

Applicant: Cumberland Farms

Date: 2/2/12

Address: 801 Washington AVE

C-B-L: 163-B-3,4,5,14,15,16

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone-Location - B-2 rezoned last year

Interior or corner lot

Proposed Use/Work - Expanded the retail portion of 1,474 sq ft Gas station

Sewage Disposal - City

Lot Street Frontage - 50' min - 56' being shown

Front Yard - No min - MAX - shall not exceed average depth on either side - or

Rear Yard - continuous attractive edge PB approval under 14-526(a)(27)(i)

Side Yard - 10' req. & 12.3' shown - 20' if abuts a res. zone (it does) ~ 24' setback

Projections -

Width of Lot - None

Height - 45' max - 43.5' given (1 story)

Lot Area - 10,000 sq ft min - 31,972 sq ft given

Lot Coverage Impervious Surface - 80% max - 79.3% given

Area per Family - N/A

Off-street Parking - 40 x 33 = 1320 22 spaces existing  
50 x 51 = 2550  
3870 - 2000 = 1870 + 200 = 9.35 pkg (or 9) req

Loading Bays -

Site Plan - 2012-418 - conditions use with level II site plan

Shoreland Zoning/Stream Protection - N/A

Flood Plains - panel 7 zone X

NO roof top signs / NVAC

Comments submitted  
 by e-mail - system is still gray )  
 2/3/12  
 3/9/12 - revised comments  
 e-mail

**City of Portland**  
**Development Review Application**  
**Planning Division Transmittal form**

**Application Number:** 2012-418      **Application Date:** 1/25/2012 12:00:00  
**CBL:** 163-B-3      AM  
**Project Name:** Cumberland Farms  
**Address:** 801 Washington Avenue  
  
**Project Description:** Building Addition  
**Zoning:** B2  
  
**Other Reviews Required:**  
**Review Type:** Conditional Use with Level II Site Plan

**Distribution List:**

<input type="checkbox"/> Planner	Shukria Wiar	<input type="checkbox"/> Parking	John Peverada
<input type="checkbox"/> Zoning	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic Engineer	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Civil Engineer	David Senus	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Chris Pirone	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> DRC Coordinator	Phil DiPierro
		<input type="checkbox"/> Outside Agency	

**Comments needed by: February 1, 2012**

**Marge Schmuckal - 801 Washington Ave - revised**

**From:** Marge Schmuckal  
**To:** Shukria Wiar  
**Date:** 3/9/2012 12:48 PM  
**Subject:** 801 Washington Ave - revised

801 Washington Avenue - 163-B-3, 4, 5, 14, 15, 17  
#2012-418 Conditional Use & Level II Site Plan  
B-2 Zone - 3/9/2012 - revision

Last year this property was rezoned to a B-2 business zone. The owners are proposing to expand the retail portion of the major auto service station. The new addition will be approximately 1,474 sq. ft. in size. The type of review is a conditional use appeal to the Planning Board with a level II site plan.

I have reviewed the submitted plans. The addition would not meet the maximum building setback requirement as state under 14-185(b)(3)a.ii. However, at the end of the dimensional requirements, apparently section 14-185 (b)(3)(7), there is a relief of the maximum building setback requirements for building additions. This addition is exempt from the maximum setback requirement.

All other dimensional requirements such as other setbacks, building height , impervious surface and parking requirements are being met.

It is noted that the plans indicate some new roof top signs. Roof top signs are not allowed in any zone. Separate permits are required for any new or replacement signs through Inspection Services. Separate permits are also required for any HVAC units that may be installed or upgraded. It is important to note that the B-2 zone has maximum noise limits that shall be met. Any submission for HVAC systems shall include dBA levels.

Marge Schmuckal  
Zoning Administrator

## Marge Schmuckal - 801 Washington Ave

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**From:** Marge Schmuckal  
**To:** Shukria Wiar  
**Date:** 2/3/2012 10:34 AM  
**Subject:** 801 Washington Ave

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Hi Shukria,

One Solution is not up to speed yet for inputting my comments, so it's e-mail....

801 Washington Avenue - 163-B-3,4,5,14,15,17  
#2012-418 Conditional Use & Level II Site plan  
B-2 Zone - 2/3/2012

Last year this property was rezoned to a B-2 business zone. The owners are proposing to expand the retail portion of the major auto service station. The new addition will be approximately 1,474 sq. ft. in size. The type of review is a conditional use appeal to the Planning Board with a level II site plan.

I have reviewed the submitted plans. The B-2 zone has a maximum front yard setback that shall not exceed the average depth of the developed properties on either side. However the Ordinance allows the Planning Board to approve a further setback as allowed under 14-526(a)(27)(j). Since the addition is apparently further back from the front, I am assuming that this option is being requested.

All other dimensional requirements such as other setbacks, building height, impervious surface and parking requirements are being met.

It is noted that the plans indicate some new roof top signs. Roof top signs are not allowed in any zone. However, separate permits are required for any new or replacement signage through Inspection Services. Separate permits are also required for any HVAC units that may be installed or upgraded. It is important to note that the B-2 zone has maximum noise limits that shall be met. Any submission for HVAC systems shall include dBA levels.

Marge Schmuckal  
Zoning Administrator

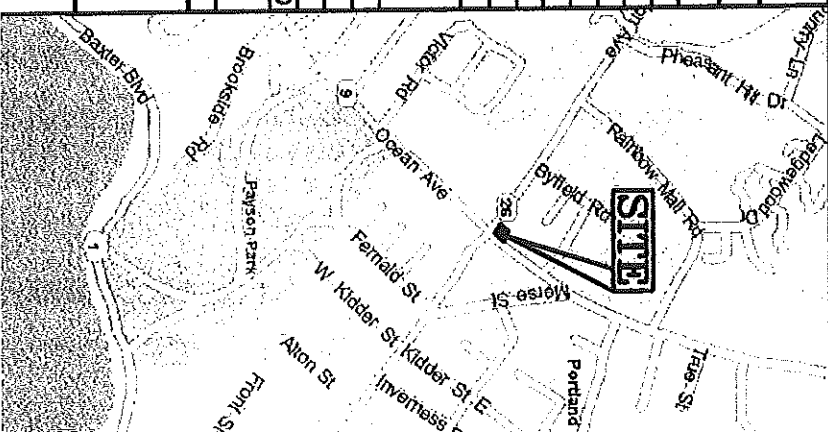
# TABLE OF ZONING REGULATIONS - PORTLAND, ME

## ZONE: COMMUNITY BUSINESS (B-2)

DESCRIPTION	REQUIRED	PROVIDED
MINIMUM LOT AREA	10,000 SF	31,972 SF
MINIMUM LOT FRONTAGE	50'	167.14'
MAXIMUM FRONT YARD BUILDING SETBACK	*	102.4'
MINIMUM FRONT YARD BUILDING SETBACK	0'	77.4'
MINIMUM REAR YARD BUILDING SETBACK	10' (20' ABUTTING RESIDENTIAL ZONE)	23.3'
MINIMUM SIDE YARD BUILDING SETBACK	10'	12.3'
MINIMUM PARKING SETBACK	5' FROM STREET LINE	10.6'
PARKING SPACE DIMENSIONS	9'x18'	9'x19'
MINIMUM NUMBER PARKING SPACES	1 SPACE/200 SF 3,874 SF/200 = 19 SPACES	31 SPACES (INCLUDES SPACES UNDER CANOPY)
MAXIMUM FLOOR AREA	5,000 SF	3,874 SF
MAXIMUM IMPERVIOUS SURFACE RATIO	80%	25,364 SF/31,972 SF = 79.3%
MAXIMUM BUILDING HEIGHT	45'	< 35'
FREESTANDING SIGN AREA, HEIGHT+SETBACK	18' HEIGHT, 5' SETBACK **	EXISTING TO REMAIN & BE RE-IMAGED
WALL SIGN AREA	30 SF PRINCIPAL WALL SIGN, 10 SF/ADDITIONAL MAJOR AUX. USE	15.0 SF x 2 = 30.0 SF
CANOPY SIGNS	2 MAXIMUM, 20 SF EACH	12.38 SF x 2 = 24.76 SF

\* NOT TO EXCEED AVERAGE DEPTH OF THE FRONT YARD OF THE CLOSEST DEVELOPED LOT, UNLESS MODIFIED SETBACK IS APPROVED BY THE PLANNING BOARD.

