO: [Signature] Date: _____

Inspection Dates: (6) KC

EATON, PEABODY, BRADFORD & VEAGUE, P.A.

2 CENTRAL PLAZA
AUGUSTA, MAINE 04320

(207) 622-3747

FAX 622-9792

GEORGE F. PEABODY
MERRILL R. BRADFORD
MALCOLM E. MORRELL, JR.
JOHN W. CONTI
ROBERT J. EATON
JOHN E. MCKAY
THOMAS M. BROWN
EDWARD D. LEONARD III
CALVIN E. TRUE
BERNARD J. KIMBETZ
THOMAS C. JOHNSTON
CLARISSA B. EDELSTON
DOUGLAS M. SMITH
DANIEL G. MCKAY
STEPHEN G. MORRELL
GLEN L. PORTER

GORDON H. S. SCOTT
MARTIN L. WILK
CLARE HUDSON PAYNE
MICHAEL B. TRAINOR
JOHN A. CUNNINGHAM
EDGAR S. CATLIN III
WILLIAM S. DEVOE
KAREN A. BOWLER
P. ANDREW HAMILTON
GEORGE F. EATON II
JULIA E. KNIGHT
DAVID C. DUSHAM
DOUGLAS C. SENSENIG
GREGORY A. BRODEK
THOMAS P. SHEHAN, JR.

JOHN E. HESS, of Counsel

GEORGE F. EATON (1892-1954)
ARNOLD L. VEAGUE, Retired 1987

BANGOR OFFICE
MERRILL CENTER - EXCHANGE STREET
BANGOR, MAINE 04401

BRUNSWICK OFFICE
167 PARK ROW
BRUNSWICK, MAINE 04011

DOVER-FOXCROFT OFFICE
30 EAST MAIN STREET
DOVER-FOXCROFT, MAINE 04426

March 7, 1989

Mr. William Giroux
Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Change of Use Permit Application for 468 Forest Avenue
Property

Dear Mr. Giroux:

This firm has been retained by Kathryn H. Quinn to represent her regarding her prospective purchase of the above-referenced property from its current owner, Mr. Carlton P. Morin. Mr. Morin, through his agent James D. Harnden, has applied for a Change of Use Permit for this property, to change it from a Business Service use to a combination Business Service/Personal Service/Retail use. We believe that a close examination of the business Mrs. Quinn proposes to relocate here will demonstrate that Quinn Enterprises is engaged in providing a combination of business and personal services (as those terms are defined in Portland's Zoning Ordinance). Mrs. Quinn also proposes to utilize the property in the future for retail purposes. These three uses are permitted uses in a B-2 Community Business Zone under the Portland City Code, Section 14-182(2). This letter is submitted on behalf of Mrs. Quinn in support of the permit application.

BUSINESS/PERSONAL SERVICE USE

Mrs. Quinn's business (d/b/a Quinn Enterprises) is currently located at 615 Congress Street in Portland. Employing eight people at present, Quinn Enterprises is one of a few businesses in the

RECEIVED

MAR 08 1989

DEPT. OF BUILDING INSPECTION

William Giroux
Page 2
March 7, 1989

United States engaged in pavé - the decoration of women's shoes and handbags through application of clear crystal stones. The shoes and handbags so decorated are sold in finer women's stores in major cities throughout the United States. Pavé may be briefly described as follows: Quinn Enterprises receives a completely finished pair of shoes or a handbag from a retailer or manufacturer. They are completely functional and are ready for retail sale. (Each retailer/manufacturer Quinn Enterprises provides its services for sells the vast majority of each line of shoes or handbags undecorated.) An employee of Quinn Enterprises then applies by hand, small, colored, clear crystal stones in an artistic pattern on the shoe or handbag. It is very intricate, time-consuming work. Quinn Enterprises also repairs shoes, handbags or other accessories whose pavé work has been damaged. Quinn Enterprises renders this decorative service to shoe and handbag retailers and manufacturers on a per article, fee basis.

The unique services Quinn Enterprises provides constitute a combination of business and personal services. These services clearly constitute business services under the City of Portland's Zoning Ordinance, as Quinn Enterprises is an establishment "primarily engaged in rendering services to other business establishments on a fee or contract basis." Portland City Code Section 14-47. These services also involve the care of accessories. As such, they constitute to some degree personal services, as that term is defined in Section 14-47.

Quinn Enterprises proposes to continue its business at 468 Forest Avenue. The services it proposes to provide at this location are clearly not manufacturing, in any sense of the word. Quinn Enterprises is not in any way associated with the various nuisance-type impacts that cause municipalities to limit allowable locations for manufacturing in their zoning ordinances. It generates no noise or air pollution. The glue its employees use is nontoxic; no hazardous chemicals at all are present. No machinery or manufacturing process is used. (As demonstrated by the enclosed copy of Quinn Enterprises most recent Personal Property Declaration form, Quinn Enterprises does not own any equipment or machinery related to its services, nor does it lease such equipment or machinery.) Its few employees do not generate the significant traffic volume typically associated with manufacturing facilities.

