

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

|   |  |  |  |   |  |   |  |  |
|---|--|--|--|---|--|---|--|--|
| Location of Construction:<br>726 Forest Avenue  |  | Owner:<br>Steven Mardagan  |  | Phone:<br>772-5555  |  | Permit No:<br><b>991019</b>   |  |  |
| Owner Address:  |  | Lessee/Buyer's Name:<br>**Joseph M R. Saucier, 726 Forest Avenue                           |  | Phone:<br>04103   |  |   | Permit Issued:<br><b>SEP 22 1999</b><br>CITY OF PORTLAND<br>Zone: CBL: 130-2-021 |  |
| Contractor Name:<br>Scott Dodd  |  | Address:   |  | Phone:  |  | CITY OF PORTLAND<br>Zone: CBL: 130-2-021  |  |  |
| Past Use:<br>Office   |  | Proposed Use:<br>Restaurant / Lounge   |  | COST OF WORK:<br>\$ 700   |  |   | PERMIT FEE:<br>\$ 30   |  |
| Proposed Project Description:<br>Change of Use<br>Office to Restaurant/Lounge<br>Enclose front door and add wall kitchen area |  | FIRE DEPT. <input checked="" type="checkbox"/> Approved<br><input type="checkbox"/> Denied |  | INSPECTION:<br>Use Group: A-3 Type 5/15<br>BOCA 9c  |  | Zoning Approval:<br>Special Zone or Reviews:<br><input type="checkbox"/> Shoreland<br><input type="checkbox"/> Wetland<br><input type="checkbox"/> Flood Zone<br><input type="checkbox"/> Subdivision<br><input type="checkbox"/> Site Plan maj <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/> |  |  |
|   |  |  |  | Signature: [Signature]  |  |   | Signature: [Signature]   |  |
|   |  |  |  | PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)<br>Action: Approved <input type="checkbox"/><br>Approved with Conditions: <input type="checkbox"/><br>Denied <input type="checkbox"/> |  |   | Signature: _____ Date: _____   |  |
| Permit Taken By:<br>Kathy   |  | Date Applied For:<br>7/14/99   |  |   |  |   |  |  |

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

PERMIT ISSUED  
WITH REQUIREMENTS

**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 provisions of the code(s) applicable to such permit

7/15/99

SIGNATURE OF APPLICANT ADDRESS: DATE: PHONE:

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE PHONE:

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

CEO DISTRICT

3

COMMENTS

11/6 Complet- Close out

Inspection Record

| Type              | Date  |
|-------------------|-------|
| Foundation: _____ | _____ |
| Framing: _____    | _____ |
| Plumbing: _____   | _____ |
| Final: _____      | _____ |
| Other: _____      | _____ |

BUILDING PERMIT REPORT

DATE: 17 July 99 ADDRESS: 726 Forest Ave. CBL: 130-H-021

REASON FOR PERMIT: Change of Use from Office To Restaurant & Lounge

BUILDING OWNER: Steven Mardagan

PERMIT APPLICANT: Scott Dodd

USE GROUP A-3 BOCA 1996 CONSTRUCTION TYPE \_\_\_\_\_

CONDITION(S) OF APPROVAL

This permit is being issued with the understanding that the following conditions are met:

Approved with the following conditions: \*1, \*11, \*13, \*20, \*23, \*27, \*29, \*32, \*33, \*34, \*35, #31

1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
2. Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection)
3. Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
4. Foundations anchors shall be a minimum of 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of foundation and a maximum 6' o.c. between bolts. (Section 2305.17)
5. Waterproofing and dampproofing shall be done in accordance with Section 1813.0 of the building code.
6. Precaution must be taken to protect concrete from freezing. Section 1908.0
7. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
8. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of 1/2 inch gypsum board or the equivalent applied to the garage means of 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4, Section 407.0 of the BOCA/1996)
9. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993). Chapter 12 & NFPA 211
10. Sound transmission control in residential building shall be done in accordance with Chapter 12, Section 1214.0 of the City's Building Code.
11. Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42", except Use Group R which is 36". In occupancies in Use Group A, B, H-4, I-1, I-2, M and R and public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. (Handrails shall be a minimum of 3e4" but not more than 38". Use Group R-3 shall not be less than 30", but not more than 38".) Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2". (Sections 1021 & 1022.0) - Handrails shall be on both sides of stairway. (Section 1014.7)
12. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
13. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 1/4" maximum rise. All other Use Group minimum 11" tread, 7" maximum rise. (Section 1014.0)
14. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6'8") 1014.4
15. Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508mm), and a minimum net clear opening of 5.7 sq. ft. (Section 1018.6)
16. Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units. (Section 1010.1)
17. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closer's. (Over 3 stories in height requirements for fire rating is two (2) hours.) (Section 710.0)
18. The boiler shall be protected by enclosing with (1)hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. (Table 302.1.1)
19. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 920.3.2 (BOCA National Building Code/1996), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be

installed and maintained at the following locations):

- In the immediate vicinity of bedrooms
- In all bedrooms
- In each story within a dwelling unit, including basements

In addition to the required AC primary power source, required smoke detectors in occupancies in Use Groups R-2, R-3 and I-1 shall receive power from a battery when the AC primary power source is interrupted. (Interconnection is required) Section 920.3.2.

- X 20. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type. (Section 921.0)
- 21. The Fire Alarm System shall maintained to NFPA #72 Standard.
- 22. The Sprinkler System shall maintained to NFPA #13 Standard.
- X 23. All exit signs, lights and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023.0 & 1024.0 of the City's Building Code. (The BOCA National Building Code/1996)
- 24. Section 25-135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".
- 25. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification the Division of Inspection Services.
- 26. Ventilation shall meet the requirements of Chapter 12 Sections 1210.0 of the City's Building Code, (Crawl spaces & attics).
- X 27. All electrical, plumbing and HVAC permits must be obtained by a Master Licensed holders of their trade. No closing in of walls until all electrical (min. 72 hours notice) and plumbing inspections have been done.
- 28. All requirements must be met before a final Certificate of Occupancy is issued.
- X 29. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code (the BOCA National Building Code/1996).
- 30. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical Code (The BOCA National Mechanical Code/1993). (Chapter M-16)
- 31. Please read and implement the attached Land Use Zoning report requirements. *See Attached*
- X 32. Boring, cutting and notching shall be done in accordance with Sections 2305.4.4, 2305.5.1 and 2305.5.3 of the City's Building Code.
- X 33. Glass and glazing shall meet the requirements of Chapter 24 of the building code.
- X 34. This permit is being issued with the understanding that the proposed change of use from office space to restaurant lounge is the only use in this building. IF this is not the case new plans must be submitted for review and approval.
- 35. All kitchen equipment shall be installed as per the manufacturers instructions-

*[Signature]*  
 Building Inspector  
 cc: J. McDougall, PFD  
 Marge Schmuckal, Zoning Administrator  
 PSH 12-14-98 *[Signature]*

\*\*On the basis of plans submitted and conditions placed on these plans any deviations shall require a separate approval.