\*\* 40 SF MAJOR PRINCIPAL USE, 15 SF ADDITIONAL AUXILIARY USE, 24 SF PRICE SIGN.



## PROJECT DATA

(The following information is required where applicable, in order complete the application)

Total Site Area	31,972 sq. ft.
Proposed Total Disturbed Area of the Site	sq. ft.
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)	
<b>IMPERVIOUS SURFACE AREA</b>	
• Proposed Total Paved Area	25,364 sq. ft.
• Existing Total Impervious Area	22,056 sq. ft.
• Proposed Total Impervious Area	25,364 sq. ft.
• Proposed Impervious Net Change	3,308 sq. ft.
<b>BUILDING AREA</b>	
• Proposed Building Footprint	3,874 sq. ft.
• Proposed Building Footprint Net change	1,474 sq. ft.
• Existing Total Building Floor Area	2,400 sq. ft.
• Proposed Total Building Floor Area	3,874 sq. ft.
• Proposed Building Floor Area Net Change	1,474 sq. ft.
• New Building	Building Addition
<b>ZONING</b>	
Existing	B2
• Proposed, if applicable	n/a
<b>LAND USE</b>	
Existing	Retail store with gasoline sales
• Proposed	Same
<b>RESIDENTIAL, IF APPLICABLE</b>	
Proposed Number of Affordable Housing Units	n/a
• Proposed Number of Residential Units to be Demolished	
• Existing Number of Residential Units	
• Proposed Number of Residential Units	
• Subdivision, Proposed Number of Lots	
<b>PARKING SPACES</b>	
Existing Number of Parking Spaces	22 (including 8 at pumps)
• Proposed Number of Parking Spaces	32 (including 8 at pumps)
• Number of Handicapped Parking Spaces	2
• Proposed Total Parking Spaces	33
<b>BICYCLE PARKING SPACES</b>	
Existing Number of Bicycle Parking Spaces	0
• Existing Number of Bicycle Parking Spaces	0
• Proposed Number of Bicycle Parking Spaces	10
• Total Bicycle Parking Spaces	10
<b>ESTIMATED COST OF PROJECT</b>	
	\$979,250.00

# PROPOSED SITE IMPROVEMENT PLANS

for

ASSESSORS MAP 163 BLOCK B LOTS 3, 4, 5, 14, 15 & 17  
 801 WASHINGTON AVENUE - ROUTE 26  
 PORTLAND, MAINE

Prepared for:



# Cumberland

F A R M S

100 CROSSING BLVD, FRAMINGHAM, MASSACHUSETTS 01702



LOCATION MAP

### INDEX TO DRAWINGS

- |     |                                 |
|-----|---------------------------------|
| 1.  | TITLE SHEET                     |
| 2.  | EXISTING CONDITIONS PLAN        |
| 3.  | DEMOLITION PLAN                 |
| 4.  | SITE PLAN                       |
| 4A. | GRADING & EROSION CONTROL PLAN  |
| 5.  | LANDSCAPE PLAN                  |
| 5A. | DETAIL SHEET                    |
| 6.  | CANOPY ELEVATIONS               |
| 7.  | EXISTING/PROPOSED SIGN DRAWING  |
| 8.  | FLOOR PLAN (AHARONIAN)          |
| 9.  | BUILDING ELEVATIONS (AHARONIAN) |
| 10. | BUILDING ELEVATIONS (AHARONIAN) |
| 11. | LIFE SAFETY PLAN (AHARONIAN)    |
| 12. | LIGHTING PLAN (LS)              |

1 OF 1



REVISIONS	
NO. 1	ISSUED FOR PERMITTING
NO. 2	ISSUED FOR PERMITTING
NO. 3	ISSUED FOR PERMITTING
NO. 4	ISSUED FOR PERMITTING
NO. 5	ISSUED FOR PERMITTING
NO. 6	ISSUED FOR PERMITTING
NO. 7	ISSUED FOR PERMITTING
NO. 8	ISSUED FOR PERMITTING
NO. 9	ISSUED FOR PERMITTING
NO. 10	ISSUED FOR PERMITTING
NO. 11	ISSUED FOR PERMITTING
NO. 12	ISSUED FOR PERMITTING

31,972 SQUARE FEET
0.734 ACRES
Vf 1078
Sheet# 5604
Case Station# 251039

MAINE ASSOCIATION OF ENGINEERS  
 100 STATE ST. 10TH FLOOR  
 PORTLAND, ME 04101-2000

DESIGNED BY: [Name]  
 CHECKED BY: [Name]  
 DATE: [Date]

PROJECT NO. 200009 SHEET 1 OF 11

163-B-3





40' 0" MAJOR PRINCIPAL USE, 10' 0" ADDITIONAL, AUXILIARY USE, 24' 0" PRINCIPAL USE

- NOT**
- 1) TAX 1
  - 2) ZONE
  - 3) LOT
  - 4) DIST
  - 5) ALL
  - 6) MC
  - 7) WPT
  - 8) THE
  - 9) ALL
  - 10) ALL
  - 11) THE

**PL**  
1) DIST  
2) ZONE

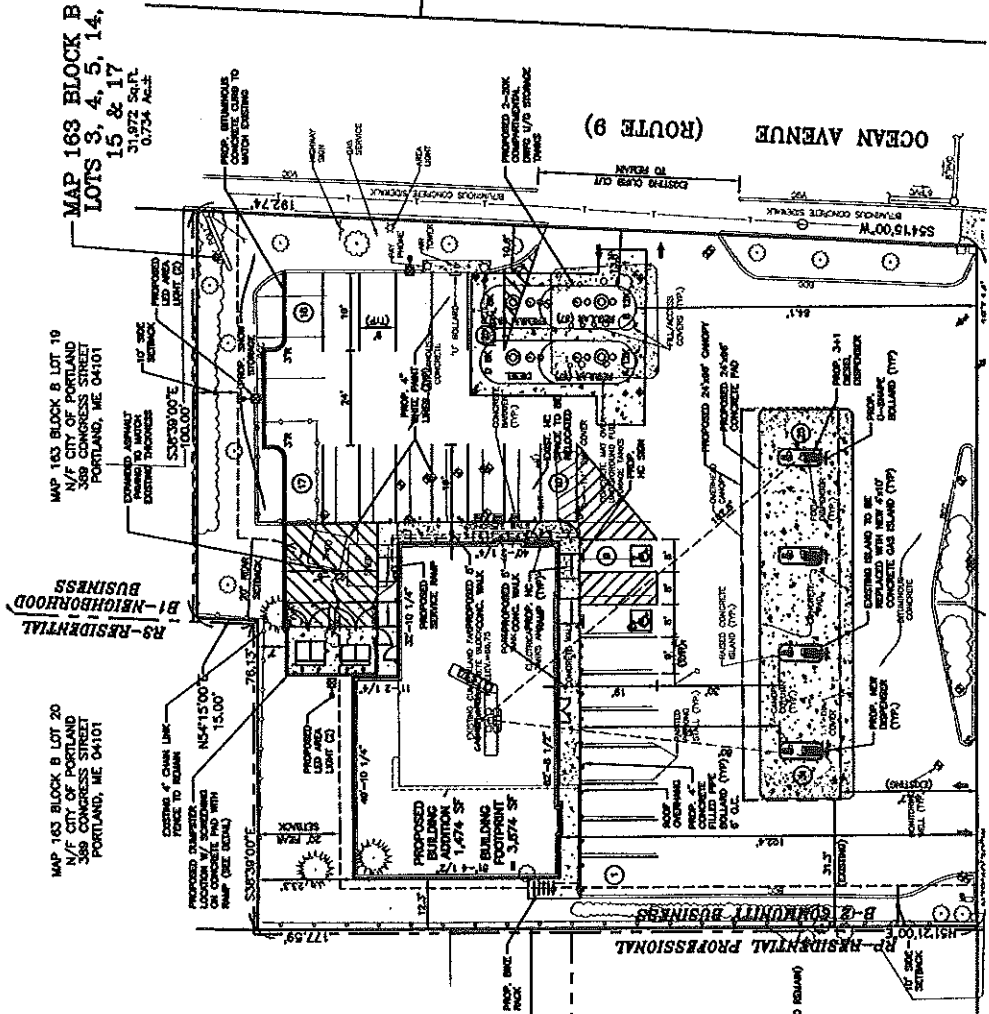
MAP 163 BLOCK B  
LOTS 3, 4, 5, 14,  
15 & 17