Manufacturing is defined as "to make into a product suitable for use... (or) to make from raw materials by hand or machinery." Webster's New Collegiate Dictionary (1975). The U. S. Supreme Court has found that "[m]anufacture implies a change, but every change is not manufacture, and yet every change in an article is the result

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of treatment, labor, and manipulation. But something more is necessary... [t]here must be a transformation; a new and different article must emerge, 'having a distinctive name, character or use.'" Anheuser-Busch Brewing Association v. United States, 207 U.S. 556, 562, 28 S. Ct. 204, 52 L. Ed. 336 (1908) (citing Hartranft v. Wiegmann, 121 U.S. 609, 30 L. Ed. 1012, 7 Sup. Ct. Rep. 1240). Maine's Supreme Judicial Court has also spoken clearly in support of the U. S. Supreme Court's definition of manufacturing. Echoing the U. S. Supreme Court, it has found that "[a]pplication of labor to an article either by hand or mechanism does not make the article necessarily a manufactured article. To make an article manufactured, the application of the labor must result in a new and different article with a distinctive name, character or use." Inhabitants of Leeds v. Maine Crushed Rock and Gravel Company, 127 Me. 51, 56, 141 A.73 (1928). The Law Court reaffirmed this definition in 1965, stating that "in order to constitute manufacturing, the original material must undergo a transformation so that a new and different article or product emerges." Buckley v. Northeastern Paving Corp., 161 Me. 330, 332, 211 A.2d 889, 891 (1965) citing 55 C.J.S., Manufacturers, Section 3(d) [1]). The Law Court in Buckley found that blending stone/sand with asphalt and subjecting the two materials to controlled heat produced bituminous concrete (or "hot top") for road paving, which is an article having a different character or use than the two individual materials. Id. at 333. No such situation exists with regards to Quinn Enterprises' pavé services.

The U. S. Supreme Court in Anheuser-Busch held that the application of a special chemical and drying treatment to imported corks for beer bottles was not manufacturing, even though the taste of beer would be affected by untreated corks, concluding that a "cork put through the claimant's process is still a cork." 207 U.S. at 563. Application of the crystal stones by hand to completely finished shoes or handbags does not result in a new and different article with a distinctive name, character or use. They undergo no transformation creating a new and different article. The shoes or handbags are still shoes or handbags. They are not sold under a different brand name. They are still utilized for the exact same uses for which they had been manufactured. The shoes/handbags have merely been artistically decorated by Quinn Enterprises, much as a bakery decorates a cake it has produced. The end result is still a cake.

RETAIL USE

Mrs. Quinn also proposes to utilize the front thirty percent of the building located at 468 Forest Avenue for retail purposes, operating a women's boutique that would sell shoes, jewelry and accessories. (See sketches of building.) Mrs. Quinn operated such a boutique in her previous pavé/retail location (640 Congress

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Street). This boutique was quite successful. In need of additional space for her business, however, Mrs. Quinn was forced to relocate Quinn Enterprises to third floor space at 615 Congress Street, which made retail operations impracticable. Besides her desire to own, rather than rent, office space for Quinn Enterprises, the most attractive feature of 468 Forest Avenue to Mrs. Quinn was its tremendous potential as a women's clothing and accessories retail site. Maintaining the payé decorative service in the rear portion of the building will allow this retail shop time to succeed.