X 36 Doors shall swing in the direction of path of travel.

Zoning Division  
Marge Schmuckal  
Zoning Administrator



Department of Urban Development  
Joseph E. Gray, Jr.  
Director

## CITY OF PORTLAND

### LAND USE - ZONING REPORT

ADDRESS: 726 Forest Avenue - B-2 Zone - 130-H-021

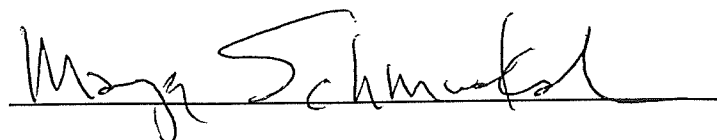
September 21, 1999

REASON FOR PERMIT: To change the use from office to restaurant & lounge (other interior alterations previously issued).

PERMIT APPLICANT: Joseph R. Saucier

Your permit is being issued with conditions. If the following conditions are not or can not be completed within 60 days from the date of issuance, this permit shall be voided.

1. The parking spaces indicated along Concord Street (labeled K thru Q) shall **either** provide a continuous rectangular curb (wheel) guard at least 6 inches in height and permanently anchored and setback at least 5 feet from the sidewalk (street) line so that the end of a vehicle does not overhang into the sidewalk; **or** shall provide a continuous bumper guard of adequate strength, the top of which shall be at least 20" in height, again so that vehicles shall not project beyond its face into the sidewalk area.
2. Where your off street parking abuts a lot with a residential use, you shall provide and maintain a chain link, picket, or sapling fence, not less than 48 inches (four feet) in height between your parking and that part of the lot line involved.
3. The normal parking space size is 9' x 19'. The marking of your spaces shall be altered to reflect the appropriate length requirements. 35% of provided spaces may be considered a compact size or 7.5' x 15' if denoted on site as such. You also must provide appropriate maneuvering room between spaces to allow proper entry and exiting. Space "J" may need to be eliminated based on these requirements.
4. Please note that all other licensing regulations under the City Clerk's office must be maintained.
5. All the external effects requirements of the B-2 zone shall be met and maintained. This includes noise levels. The volume of sound, measured by a sound level meter with frequency weighting network, generated shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. , and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.

  
Marge Schmuckal, Zoning Administrator

cc: Gary Wood, Corporation Counsel

**Sec. 14-339. When located adjacent to a street or a residential use.**

Where off-street parking for more than six (6) vehicles is required or provided on a lot in any business zone, the following requirements shall be met:

- (1) Where vehicles are to be or may be parked within ten (10) feet of any street line, a continuous curb guard, rectangular in cross-section, at least six (6) inches in height

Zoning Division  
Marge Schmuckal  
Zoning Administrator



Department of Urban Development  
Joseph E. Gray, Jr.  
Director

## CITY OF PORTLAND

Joe Saucier  
c/o C.J. Thirsty's  
726 Forest Avenue  
Portland, ME 04103

June 29, 1999

RE: 726 Forest Ave. - 130-H-21 - B-2 zone

Dear Joe Saucier,

I am in receipt of your application to enclose the front door area at C.J. Thirsty's. Please note that our records indicate that we never had a use change for the present "drinking establishment". Drinking establishments are an allowable use in the B-2 zone in which you are located. It will be necessary to apply at this time for a change of use permit. I have enclosed a copy of our permit application which informs you what you will need to submit for review. We will need an accurate floor plan with dimensions. We will also need a site plan indicating your parking, such as parking size, guards, fences, and lighting. I am also enclosing a copy of the parking requirements that may affect your proposal and will help you design your parking area to codes.

Until you apply for this change of use permit, it will be necessary to put your present application for the front door enclosure on hold.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

CC: Joseph Gray, Jr., Dir. of Planning & Urban Dev.  
Mark Adelson, Housing & Neighborhood Services  
Gary Wood, Corporation Counsel  
Mike Nugent, Housing & Neighborhood Services

**THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED**

*Areas*

**Building or Use Permit Pre-Application  
Attached Single Family Dwellings/Two-Family Dwelling  
Multi-Family or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the Information below for a Building or Use Permit.

**NOTE\*\*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 (include Portion of Building):  |  |  |                             |
| Total Square Footage of Proposed Structure   |  | Square Footage of Lot <i>Approx 10,440</i> |                             |
| Tax Assessor's Chart, Block & Lot Number<br>Chart# <i>130</i> Block# <i>A</i> Lot# <i>021</i>  | Owner:<br><i>Steve Mardagan</i>                                | Telephone#:<br><i>772-5555</i>             |                             |
| Owner's Address:<br><i>726 Forest</i>  | Lessee/Buyer's Name (If Applicable)<br><i>Joseph R. Saurin</i> | Cost Of Work:<br><i>\$ 100</i>             | Fee<br><i>\$ 30</i>         |
| Proposed Project Description:(Please be as specific as possible) <i>change of use/office to lounge/kitchen<br/>Enclose front door. &amp; Add wall kitchen area</i> |  |  |                             |
| Contractor's Name, Address & Telephone<br><i>Scott Dodd</i>  |  |  | Rec'd By <i>[Signature]</i> |
| Current Use:<br><i>Lounge</i>  |  | Proposed Use:<br><i>Same</i>               |                             |

Separate permits are required for Internal & External Plumbing, HVAC and Electrical installation.

- All construction must be conducted in compliance with the 1996 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All Electrical Installation must comply with the 1996 National Electrical Code as amended by Section 6-Art III.
- HVAC (Heating, Ventillation and Air Conditioning) installation must comply with the 1993 B.O.C.A. Mechanical Code.

You must Include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) A Copy of your Construction Contract, if available
- 3) A Plot Plan/Site Plan

Minor or Major site plan review will be required for the above proposed projects. The attached checklist outlines the minimum standards for a site plan.

**4) Building Plans**

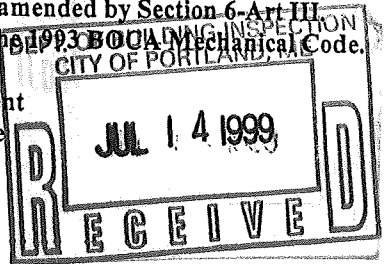
Unless exempted by State Law, construction documents must be designed by a registered design professional.