MAP 163 BLOCK B LOT 19  
N/F CITY OF PORTLAND  
325 CHERRY STREET  
PORTLAND, ME 04101

MAP 163 BLOCK B LOT 20  
N/F CITY OF PORTLAND  
325 CHERRY STREET  
PORTLAND, ME 04101

TAX MAP 163A BLOCK A LOT 17  
N/F SPURWINK SCHOOL  
588 RIVERSIDE STREET  
PORTLAND, ME 04103

TAX MAP 163A BLOCK A LOT 1  
N/F RONALD L. LEMIEUX  
CAROL S. LEMIEUX JTS  
28 FOREST LANE  
CUMBERLAND, ME 04021



**B1-NEIGHBORHOOD  
R9-RESIDENTIAL**

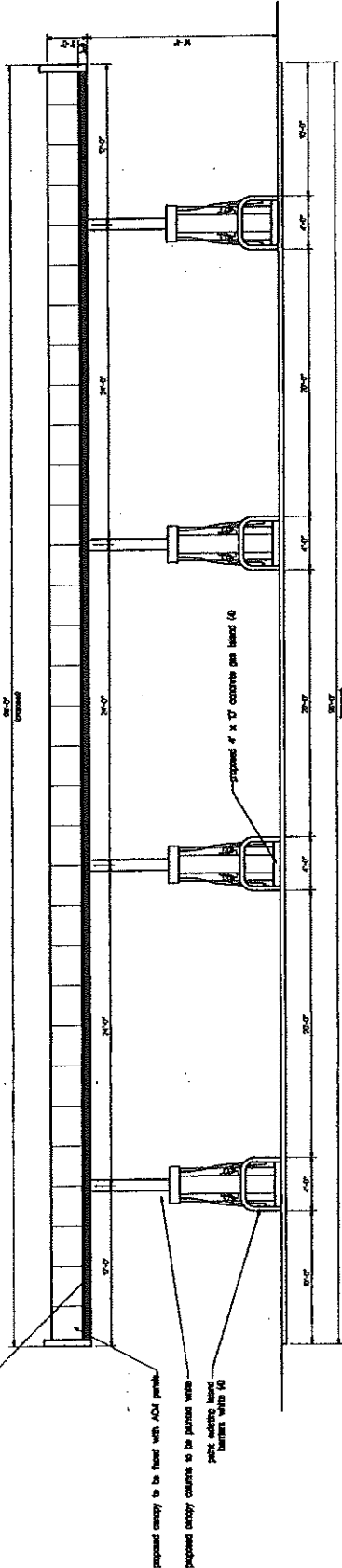
**B-2 COMMUNITY BUSINESS  
RP-RESIDENTIAL PROFESSIONAL**

TAX MAP 163 BLOCK B LOT 10  
N/F READE, LLC  
32 DEERBROOK FARM  
NORTH YARMOUTH, ME 04097

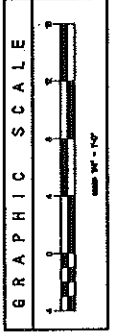
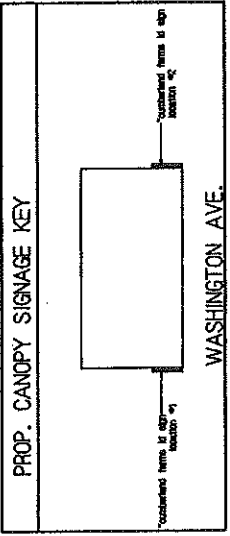
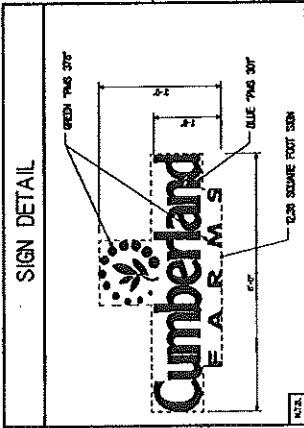
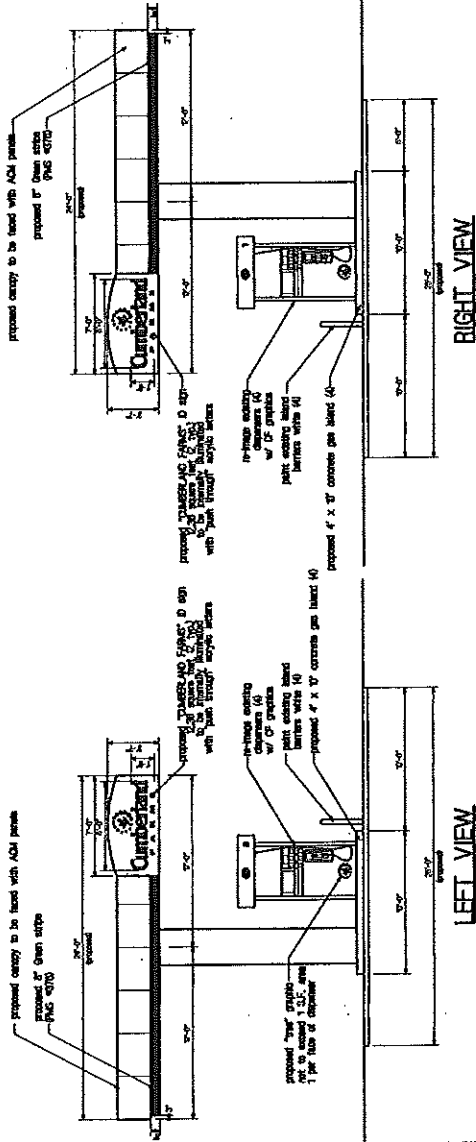
**ZONE LINE**  
R9-RESIDENTIAL  
RP-RESIDENTIAL  
PROFESSIONAL

TAX MAP 163 BLOCK B LOT 2  
N/F ANGIES SERVICE INC.  
10 E BRIDGE STREET  
WESTBROOK, ME 04092





FRONT VIEW



REVISIONS

NO.	DATE	BY	DESCRIPTION
1	10/20/20	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...

801 WASHINGTON & OCEAN AVE  
**PORTLAND, MAINE**  
  
 CUMBERLAND F.A.R.M.S.  
 8 OF 11







## Conditional Use Application Development Review Application Portland, Maine

Planning and Urban Development Department  
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Conditional Use Review. General information pertaining to the thresholds of review for site plans, public noticing procedures and the fee structure is contained in site plan applications and within the Developer's Packet.

*(Please submit the Conditional Use Application in addition to an applicable site plan application.)*

**PROJECT NAME:** Cumberland Farms

**CHART/BLOCK/LOT:** Map 163, Block B, Lots 3, 4, 5, 14, 15, 17

**RIGHT, TITLE OR INTEREST:** (Please identify the status of the applicant's right, title, or interest in the subject property.)