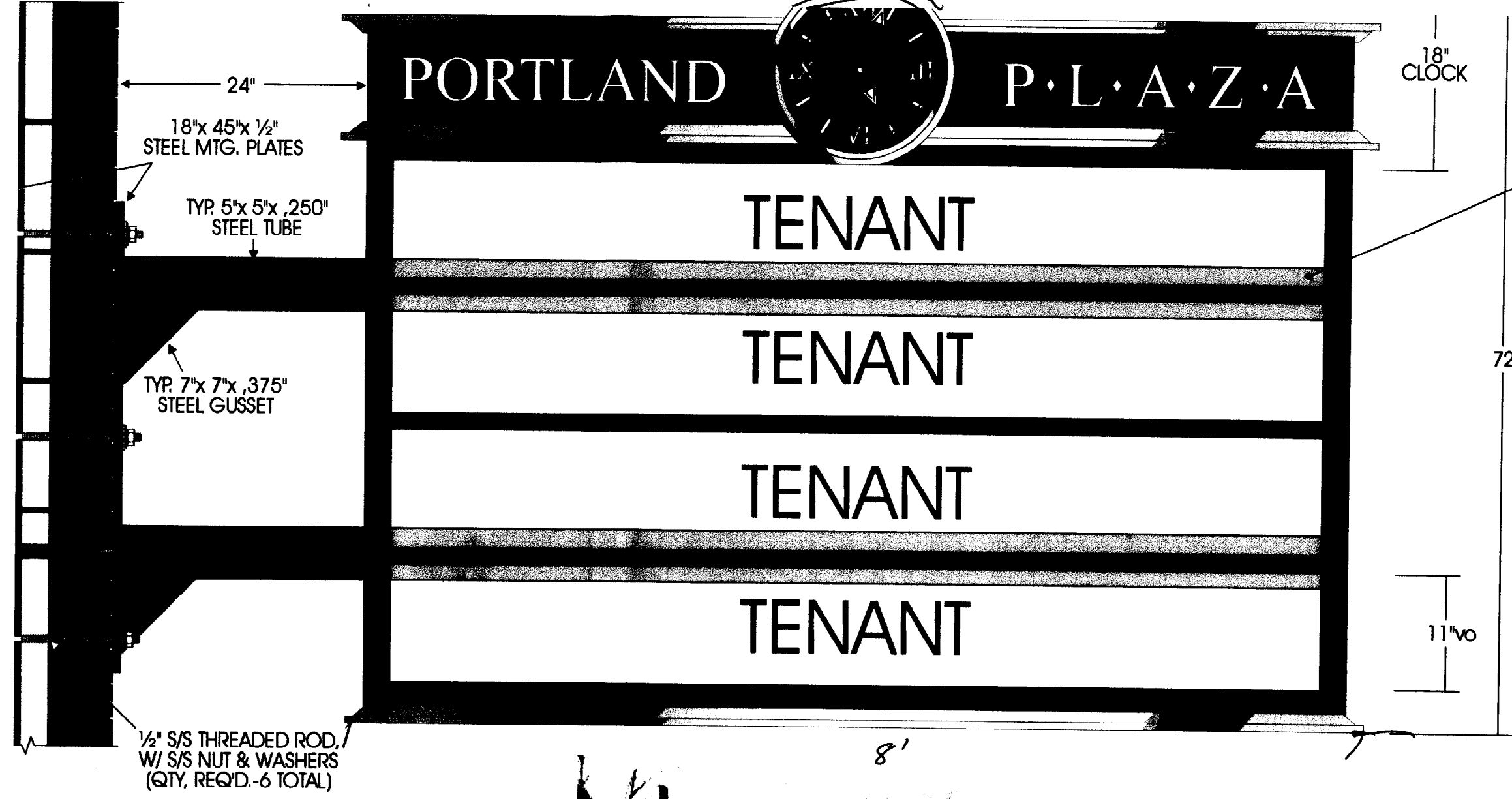
In conclusion, the Change of Use Permit application filed by Carlton Morin changing the use of the property from Business Service to Business Service/Personal Service/Retail should be granted by the City of Portland. Though it may appear at first glance that Quinn Enterprises' business activity may constitute manufacturing, a closer examination of the proposed activity and the definition of manufacturing adopted by the U. S. Supreme Court and Maine Law Court demonstrates that no manufacturing takes place during Quinn Enterprises decorative services process. What occurs is merely a rendering of artistic business/personal services on a fee basis to retailers and manufacturers of women's shoes and other accessories.

I would appreciate your prompt consideration of this permit application, as the Purchase and Sale Agreement between Mrs. Quinn and Mr. Morin requires the closing take place by April 1, 1989.

Very truly yours,


David C. Durham

DCD:rt
Encs.
cc w/encs: Kathryn Quinn



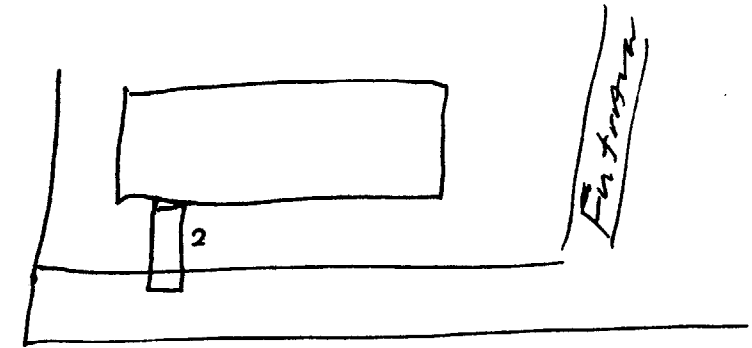
SECTION SCALE: 1" = 1'-0"



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Location: PORTLAND, ME

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20' x 15'

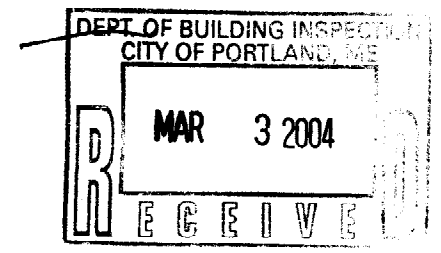


Front View

Sign will hang over side walk 1' 10' OF S (one foot)

10'

OF ground



12
15
TIC