A complete set of construction drawings showing all of the following elements of construction:

- Cross Sections w/Framing details (including porches, decks w/ railings, and accessory structures)
- Floor Plans & Elevations
- Window and door schedules
- Foundation plans with required drainage and dampproofing
- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

**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/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.

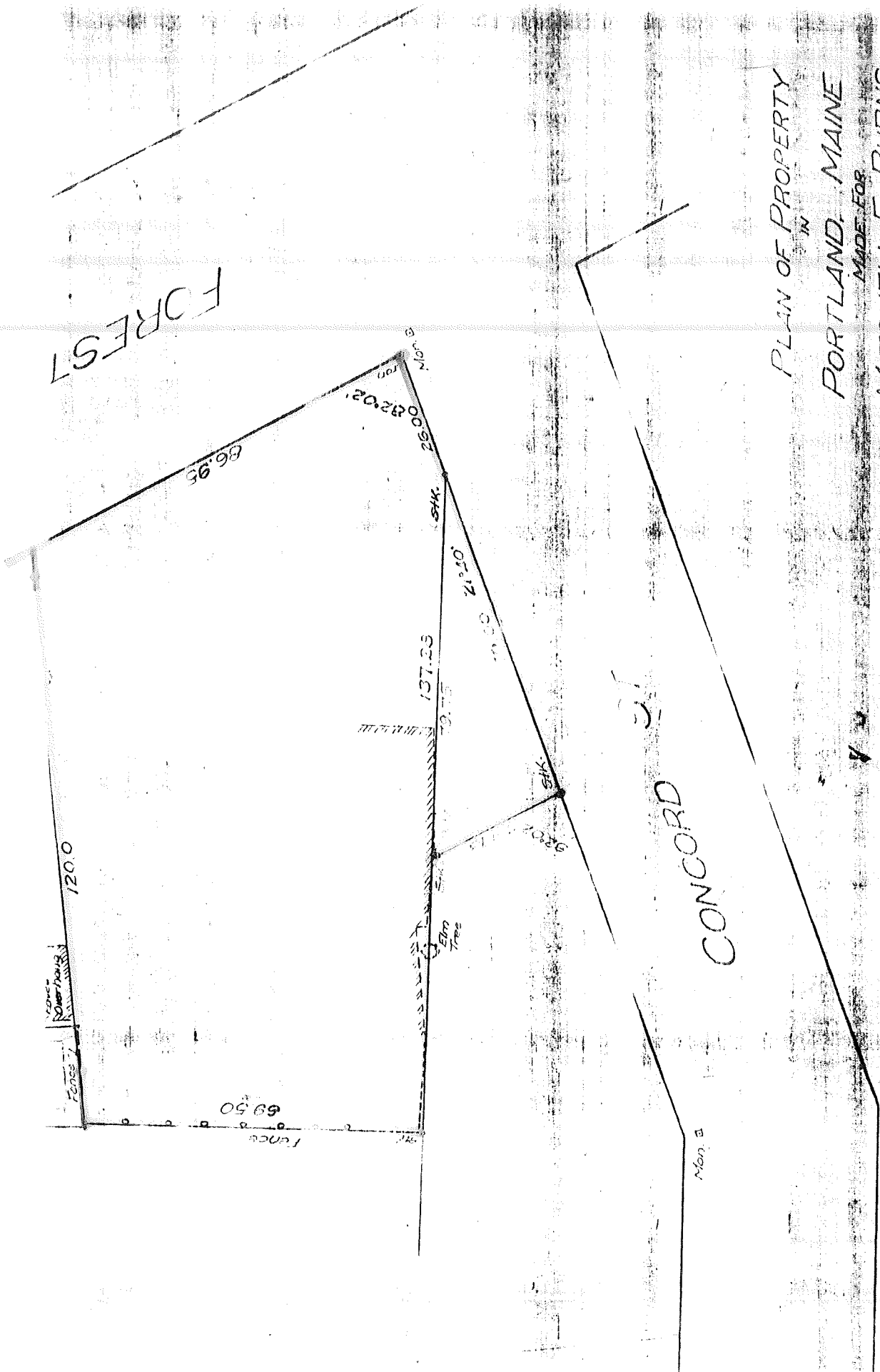


|   |                      |
|---|----------------------|
| Signature of applicant: <i>M. R. Saurin</i> | Date: <i>7/13/99</i> |
|---|----------------------|

Building Permit Fee: \$25.00 for the 1st \$1000.cost plus \$5.00 per \$1,000.00 construction cost thereafter.  
Additional Site review and related fees are attached on a separate addendum