Applicant is the owner in fee simple of the property by virtue of deed dated 9/26/83 from Gulf Oil Corporation to VSH Realty, Inc., and recorded in the Cumberland County Registry of Deeds at Book 6310, Page 145. Cumberland Farms, Inc., is the successor in interest by merger with VSH Realty, Inc.

(Please provide documentary evidence, attached to this application, of the applicant's right, title, or interest in the property. For Example – a deed, option or contract to purchase or least the subject property.)

**VICINITY MAP:** (Please attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use.)

**EXISTING USE:** Describe the existing use of the subject property.

Retail establishment with gasoline sales (major/minor auto service station)

**TYPE OF CONDITIONAL USE PROPOSED:**

Major/Minor auto service station

**SITE PLAN:** Provide a site plan of the property, showing existing and proposed improvements, which meets the submission requirements of the applicable level of site plan review.

**CONDITIONAL USE AUTHORIZED BY:** SECTION 14- 183

Address any specific conditional use standards for the specific use contained in the zoning code in the written submission.

**STANDARDS – CRITERIA FOR CONDITIONAL USE APPEAL – Section 14-474**

Dept. of Planning and Urban Development ~ Portland City Hall ~ 389 Congress St. ~ Portland, ME 04101 ~ ph (207)874-8721 or 874-8719

**Conditional Use Application Narrative  
Cumberland Farms, Inc.  
801 Washington Avenue, Portland, Maine**

Cumberland Farms, Inc. ("Cumberland"), is the current owner in fee simple of the above-referenced property ("the Property") used as a retail establishment combined with gasoline sales. In 2010, the subject property was rezoned from Neighborhood Business (B-1) and Residential (R-3) to Community Business (B-2). While the purpose of the rezoning was to allow for the eventual expansion of the retail building, the rezoning also resulted in bringing the present use into conformity with the Portland Zoning Ordinance.<sup>1</sup> Major and minor auto service stations are conditional uses in the B-2 Community Business Zone pursuant to Section 14-183 of the Portland Zoning Ordinance.

Among the stated purposes of the B-2 Community Business Zone is "[t]o provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses and services serving the adjoining neighborhoods and the larger community." Cumberland has been operating a retail store and gasoline station at the above-referenced property for a number of years without adverse impacts to the area or neighboring properties. Cumberland now proposes to construct a 1,474 s.f. addition to its existing 2,400 s.f. convenience store for a total retail gross floor area of 3,874 s.f. The proposed additions and changes are intended to incorporate Cumberland's new corporate branding, enhance the retail experience for Cumberland Farms customers, and address

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<sup>1</sup> Section 14-47 of the Portland Zoning Ordinance provides that "retail establishments combined with gasoline, diesel or propane fuel sales shall be considered a single use for zoning purposes and shall constitute a major or minor auto service establishment." Major or minor auto service stations are not permitted in the B-1 and R-3 districts but are authorized conditional uses in the B-2 Community Business Zone.

outstanding safety concerns. The exterior of the building will be renovated to reflect the new corporate colors and design themes, as shown on the business elevations provided with this application. Additional parking, including added handicapped spaces and bicycle racks, will be provided. Existing signage will be replaced with smaller signs, and LED lights where applicable, thereby reducing the potential impact on neighboring uses. Landscaping will meet all required buffers under the Zoning Ordinance and will in fact be enhanced to improve the appearance of the Property. Cumberland's proposed site improvements will enhance the physical appearance of the Property and allow it to continue to provide quality goods and services to the area. While auto service stations are an intensive use, the gasoline sales portion of the business will not be materially expanded and will therefore not cause any increased adverse impact upon the health, safety or welfare of the public or surrounding area.

In particular, the proposed store renovations will include:

- Renovation of existing dumpster on new concrete pad
- New concrete walk at the front and side of the store, including the proposed addition
- Installation of protective bollards (with sleeves) at parking spaces along the front and side of the store
- Relocation and expansion of parking spaces
- Addition of bicycle racks
- Landscaping to be enhanced (see Landscaping Plan)



- Addition of area lamps for enhanced safety of parking and dumpster areas
- Replacement of four existing 4' x 10' gas islands, concrete pad, and four fuel dispensers with new 4' x 10' islands, concrete pads, and four fuel dispensers in the same location as existing ("like for like" exchange). One dispenser will offer diesel fuel.
- Replacement of existing 24 x 96' gas canopy with new white ACM panel fascia with green stripe (same size and location). Note: *The existing canopy requires replacement due to safety issues.*
- Two existing Gulf Self Serve signs on the gas canopy, each of 16 s.f. to be removed and replaced with two Cumberland Farms ID signs each 12.38 s.f. with push-thru illuminated acrylic letters, resulting in a 7.24 s.f. reduction in canopy signage
- Reface existing store fascia with white ACM panel with green metal wall panel band incorporating the new addition (See Building Elevations).
- Two new wall signs on the store each of 15 s.f. The white background is non-illuminated with push-thru illuminated acrylic letters
- Re-image existing freestanding sign of 69 s.f., removing the Gulf disc and installing a new ID sign of 15 s.f. and a new LED price sign (regular and diesel) of 33 s.f. for a total of 48 s.f., an overall reduction of 21 s.f. of signage
- Fuel dispenser decals, each 1 s.f., to incorporate Cumberland's new logo and colors

- **Replace 3-8,000 gal. single-wall fiberglass underground storage tanks with 2-20,000 gal. double-wall fiberglass underground dual compartment storage tanks providing for diesel fuel sales, upgrading the underground tanks and piping and reducing the number of fuel deliveries. One of the compartments will store 8,000 gallons of diesel fuel.**

**Level II Site Plan Application  
Cumberland Farms, Inc.  
801 Washington Avenue, Portland, Maine**

**Project Description:**

Cumberland Farms, Inc. ("Cumberland"), is the current owner in fee simple of the above-referenced property ("the Property") used as a retail establishment combined with gasoline sales. Cumberland now proposes to construct a 1,474 s.f. addition to its existing 2,400 s.f. convenience store for a total retail gross floor area of 3,874 s.f. The exterior of the building will be renovated to reflect the new corporate colors and design themes, as shown on the business elevations provided with this application. The proposed store renovations have prompted additional site improvements, including the following:

- Renovation of existing dumpster on new concrete pad
- New concrete walk at the front and side of the store, including the proposed addition
- Installation of protective bollards (with sleeves) at parking spaces along the front and side of the store
- Relocation and expansion of parking spaces
- Addition of bicycle racks
- Landscaping to be enhanced (see Landscaping Plan)
- Addition of area lamps for enhanced safety of parking and dumpster areas
- Replacement of four existing 4' x 10' gas islands, concrete pad, and four fuel dispensers with new 4' x 10' islands, concrete pads, and four fuel dispensers in the

same location as existing (“like for like” exchange). One dispenser will offer diesel fuel.

- Replacement of existing 24 x 96’ gas canopy with new white ACM panel fascia with green stripe (same size and location). Note: *The existing canopy requires replacement due to safety issues.*
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- Fuel dispenser decals, each 1 s.f., to incorporate Cumberland’s new logo and colors
- Replace 3-8,000 gal. single-wall fiberglass underground storage tanks with 2-20,000 gal. double-wall fiberglass underground dual compartment storage tanks providing for diesel fuel sales, upgrading the underground tanks and piping and

reducing the number of fuel deliveries. One of the compartments will store 8,000 gallons of diesel fuel.

**Written Assessment of Zoning:**

In 2010, the subject property was rezoned from Neighborhood Business (B-1) and Residential (R-3) to Community Business (B-2). Prior to its rezoning, the use of the property (major/minor auto service establishment) was a grandfathered non-conforming use in the B-1 and R-3 zones. Major/minor auto service establishments are an authorized conditional use in the B-2 Community Business Zone.