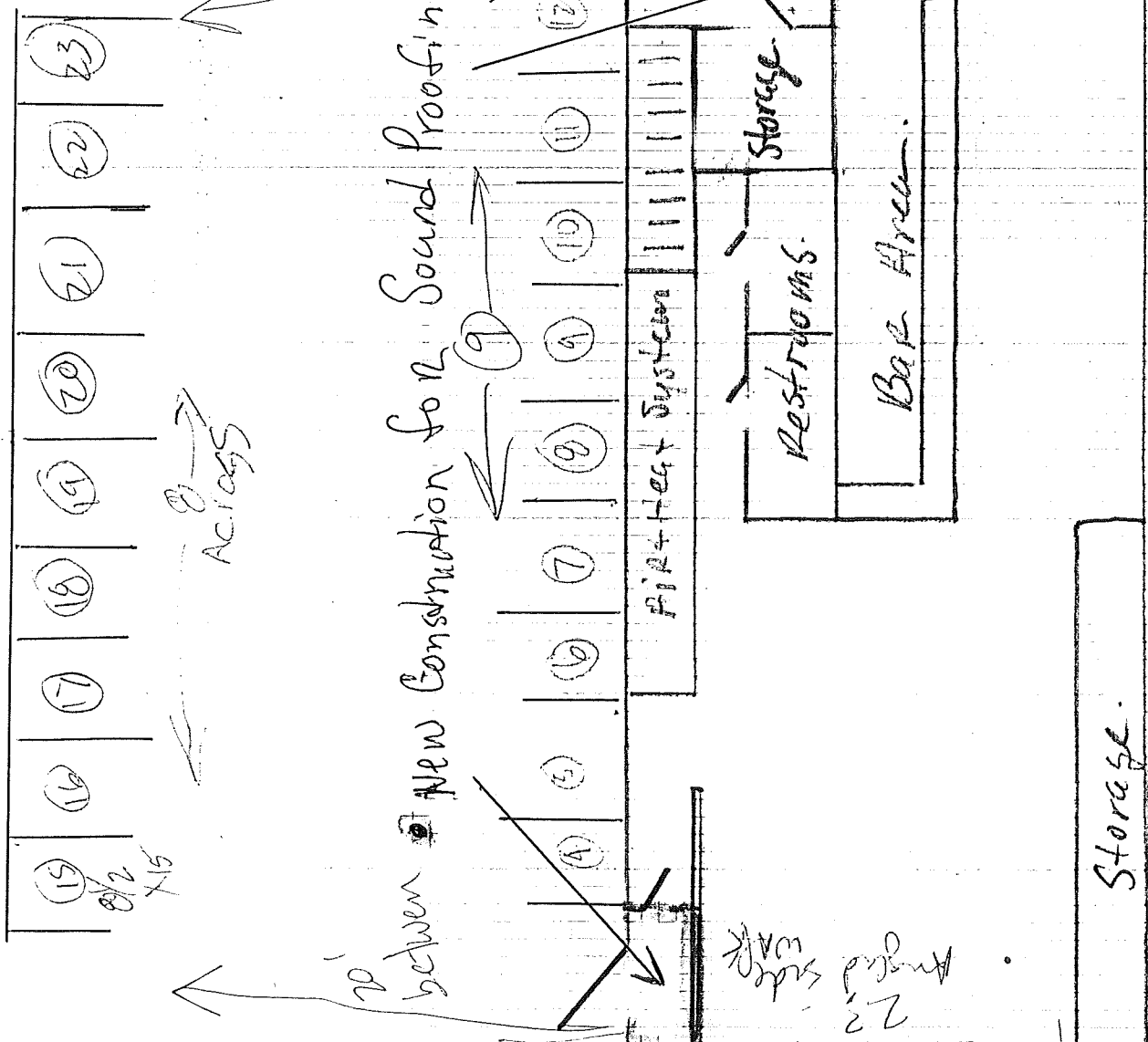
FOREST



PLAN OF PROPERTY  
 IN  
 PORTLAND, MAINE  
 MADE FOR  
 MITCHELL E. BURNS

JANUARY 1947  
 BY  
 M. E. BURNS

Concord Street



ACROSS

between 20' and 30' across

New Construction for Sound Proofing

Weighting?

See Revised Plans to Scale  
Building Plans

lot line per town

- (24)
- (25)
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4 + areas

Dressing

11 spcs

Back

Storage

Storage

Kitchen Storage

Storage

Restrooms

Bar Area

Fire Heat System

Storage

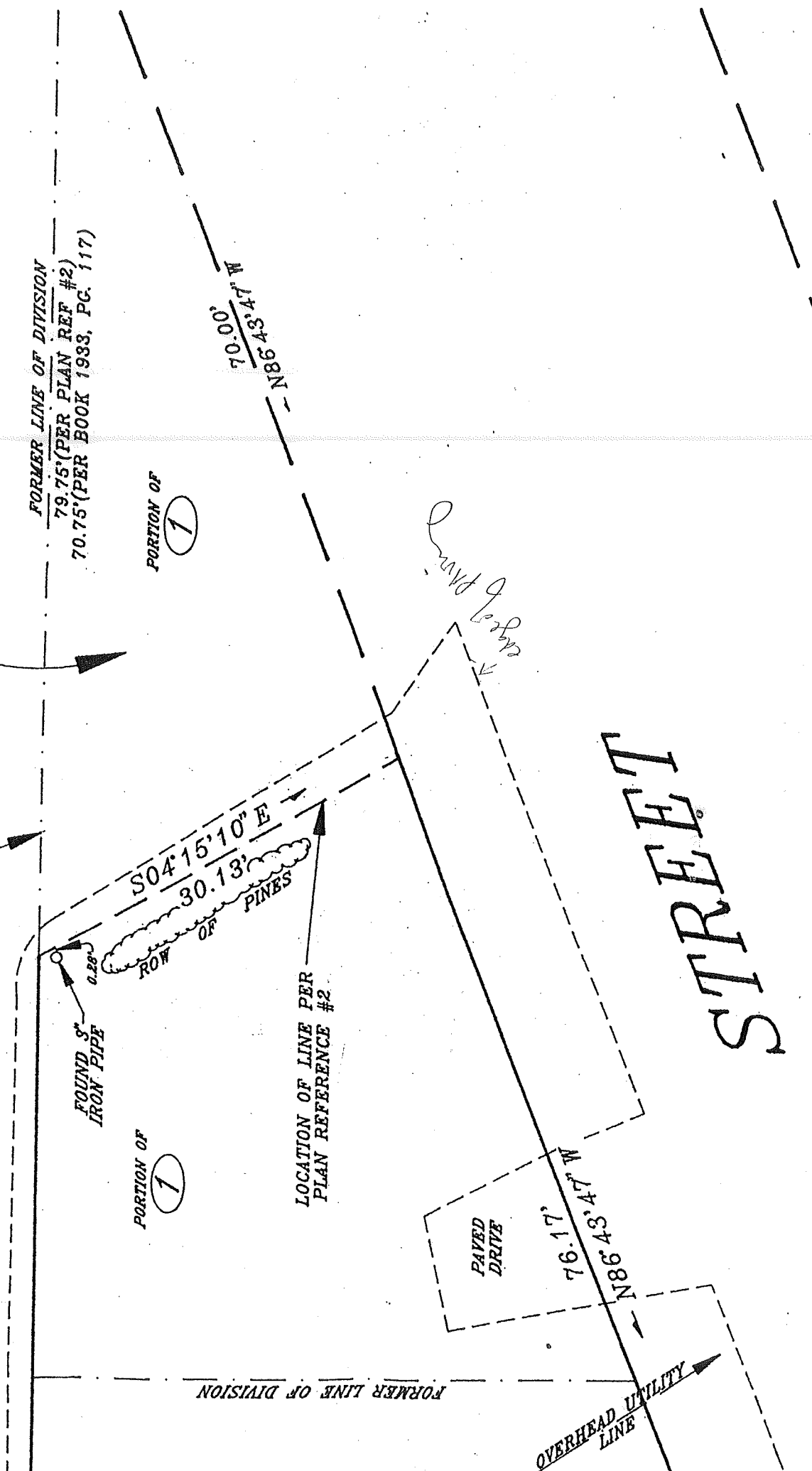
2' x 2' Angled side work

10' x 15'

PAYED PARKING LOT

N/F  
**MARDIGAN**  
BOOK 11521, PG. 203

TERMINUS OF LINE PER BOOK  
1933, PG. 117. SEE NOTE #2.



FORMER LINE OF DIVISION  
79.75' (PER PLAN REF #2)  
70.75' (PER BOOK 1933, PG. 117)

PORTION OF ①

70.00'  
N86°43'47" W

S04°15'10" E  
30.13'  
ROW OF PINKS

FOUND 8"  
IRON PIPE

PORTION OF ①

LOCATION OF LINE PER  
PLAN REFERENCE #2

*Handwritten note:*   
Chest Drive

PAVED  
DRIVE

76.17'  
N86°43'47" W

**STREET**

FORMER LINE OF DIVISION

OVERHEAD UTILITY  
LINE

GARY PROMAN

173-3506

# FAX

**To:** MARGE SCHMUCKAL

Voice Phone Number: 874-8695

**From:** David A. Lourie

**Company:** Law Office of David A. Lourie

**Fax Number:** 2077997865

**Voice Number:** 2077994922

## MESSAGE

PER YOUR REQUEST.

|                   |             |         |                 |            |   |
|-------------------|-------------|---------|-----------------|------------|---|
| Post-it® Fax Note | 7671        | Date    | 8/2/99          | # of pages | 6 |
| To                | GARY PROMAN | From    | MARGE SCHMUCKAL |            |   |
| Co./Dept.         |             | Co.     |                 |            |   |
| Phone #           |             | Phone # | 874-8695        |            |   |
| Fax #             | 773-3712    | Fax #   |                 |            |   |

**NADEAU & LODGE**

844 Stevens Avenue  
Portland, Maine 04103  
Phone (207) 878-7870  
Fax (207) 878-7871

*Professional Land Surveyors*

1A Depot Street, Box 618  
Alfred, ME 04002-0618  
Phone (207) 324-8712  
Fax (207) 324-6100

December 8, 1997

Linn S. Nash & M. Lynn Bassett  
13 Concord Street  
Portland, ME 04103

**RE: Surveyors Report - 13 Concord Street, Portland, ME**

Dear Linn & Lynn,

Per your request, we have completed a Standard Boundary Survey on your property located at 13 Concord Street, Portland, Maine. I have enclosed a blueprint copy of the survey plan and an invoice for services rendered to date. I have not set any monumentation at your lot corners and have not prepared a land description to date.

It is the policy of this company to convey in writing all discrepancies that we find in the course of our survey which we believe may be of concern or interest to our clients. They are as follows:

**Abutters Overhead Utility Line:**

As depicted on our survey plan, the overhead utility line which provides service(s) to the residence of Pamela E. Lovley encroaches onto your parcel.

**City of Portland Paved Sidewalk:**

As depicted on our survey plan, the City of Portland sidewalk encroaches onto your parcel.

**Easterly Portion of Lot #1:**

The one substantial discrepancy that this office has discovered pertains to the easterly portion of Lot #1 as shown on a plan entitled "Property of Seth P.H. Carr", dated 1916 and recorded at the Cumberland County Registry of Deeds in Plan Book 13, pg. 42. This portion of Lot #1 was conveyed out of your chain of title by a deed from Helen L. Howland to Mitchell E. Burns, dated October 20, 1948 and recorded at said registry in Book 1933, pg. 117.

The description within the above mentioned deed states "*Beginning at a point on the northerly side of Concord Street which point is twenty-six feet from a stake on the westerly sideline of Forest Avenue and at the most southeasterly corner of land of said Mitchell E. Burns; Thence in a northwesterly direction along the line of said Burns' land seventy and seventy-five hundredths (70.75') feet to a point*". The other two calls of this deed recite directions of southeasterly to Concord Street and easterly along Concord Street to the point of beginning. This office is unable to accurately place this deed on the ground due to the vagueness of the southeasterly and easterly calls.

In January of 1947, the preceding year, a plan entitled "Plan of Property in Portland, Maine Made For Mitchell E. Burns", prepared by H.I. & E.C. Jordan appears to depict the same portion of said Lot #1 later

conveyed to Mitchell Burns by said Book 1933, pg. 117. This plan mathematically closes and we are able to accurately place the plan lines on the ground.

The distance along said land of Burns is 70.75' per Book 1933, pg. 117 and 79.75' per the H.I. & E.C. Jordan survey plan. I have not monumented your property lines because of this obvious ambiguity and the vagueness of said deed. It is the belief of this office that the plan may depict the actual intent of the conveyance in said deed, but we cannot be certain as the deed does not reference the plan or survey.

Though the H.I. & E.C. Jordan survey plan may depict the portion of Lot #1 which was conveyed, my logic does not allow me to simply discard the deed as it is the instrument which conveyed this portion of land to the Mardigan chain of title. I do not believe it is in the best interest for you to make the assumption that the survey plan should hold over the deed.

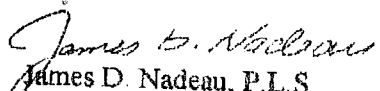
Conclusion:

There are several options to rectify the above discrepancy:

- a. Allow a title attorney to review my survey findings, as he/she may have other options pertaining to your rights, title and interest.
- b. Make a claim to this area of discrepancy which will be of unknown size and shape.
- c. Perform a boundary line agreement with Mr. Mardigan.

Should you decide at a later date to have your property corners set, a description prepared and/or exchange quit-claim deeds with Mr. Mardigan, please do not hesitate to call. Thank you for allowing us an opportunity to provide professional land surveying services to you and have a great holiday season.

Sincerely,

  
James D. Nadeau, P.L.S.  
President, Nadeau & Lodge, Inc.  
Registration #2124

... by these presents, that

111

10-20-48

I, Helen L. Howland of Portland, in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable considerations, paid by Mitchell E. Burns of said Portland, in said County and State

the receipt whereof I do hereby acknowledge, do hereby, give, grant, bargain, sell and convey unto the said

Mitchell E. Burns, his heirs and assigns forever, a certain lot or parcel of land situated on Concord Street, situated on the northerly side of Concord Street, in the City of Portland and more fully described as follows: Beginning at a point on the northerly side of Concord Street which point is twenty-six (26) feet from a stake on the westerly side of Forest Avenue and at a most southeasterly corner of land of said Mitchell E. Burns; thence in a northwesterly direction along the line of said Burns' land seventy and seventy-five hundreds (70.75) feet to a point; thence southeasterly to a stake on the northerly side of Concord Street; thence easterly along Concord Street to the point of beginning. Said piece of land being triangular in shape.

Being a portion of the premises conveyed by Albert J. Howland to Nathan E. Howland dated August 28, 1928 and recorded in the Cumberland County Registry of Deeds, Book 1302, Page 257. The said Helen L. Howland being the widow of Nathan E. Howland.

Being a portion of the premises conveyed by Donald M. Howland to Helen L. Howland dated February 2, 1944 which deed is to be recorded herewith.

On and to hold the abovegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Mitchell E. Burns, his heirs and assigns to him and

said Grantee, his heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances;

that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs, shall and 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, I, the said Helen L. Howland, widow

my hand and seal this twentieth day of October in the year of our Lord one thousand nine hundred and forty-eight.

Signed, Sealed and Delivered in presence of

Morris Greenberg

Helen L. Howland

Seal

State of Maine, Cumberland Co.