**Requests for Waivers:**

Cumberland is not currently requesting any waivers from the Portland site plan/technical standards.

**Summary of Significant Natural Features:**

There are no significant natural features on the Property. The proposed additions and site changes will not reduce existing landscaping buffers and will primarily implicate areas that are already developed on the site.

**Easements and Burdens:**

There are no known easements or other burdens on the Property and the proposed Project will not result in any new easements or burdens.

**Consistency with Master Plan:**

One of the stated Development Goals in the City's "Community Commercial Policies and Land Use Plan" (Comprehensive Plan, page 28) is to "Promote preservation and revitalization of its existing commercial centers and maintain a scale within them that

is compatible and integrated with other land use.” Among the City’s Capital Improvement Goals (page 29) is to “Strengthen and upgrade existing neighborhoods by providing physical improvements, which enhance and preserve the neighborhood character and environment.” The proposed project is consistent with these goals in that it aims to revitalize and improve the functionality and physical appearance of an established commercial enterprise. While Cumberland has operated a retail store and gasoline station at the Property for many years, and has thus proven itself to be compatible with surrounding uses in the area, the proposed site changes will result in greater compatibility and harmony with both neighboring residential and commercial uses. The increased retail space will also allow for increased economic activity and may allow for increased employment opportunities.

## PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	31,972 sq. ft.
Proposed Total Disturbed Area of the Site	sq. ft.
<b>(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)</b>	
<b>IMPERVIOUS SURFACE AREA</b>	
•Proposed Total Paved Area	25,364 sq. ft.
•Existing Total Impervious Area	22,056 sq. ft.
•Proposed Total Impervious Area	25,364 sq. ft.
•Proposed Total Impervious Area	
•Proposed Impervious Net Change	3308 sq. ft.
<b>BUILDING AREA</b>	
•Proposed Building Footprint	3,874 sq. ft.
•Proposed Building Footprint Net change	1474 sq. ft.
•Existing Total Building Floor Area	2,400 sq. ft.
•Proposed Total Building Floor Area	3,874 sq. ft.
•Proposed Building Floor Area Net Change	1474 sq. ft.
•New Building	(addition) (yes or no)
<b>ZONING</b>	
•Existing	B-2
•Proposed, if applicable	n/a
<b>LAND USE</b>	
•Existing	Retail store with gasoline sales
•Proposed	same
<b>RESIDENTIAL, IF APPLICABLE</b>	
•Proposed Number of Affordable Housing Units	n/a
•Proposed Number of Residential Units to be Demolished	
•Existing Number of Residential Units	
•Proposed Number of Residential Units	
•Subdivision, Proposed Number of Lots	
<b>PARKING SPACES</b>	
•Existing Number of Parking Spaces	22 (including 8 at pumps)
•Proposed Number of Parking Spaces	32 (including 8 at pumps)
•Number of Handicapped Parking Spaces	2
•Proposed Total Parking Spaces	33
<b>BICYCLE PARKING SPACES</b>	
•Existing Number of Bicycle Parking Spaces	0
•Existing Number of Bicycle Parking Spaces	0
•Proposed Number of Bicycle Parking Spaces	10
•Total Bicycle Parking Spaces	10
<b>ESTIMATED COST OF PROJECT</b>	<b>\$979,250</b>

**Marge Schmuckal - Re: Cumberland Farms Conditional Use and Site Plan Application**

9/12/11 Giselle - Erick -  
Barbara - Marge -

**From:** Marge Schmuckal  
**To:** Barbara Barhydt; Eric Giles  
**Date:** 9/8/2011 2:43 PM  
**Subject:** Re: Cumberland Farms Conditional Use and Site Plan Application

2nd & 4th Tues, each month

yep

>>> Barbara Barhydt 9/8/2011 2:41 PM >>>  
I just checked with Giselle and she can meet at 1 p.m. Does that work for both of you?

Thanks.

Barbara

Evidence of Financial Ability  
upgrade utilities

>>> Marge Schmuckal Thursday, September 08, 2011 2:34 PM >>>  
Barbara,  
I am unavailable at that time. I have a dentist appt at 2:45 (Is it safe?) on Monday.  
I'd rather be at your meeting tho.  
Sorry,  
Marge

Solid waste - dumpster removal

condition of the sidewalks,  
street trees - where - how

>>> Barbara Barhydt 9/8/2011 2:31 PM >>>  
Hi:

snow storage - will it be handled  
Technical Standards on Line

Giselle Lopez wants to meet to go over their application before submitting it. I have set a tentative time of 3 p.m. on Monday, September 12th in the Planning Conference Room. Please let me know if you are available.

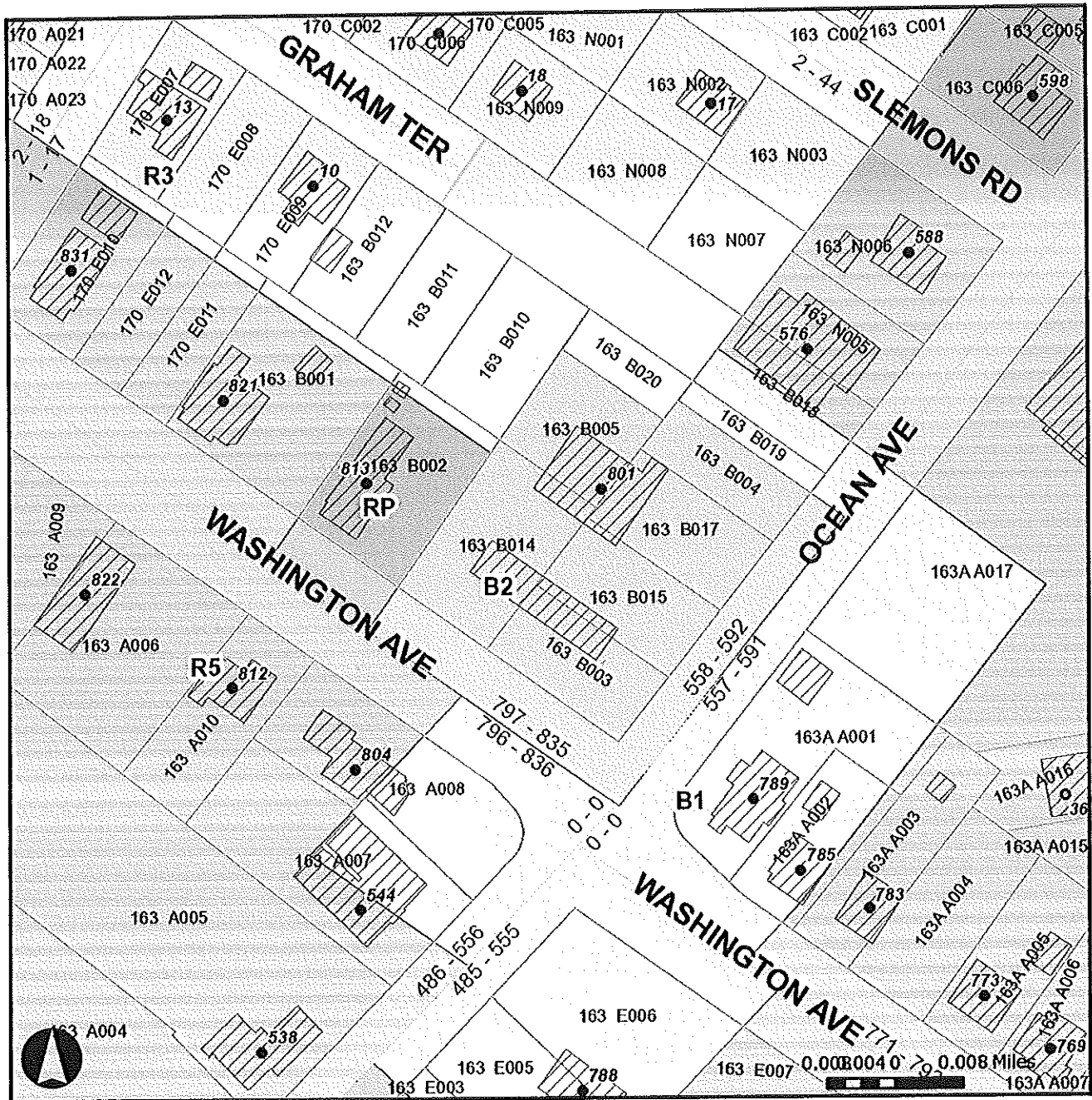
Thank you.