October 20, 1948

Personally appeared

the above named Helen L. Howland

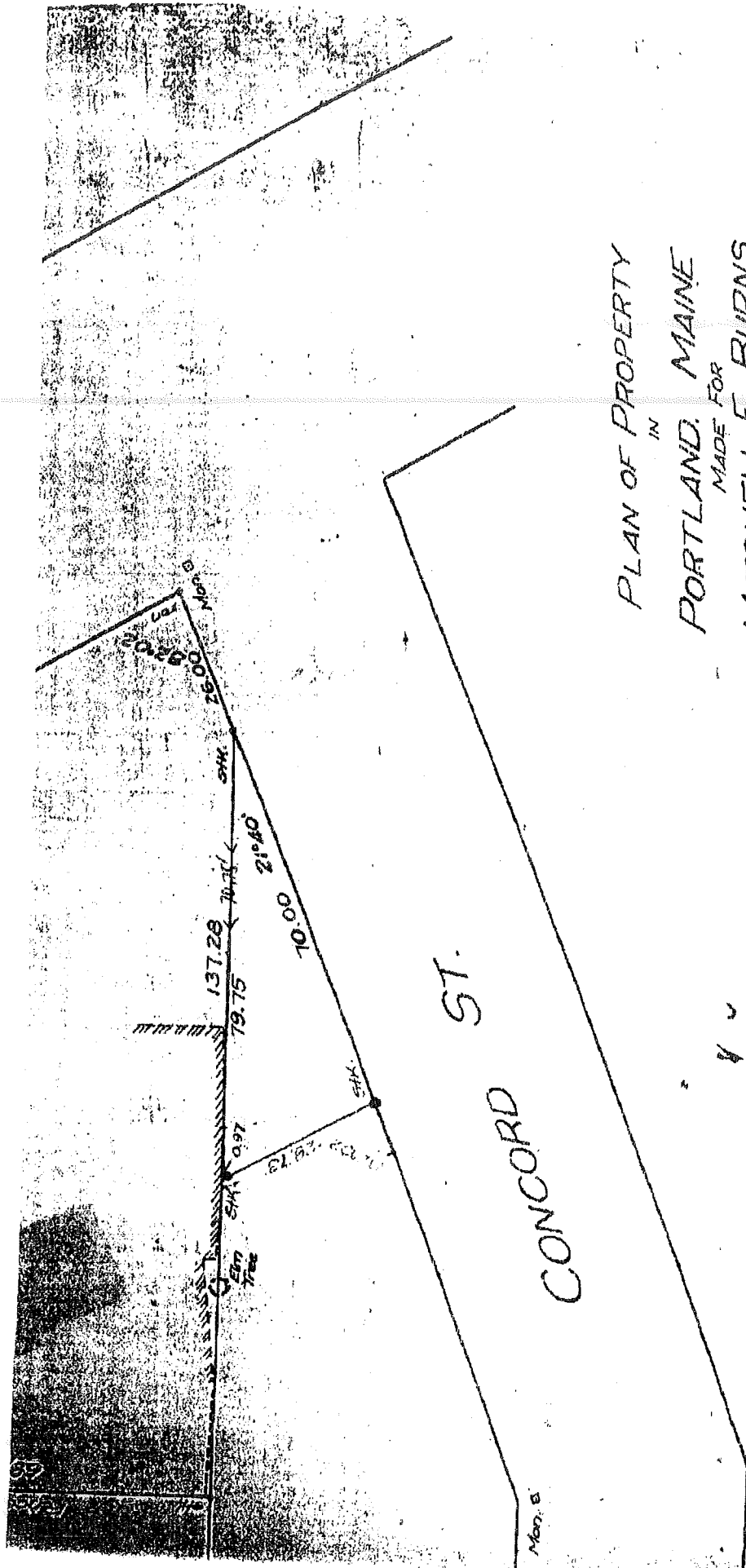
and acknowledged the foregoing instrument to be her free act and deed.

Before me, Morris Greenberg, Justice of the Peace.

Received October 20,

1948, at 10 o'clock 31 m. A. M., and recorded according to the original.

J.S.I.R.  
B.55  
H.L.H.  
10/21/--

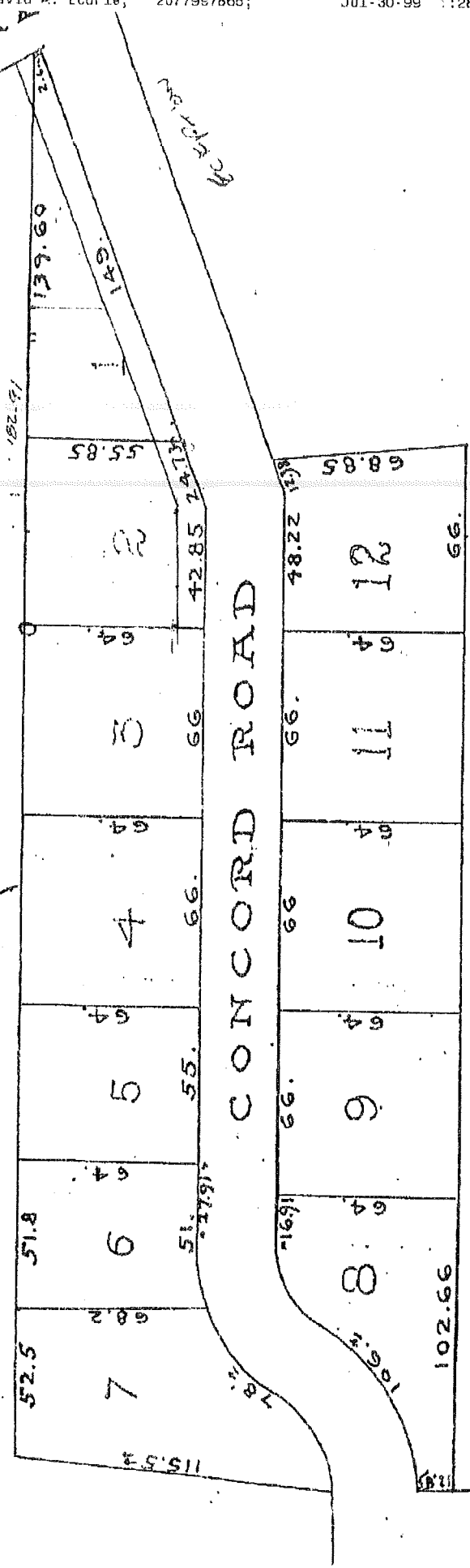


PLAN OF PROPERTY  
 IN  
 PORTLAND, MAINE  
 MADE FOR  
 MITCHELL E. BURNS  
 JANUARY 1947  
 SCALE 1/4 INCH = 20 FEET  
 H. I. B. JORDAN CIVIL ENGINEERS