Barbara

MINOR changes - Greater retail AREA  
walk - thru the process - currently working on the traffic study  
facade (canopy) changes / signage / decals -  
replace tanks - same # of pumps  
lighting - meet conditional use standards  
storm water - existing utility layout  
site plan level II -  
No roof top signs  
considered a major auto service station - capacity to fuel 8 vehicles  
concurrently - conditional use & site plan review  
more than 2 pump island



# Map



**Address Candidates**



**Parcels**



**Interstate**



**Streets**



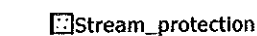
**Buildings**



**Shoreland Overlay Zone**



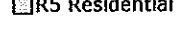
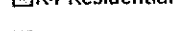
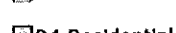
**Stream Overlay Zone**



**Island Zoning**



**Zoning (continued)**



**Zoning (continued)**



9/12/14

***Application of Cumberland Farms, Inc.  
801 Washington Avenue @ Ocean Avenue  
Portland, Maine***

Cumberland Farms, Inc. ("Cumberland"), is the current owner in fee simple of the above-referenced property used as a retail establishment combined with gasoline sales. In 2010, the subject property, more specifically, lots 3, 4, 15, 17 and a portion of lot 14, was rezoned from Neighborhood Business (B-1) to Community Business (B-2).

Cumberland proposes to construct a 1,474 s.f. addition to its existing 2400 s.f. convenience store for a total retail gross floor area of 3,874 s.f. The exterior of the building will be renovated to incorporate Cumberland's new corporate colors and design theme, as reflected in the building elevations provided. The proposed store renovations have prompted additional site improvements including the following:

same # of pumps

- Relocation of existing dumpster on new concrete pad
- New concrete walk at the front and side of the store, including the proposed addition
- Installation of protective bollards (with sleeves) at parking spaces along the front and side of the store
- Relocation and expansion of parking spaces
- Addition of bicycle racks
- Landscaping to be enhanced (see Landscape Plan)
- Addition of area lamps for enhanced safety of parking and dumpster areas

- Replacement of four existing 4' x 10' gas islands, concrete pad, and four fuel dispensers with new 4' x 10' islands, concrete pad, and four fuel dispensers in the same location as existing ("like for like" exchange). One dispenser will offer diesel fuel.
- Replacement of existing 24' x 96' gas canopy with new white ACM panel fascia with green stripe (same size and location). Note: *The existing canopy requires replacement due to safety issues*
- Two existing *Gulf Self Serve* signs on the gas canopy, each of 16 s.f. to be removed and replaced with two *Cumberland Farms* ID signs each of 12.38 s.f. with push-thru illuminated acrylic letters, resulting in a 7.24 s.f. reduction in canopy signage.
- Reface existing store fascia w/white ACM panel with green metal wall panel band incorporating the new addition (See Building Elevations)
- Two new wall signs on the store each of 15 s.f. The white background is non-illuminated with push-thru illuminated acrylic letters
- Re-image existing freestanding sign of 69 s.f., removing the Gulf disc and installing a new ID sign of 15 s.f. and a new LED price sign (regular and diesel) of 33 s.f. for a total of 48 s.f., an overall reduction of 21 s.f. of signage
- Fuel dispenser decals, each 1 s.f., to incorporate Cumberland's new logo and colors
- Replace 3-8,000 gal. single-wall fiberglass underground storage tanks with 2-20,000 gal. double-wall fiberglass underground dual compartment storage tanks providing for diesel fuel sales, upgrading the underground tanks and piping and reducing the number of fuel deliveries. One of the compartment tanks will store 8,000 gallons of diesel fuel.

Assessor's Office | 359 Congress Street | Portland, Maine 04101 | Room 115 I (207) 874-8486

City Home Departments City Council E-Services Calendar Jobs

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:**

**Services**

- Applications
- Doing Business
- Haps
- Tax Relief
- Tax Roll
- Q & A

**CBL** 163 B003001  
**Land Use Type** RETAIL & PERSONAL SERVICE  
**Property Location** 801 WASHINGTON AVE  
**Owner Information** V S H REALTY IIIC  
 100 CROSSING BLVD #9003  
 CANTON MA 01702  
**Book and Page**  
**Legal Description** 163-B-3 TO 5-14-15-17  
 WASHINGTON AVE 797-807  
 OCEAN AVE 560-574  
 32053SF  
**Acres** 0.736

**Current Assessed Valuation:**

- browse city services a-z
- browse facts and links a-z

**TAX ACCT NO.** 22894 **OWNER OF RECORD AS OF APRIL 2011**  
 V S H REALTY INC  
**LAND VALUE** \$441,600.00 **100 CROSSING BLVD #9003**  
**BUILDING VALUE** \$343,300.00 **CANTON MA 01702**  
**NET TAXABLE - REAL ESTATE** \$784,900.00  
**TAX AMOUNT** \$14,347.98

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

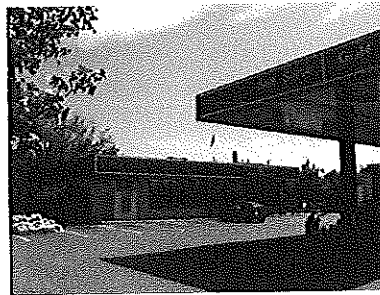


Best Viewed at 800x600, with Internet Explorer

**Building Information:**

**Card 1 of 1**  
**Year Built** 1989  
**Style/Structure Type** CONVENIENCE STORE  
**# Units** 1  
**Building Num/Name** 1 - CUMBERLAND FARMS  
**Square Feet** 2400

[View Sketch](#) [View Map](#) [View Picture](#)



**Exterior/Interior Information:**

**Card 1**  
**Levels** 01/01  
**Size** 2400  
**Use** CONVENIENCE STORE  
**Height** 10  
**Walls** BRICK/STONE  
**Heating** HOT AIR  
**A/C** CENTRAL

**Other Features:**

**Card 1**  
**Structure** CANOPY - ROOF/SLAB  
**Size** 240X1

**Outbuildings/Yard Improvements:**

**Card 1**  
**Year Built** 1989  
**Structure** PAVING CONC HEAVY  
**Size** 1X2200  
**Units** 1  
**Grade** C  
**Condition** 3

**Card 1**  
**Year Built** 1989  
**Structure** ASPHALT SERVICE  
**Size** 25000  
**Units** 1  
**Grade** C  
**Condition** 3



**Zoning Amendment Application**  
Department of Planning and Development, Planning Division and Planning Board

PROJECT ADDRESS: 801 Washington Avenue, Portland ME 04103

CHART/BLOCK/LOT: Map 163/Block B/Lots 3,4,5,14,15,17

**CONTACT INFORMATION:**

APPLICANT

Name: Cumberland Farms, Inc.  
Address: 100 Crossing Blvd.  
Framingham, MA  
Zip Code: 01702  
Work #: (508) 270-1466  
Cell #: \_\_\_\_\_  
Fax #: (781) 459-0569  
Home: \_\_\_\_\_  
E-mail: ksousa@cumberlandgulf.com

PROPERTY OWNER

Cumberland Farms, Inc., by merger  
Name: with VSH Realty, Inc.  
Address: 100 Crossing Blvd.  
Framingham, MA  
Zip Code: 01702  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

BILLING ADDRESS

Name: Same as above.  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Zip: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

~As applicable, please include additional contact information on the next page~

AGENT/REPRESENTATIVE

Name: James B. Haddow, Esq.  
Address: Post Office Box 17555  
Portland, ME  
Zip Code: 04112-8555  
Work #: (207) 775-0200  
Cell #: \_\_\_\_\_  
Fax #: (207) 775-2360  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

ARCHITECT

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

SURVEYOR

Name: MHF Design Consultants  
Address: 44 Stiles Rd., Ste One  
Salem, NH  
Zip Code: 03079  
Work #: (603) 893-0720  
Cell #: \_\_\_\_\_  
Fax #: (603) 893-0733  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

ENGINEER

Name: MHF Design Consultants, Inc.  
Address: 44 Stiles Rd., Suite One  
Salem, NH  
Zip Code: 03079  
Work #: (603) 893-0720  
Cell #: \_\_\_\_\_  
Fax #: (603) 893-0733  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

CONSULTANT

Name: MHF Design Consultants, Inc.  
Address: 44 Stiles Road, Suite One  
Salem, NH  
Zip Code: 03079  
Work #: (603) 893-0720  
Cell #: \_\_\_\_\_  
Fax #: (603) 893-0733  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

ATTORNEY

Name: James B. Haddow, Esq.  
Address: 50 Monument Sq., P.O. Box 17555  
Portland, ME  
Zip Code: 04112  
Work #: 207-775-0200  
Cell #: \_\_\_\_\_  
Fax #: 207-775-2360  
Home: \_\_\_\_\_  
E-mail: jhaddow@pmhlegal.com

# PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	<u>31,972</u>	sq. ft.
Proposed Total Disturbed Area of the Site	<u>                    </u>	sq. ft.
<b>(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.)</b>		
<u>Impervious Surface Area</u>		
Proposed Total Paved Area	<u>22,051</u>	sq. ft.
Existing Total Impervious Area	<u>22,056</u>	sq. ft.
Proposed Total Impervious Area	<u>25,677</u>	sq. ft.
Proposed Impervious Net Change	<u>3,021</u>	sq. ft.
 <u>Building Area</u>		
Existing Building Footprint	<u>2,450</u>	sq. ft.
Proposed Building Footprint	<u>3,626</u>	sq. ft.
Proposed Building Footprint Net change	<u>1,176</u>	sq. ft.
Existing Total Building Floor Area	<u>2,450</u>	sq. ft.
Proposed Total Building Floor Area	<u>3,626</u>	sq. ft.
Proposed Building Floor Area Net Change	<u>1,176</u>	sq. ft.
New Building	<u>no</u>	(yes or no)
 <u>Zoning</u>		
Existing	<u>R3</u>	
Proposed	<u>Neighborhood Business (B1)</u>	
 <u>Land Use</u>		
Existing	<u>Retail Motor Fuel Outlet</u>	
Proposed	<u>Same</u>	
 <u>Residential, if applicable</u>		
Proposed Number of Affordable Housing Units	<u>                    </u>	
Proposed Number of Residential Units to be Demolished	<u>                    </u>	
Existing Number of Residential Units	<u>                    </u>	
Proposed Number of Residential Units	<u>                    </u>	
Subdivision, Proposed Number of Lots	<u>                    </u>	
 <u>Parking Spaces</u>		
Existing Number of Parking Spaces	<u>22</u>	
Proposed Number of Parking Spaces	<u>33</u>	
Number of Handicapped Parking Spaces	<u>2</u>	
Proposed Total Parking Spaces	<u>33</u>	
 <u>Bicycle Parking Spaces</u>		
Existing Number of Bicycle Parking Spaces	<u>0</u>	
Proposed Number of Bicycle Parking Spaces	<u>10</u>	
Total Bicycle Parking Spaces	<u>10</u>	
 <u>Estimated Cost of Project</u>		
	<u>\$962,750</u>	

**Right, Title, or Interest:** Please identify the status of the applicant's right, title, or interest in the subject property: Applicant is the owner in fee simple of the property by virtue of deed dated 09/26/83 from Gulf Oil Corporation to VSH Realty, Inc., and recorded in the Cumberland County Registry of Deeds at Book 6310, Page 145. Cumberland Farms, Inc., is the successor in interest by merger with VSH Realty, Inc.

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

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

**Existing Use:**

Describe the existing use of the subject property:

Property is currently being used as a retail establishment combined with gasoline sales.

**Current Zoning Designation(s):**

Lots 3, 4, 15 and 17 are zoned Neighborhood Business (B-1). Lots 5 & 14 are zoned Residential (R3).

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

Property will continue to be used as a retail establishment combined with gasoline sales.

Applicant proposes to expand the footprint of the existing retail building, build additional parking spaces, relocate existing parking spaces, create a new concrete pad for the location of dumpsters, add new service ramps and concrete walks, and expand the paving surrounding the building to match the existing thickness. There will be no expansion of the gasoline sales portion of the existing operation.

**Sketch Plan:** On a separate sheet, please provide a sketch plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1" = 100'.) Contract and conditional rezoning applications may require inclusion of site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.



## APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check to the City of Portland.

### Zoning Map Amendment

\$2,000.00 (from R3 zone to B1 zone)

### Zoning Text Amendment

\$2,000.00 (to Section 14- \_\_\_\_\_)

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

### Conditional or Contract Zone

\$1,000.00 (under 5,000 sq. ft.)  
 \$3,000.00 (5,000 sq. ft. and over)

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

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

Signature of Applicant: Cumberland Farms, Inc. By: <i>Kathleen A. Sousa</i>	Date: March 15, 2010
---	-------------------------

Kathleen A. Sousa, Land Planning Mgr.  
Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

QUITCLAIM DEED

39906

KNOW ALL MEN BY THESE PRESENTS:

THAT GULF OIL CORPORATION, a Pennsylvania corporation, having an office at 355 Lyon Avenue, East Providence, Rhode Island 02914, GRANTOR, in consideration of ONE DOLLAR (\$1.00) and other valuable consideration paid by V.S.H. REALTY, INC., having a place of business at 777 Dadham Street, Canton, Massachusetts 02021, GRANTEE, the receipt whereof it does hereby acknowledge, does hereby remise, release, bargain, sell and convey and forever quitclaim unto the said GRANTEE, its successors and assigns forever, three certain lots or parcels of land, together with the buildings and other improvements thereon, situated in the City of Portland, County of Cumberland and State of Maine, said land being more particularly bounded and described as follows:

PARCEL ONE

Beginning at the point of intersection of the northeasterly side line of Washington Avenue with the northwesterly side line of Ocean Avenue;

Thence running northeasterly by said Ocean Avenue fifty (50) feet to a point and to land now or formerly of Phillippe's, Inc.;

Thence running northwesterly and parallel with said northeasterly side line of Washington Avenue one hundred (100) feet to a point and land now or formerly of Joseph Phillippe;

Thence running southwesterly and parallel with said northwesterly side line of Ocean Avenue and by said land now or formerly of Joseph Phillippe, fifty (50) feet to said Washington Avenue;

Thence running southeasterly by said northeasterly side line of Washington Avenue one hundred (100) feet to the point of beginning.

Together with all the right, title and interest of the Grantor in and to all land lying in all streets, highways, rights of way and gores abutting on or appurtenant to said premises.

BEING the same premises conveyed to Gulf Oil Corporation, the Grantor herein, by deed of Minnie A. Green dated March 12, 1948 and recorded with the Cumberland County Registry of Deeds, State of Maine, on March 12, 1948 in Book 1907, Page 154.