FORA

13 Page # 42  
15/25/1916 at 12h 00mPM



149 73  
24  
17373

CONCORD ROAD

PROPERTY OF  
SETH P.H. CARR

REVERSE SIDE

**From:** Marge Schmuckal  
**To:** Gary Wood, Joe Gray, MARK ADELSON, Mike Nugent...  
**Date:** Mon, Aug 16, 1999 4:33 PM  
**Subject:** C.J Thirstys - update

Gary, I have not gotten a new parking plan yet that depicts what is actually there for parking. I counted the possibility of 23- 25 legal spaces. Technically under zoning the bar & office use for C.J's only needs 12.178 parking spaces. The rest of the second floor requires 6.37 parking spaces. So rounding up, 19 spaces are required if you. There is the reality that more people park there than required by ordinance. They still need to meet the buffering and fence requirements under the parking regulations. I passed on to Mark the issue of the lot line problem with a small map highlighted in red. That is a basic lot line dispute, but shouldn't hinder this permit too much I hope.

✓ and permanently anchored, shall be provided and maintained at least five (5) feet from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that bumpers of vehicles cannot project beyond its face toward the street line involved either above or below the impact surface.

- (2) Where such off-street parking shall abut a lot in a residence zone or a lot in residential use, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

(Code 1968, § 602.14.1)

**Sec. 14-340. Construction requirements when more than six vehicles parked.** > 6 SF

Where off-street parking for more than six (6) vehicles is required or provided, the following construction requirements shall apply:

- (1) Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the traffic engineer.
- (2) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6) inches in depth, well compacted, and with a wearing surface equivalent in quantities of compaction and durability to fine gravel.
- (3) A system of surface drainage shall be provided in such a way that the waste run-off shall not run over or across any public sidewalk or street.
- (4) Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

(Code 1968, § 602.14.J; Ord. No. 96-88, § 1, 7-19-88)

**Editor's note**—Ord. No. 96-88, § 1, adopted July 19, 1988, amended subsection (1) of this section 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. 96-88.

**Sec. 14-341. Aisles required for six or more spaces.** > 6 SF

In parking facilities containing six (6) or more parking spaces, there shall be provided vehicular access by one (1) or more aisles. Aisle widths shall be in conformance with the standards set forth in the City of Portland Technical and Design Standards and Guidelines, as hereafter amended.

(Code 1968, § 602.14.A; Ord. No. 272-77, 5-16-77; Ord. No. 389-89, § 2, 4-3-89) ↘ 24'

**Sec. 14-342. Reserved.**

**Editor's note**—Section 1 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed § 14-342, relative to a reduction of requirements by the board of appeals, which derived from Code 1965, § 602.14.K.

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**From:** Jonathan Pratt  
**To:** Gary Wood, Mark Adelson  
**Date:** Mon, Sep 20, 1999 4:28 PM  
**Subject:** Re: CJ Thirsty's Lic.

Lt. MacDougal measured the distance for me last week. He measured it to be 329 feet from Main Entrance of C. J. Thirsty's to the churches Maine Entrance. 312 feet from Main Entrance of C. J. Thirsty's to the churches side entrance, just in case there is a dispute as to which door of the church would be considered the main entrance.

>>> Mark Adelson 09/20 12:58 PM >>>

CJ Thirsty's - Marge says we are ready to issue their Change of Use Permit with Conditions for guardrail, fencing, etc. She feels it's not a perfect lot, but it does meet our standards for an existing parking lot. She would like to issue it prior to Wed, council meeting. Do you know any reason why we shouldn't? We are waiting for the Clerks Office to measure the distance from the church on Pleasant Ave. To be sure it meets the lic. standards.

**CC:** Joe Gray , Laurie Savona, Marge Schmuckal

May 07, 1999

Councilwoman Cheryl A. Leeman  
389 Congress Street  
Portland, ME 04101

RE : Licensing renewal / C.J.Thirsty's

Councilwoman Leeman :

I'm writing to bring to your attention the problems experienced in our neighborhood since the opening last spring of CJ. Thirsty's Bar and Grill on Forest Ave.

We've lived in our house on the corner of Forest Ave, and Concord Street for 15 years. It has always abutted a business property on Forest Ave., but last spring, for the first time, a "family restaurant" called Appetites moved in there. Then, as soon as "Appetites" had been open long enough to be eligible for the selling of alcohol, it became "C.J.Thirsty's Bar and Grill."

Although there are a couple of city ordinances that refer to parking spaces and fences that should have prevented such a business from opening there in the first place, this bar has all the proper permits to serve alcohol and to have entertainment at night. We nearby neighbors have consequently suffered loud music, drunken screaming and shouts from patrons leaving at all hours, illegally parked vehicles blocking our driveways, fights in the parking lot, dope-smoking, urinating, and once, even sex in the parking lot; we've also witnessed and personally experienced property damage, trespassing and littering on our own lots.

We don't believe that one business should be able to move into a formerly-quiet neighborhood and so completely ruin the peace and good relations we've enjoyed here for so long. Please lend your support to our petition that the alcohol and special-entertainment licenses for C.J. Thirsty's not be renewed for another year ! We'd also like the City of Portland to enforce existing ordinances with regard to the size and the fencing of a restaurant parking lot there.

Sincerely,

*Lynn B. Nash*

Lynn B. Nash, 13 Concord Street  
Telephone 772-0830

CC : ✓ M Schmuckal,  
Zoning  
L. Savona,  
Ass't. City Clerk

## MEMORANDUM

**TO:** Portland City Council

**FROM:** CJ Thirsty's

**RE:** Specific Actions Taken for License Renewal Purposes in Last 14 days

**DATE:** July 19, 1999

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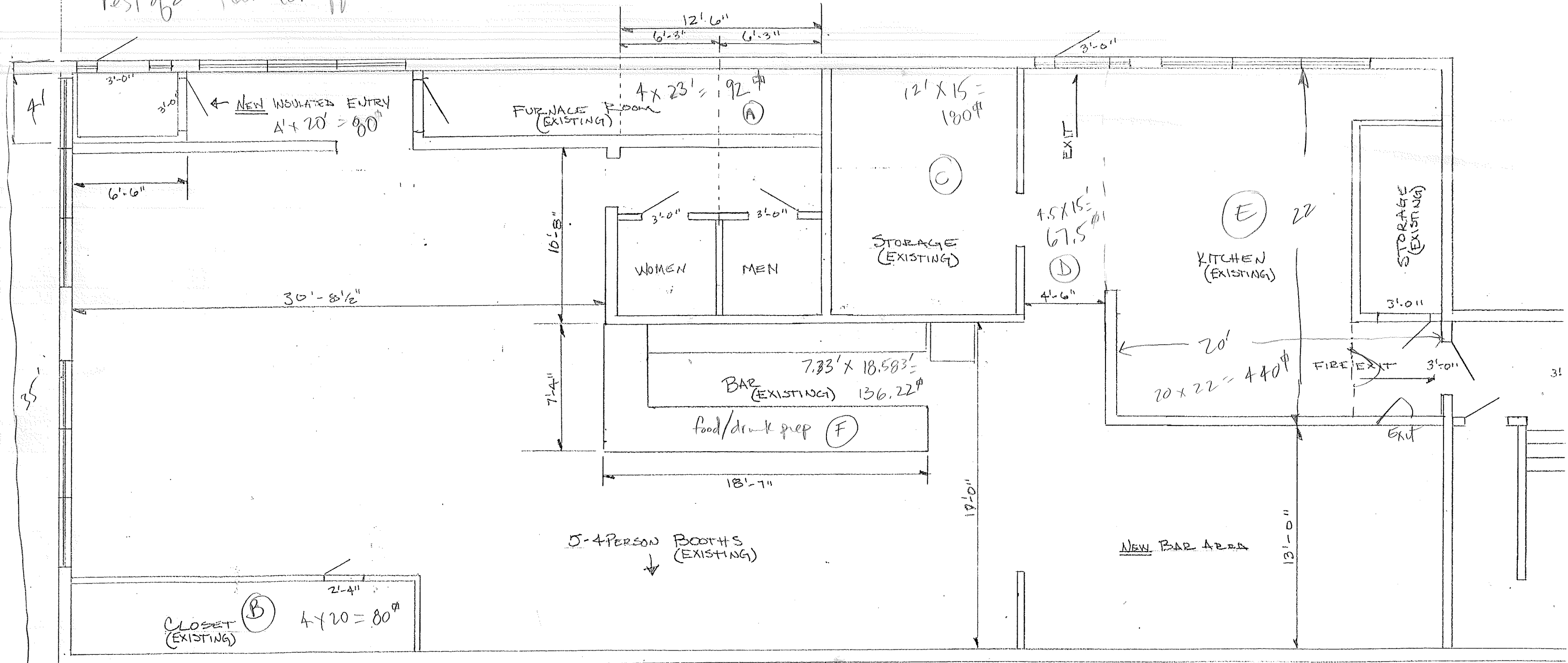
1. Have submitted new floor plan and outside map to Marge Schmuckal, (Portland's Zoning Administrator). Regularly contacted and have conferred with Marge Schmuckal with regard to this application and subsequent submission of floor plan with renovations;
  - a) Will be meeting with Marge Schmuckal and Sam Hoffses (Chief Building Inspector) by later this week;
2. Separate telephone conferences with City Attorney's Gary Wood and Elizabeth Boynton with regard to B2 Zoning usage and conforming to all reasonable requests with regard to noise;
3. Spoken with carpenter Scott Dodd regarding "boxing in" of doorways to cut off sound to the neighborhoods. He will be ready to go once the building permits are granted by the City;
4. Contacted soundproofing specialist Gary Bennett, formally of Audio Systems, who has thirty (30) years of soundproofing experience for him to do an evaluation as to the best route of soundproofing CJ Thirsty's. He indicated at that point that although he would be available to do the estimate in the immediate future, he would not be able to begin work for about six (6) to eight (8) weeks. He has suggested soundproofing the windows on the Concord Street side and having the front entrance of CJ's on the Forest Avenue side instead of Concord Street side;
5. Requested and received the City of Portland Assessor's plan and tax map for the abutters of CJ Thirsty's. Once permits are in place, and the City has approved the interior construction plans of CJ Thirsty, we would have a second abutters meeting to explain to all of the abutter's all of the specific steps that we are taking in our construction to soundproof the building;

6. New signage has been placed in the parking area around CJ Thirsty's with regard to parking and loitering;
7. Industrial locks have been placed on back garbage receptacles to keep any vagrants away as some of the neighbors had expressed concerns that there were street people living in the back receptacles of CJ Thirsty's;
8. CJ Thirsty's has purchased a decibel level meter to control sound violations and is using it on a regular basis;
9. CJ Thirsty's has added additional outside security when they have live music to patrol the parking area as well as up Concord Street to control noise and keep people moving during the course of the evening;
10. A face to face meeting will take place later this week with Zoning Administrator Marge Schmuckal and Chief Building Inspector Sam Hoffses to review the amended floor plan that had been previously submitted so that doorways going into CJ Thirsty's will now face Forest Avenue versus the current situation where the doorways face the Concord Street neighbors and apparently, which allegedly create too much noise for "some" of the neighbors. We have been led to believe this will facilitate the Building Permit process and aid in getting out carpenter on the job as expeditiously as possible;
11. Continued exploration of the possibility of a fence bordering the Nash property and the parking area at CJ Thirsty's in order to deflect any sound that may be spilling over to the Nash property;
12. Continued meeting and discussing with neighbors in the area who were not at the initial meeting of abutters, to get their view and opinions on any problems from CJ Thirsty's. We will continue to get added information from each person that we interview as well as their names and submit this list to the Town Council when we come back for our final hearing;
13. We had approached Arch Communications who owns a commercial space adjacent to CJ Thirsty's on the Forest Avenue side for use of their lot for our nightly parking to try and eliminate parking down Concord Street. Unfortunately, after personally meeting with its' manager's, they indicated that corporate ownership, after speaking with corporate counsel, thought that it would create a liability problem for the company and they declined our offer.



2nd floor - 2 10' x 10' Areas used for office storage = 200 sq ft ÷ 400 = 1/2 space  
 Rest. parking: 1 pkg spc @ 150 sq ft of floor area NOT used for bulk storage or food prep  
 office parking: 1 pkg spc @ 400 sq ft of floor area exclusive of cellan or bulk storage

Rest of 2nd floor for offices  $2547.5 \div 400 = 6.37$



- A = 92 sq ft
- B = 80 sq ft
- C = 180 sq ft
- D = 67.5 sq ft
- E = 440 sq ft
- F = 136.22 sq ft
- 995.72

20  
34.5  
24  

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78.5

35' x 78.5' = 2747.5 sq ft  
 Note: ÷ 150 = 18.32 sq ft  
 2747.5 - 995.72 = 1751.78

1st floor  $1751.78 \div 150 = 11.678$   
 2nd floor  $200 \div 400 = .50$   
 12 pkg spcs req.  $\frac{12}{11.678}$

C.J. THIRSTY'S  
 3/16 = 1'0"  
 SCALE: ... APPROVED BY: ...