PARCEL TWO

A certain lot or parcel of land at Lunt's Corner, in said Portland, on the Northwesterly side of Ocean Avenue, bounded and described as follows:

Beginning at the most easterly corner of land formerly of George Green, which corner is distant fifty (50) feet from the intersection of the northwesterly side line of Ocean Avenue with the northeasterly side line of Washington Avenue;

Thence running northwesterly along the northeasterly side of said land now or formerly of Green, and parallel with Washington Avenue one hundred (100) feet to land now or formerly of Joseph Phillippe;

Thence running northeasterly by said land now or formerly of Joseph Phillippe and parallel with Ocean Avenue, fifty-two (52) feet to other land now or formerly of said Joseph Phillippe;

Thence running southeasterly by said other land now or formerly of Joseph Phillippe, and parallel with Washington Avenue one hundred (100) feet to the northwesterly side line of Ocean Avenue;

Thence running in a southwesterly direction along the northwesterly side line of said Ocean Avenue fifty-two (52) feet to the point of beginning.

Together with all the right, title and interest of the Grantor in and to all land lying in all streets, highways, rights of way and gores abutting on or appurtenant to said premises.

BEING the same premises conveyed to Gulf Oil Corporation, the Grantor herein, by deed of Phillippe's, Inc. dated March 12, 1948 and recorded with the Cumberland County Registry of Deeds, State of Maine, on March 12, 1948 in Book 1907, Page 155.

PARCEL THREE

A certain lot or parcel of land together with the buildings and improvements thereon, situated at Lunt's Corner in the City of Portland, County of Cumberland and State of Maine, and more particularly described as follows:

Beginning at an iron at the Northeasterly side of Washington Avenue, said iron being 167.14 feet Northwesterly of the intersection of Ocean Avenue and said Washington Avenue and being also the most Westerly corner of Lot #52 as recorded in Cumberland County Registry of Deeds, dated 1940, Plan Book 26, Page 35, being also the most Southerly corner of other land now or formerly of Phillippe's, Inc.

Thence by land now or formerly of said Phillippe's, Inc. and the Northerly line of said lot # 52 and lot # 51 on a course of N 51° 34' 30" E a distance of 177.22 feet to an iron and land now or formerly owned by the City of Portland;

Thence by said City land on the following courses:

S 38° 24' E a distance of 76.19 feet to an iron;

N 54° 30' E a distance of 15.02 feet to an iron;

S 38° 24' E a distance of 100 feet to an iron on the Northerly side of Ocean Avenue;

Thence by said Ocean Avenue on a course of S 54° 30' W a distance of 90.39 feet to a point and the most Easterly corner of land now or formerly of the Grantor;

Thence Northwesterly by said Grantor land a distance of 100.00 feet to a point;

Thence Southwesterly by said Grantor land a distance of 102.00 feet to a point on the Northeasterly side of said Washington Avenue;

Thence by said Washington Avenue on a course of N 38° 25' 30" W a distance of 67.14 feet to the point of beginning.

Said above described courses are magnetic and of the date of 1959.



City of Portland  
Zoning Amendment Application  
Written Narrative

Applicant: Cumberland Farms, Inc.  
Project Address: 801 Washington Avenue, Portland ME 04103  
Chart/Block/Lot: Map 163, Block B, Lots 3, 4, 5, 14, 15, 17

Applicant is the current owner in fee simple of the above-referenced property which is currently being used as a retail establishment combined with gasoline sales. Portions of the property (specifically, Lots 3, 4, 15, 17 and part of Lot 14) are currently zoned Neighborhood Business (B-1). The remaining land, consisting of Lot 5 and the rest of Lot 14, are zoned Residential (R3). Applicant wishes to expand the footprint of the existing retail building but this expansion would implicate Lot 5 and the portion of Lot 14 in the R3 zone, thus requiring a rezoning of those areas. As part of the expansion, Applicant also proposes to build additional parking spaces, add new service ramps and concrete walks, relocate and screen the existing dumpsters, and expand the paving surrounding the retail building. The gasoline sales portion of the business will remain unaffected.







# APPLICATION FOR PERMIT

**PERMIT ISSUED**  
DEC 1 1983  
**CITY of PORTLAND**

B.O.C.A. USE GROUP .....  
B.O.C.A. TYPE OF CONSTRUCTION ..... **0.2284** .....  
ZONING LOCATION ..... PORTLAND, MAINE, **Nov. 23, 1983** .....

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION ..... **801 Washington Avenue** ..... Fire District # **02021**   
1. Owner's name and address ..... **Cumberland Farms (Veh Realty) - 777 Dedham, Canton, Mass.** ..... Telephone **617-343-6700**  
2. Lessee's name and address ..... Telephone .....  
3. Contractor's name and address ..... **same** ..... Telephone .....  
Proposed use of building ..... **Filling** ..... No. of sheets .....  
Last use ..... **Service Station & Convenience store** ..... No. families .....  
Material ..... No. stories ..... Heat ..... Style of roof ..... Roofing .....  
Other buildings on same lot .....  
Estimated contractual cost \$ **15,000.00** ..... Appeal Fees \$ .....

FIELD INSPECTOR—Mr. ..... @ 775-5451 .....  
Change of Use from **Service Station to Filling Station and Convenience store, as per plans. Also, interior renovations.** .....  
Base Fee **Change of Use 25.00** .....  
Late Fee .....  
TOTAL \$ **85.00** .....  
Stamp of Special Conditions

ISSUE PERMIT 15 BRADLEY ST., PORTLAND 04102

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

### DETAILS OF NEW WORK

Is any plumbing involved in this work? ..... Is any electrical work involved in this work? ..... **yes**  
Is connection to be made to public sewer? ..... If not, what is proposed for sewage? .....  
Has septic tank notice been sent? ..... Form notice sent? .....  
Height average grade to top of plate ..... Height average grade to highest point of roof .....  
Size, front ..... depth ..... No. stories ..... solid or filled land? ..... earth or rock? .....  
Material of foundation ..... Thickness, top ..... bottom ..... cellar .....  
Kind of roof ..... Rise per foot ..... Roof covering .....  
No. of chimneys ..... Material of chimneys ..... of flue ..... Kind of heat ..... fuel .....  
Framing Lumber—Kind ..... Dressed of full size? ..... Corner posts ..... Sills .....  
Size Girder ..... Columns under girders ..... Size ..... Max. on centers .....  
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.  
Joists and rafters: 1st floor ..... 2nd ..... 3rd ..... roof .....  
On centers: 1st floor ..... 2nd ..... 3rd ..... roof .....  
Maximum span: 1st floor ..... 2nd ..... 3rd ..... roof .....  
If one story building with masonry walls, thickness of walls? ..... height? .....

### IF A GARAGE

No. cars now accommodated on same lot ..... to be accommodated ..... number commercial cars to be accommodated .....  
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? .....

APPROVALS BY: DATE MISCELLANEOUS  
BUILDING INSPECTION—PLAN EXAMINER ..... Will work require disturbing of any tree on a public street? ..... **no**  
ZONING: .....  
BUILDING CODE: ..... Will there be in charge of the above work a person competent  
Fire Dept.: ..... to see that the State and City requirements pertaining thereto  
Health Dept.: ..... are observed? .....  
Others: .....

Signature of Applicant: **Louis Gorman for Cumberland Farms** Phone # .....  
Type Name of above: .....  1  2  3  4





CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 801 Washington Avenue

Issued to **Comberland Farms**

Date of Issue **January 26, 1984**

This is to certify that the building, premises, or part thereof, at the above location, built—altered—changed as to use under Building Permit No. **83-2284** as had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

**Entire**

**Convenience Store**

Limiting Conditions:

This certificate supersedes  
certificate issued

Approved:

**1-25-84** *[Signature]*  
(Date) *Inspector*

*[Signature]*  
*Inspector of Buildings*

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

**MARGE SCHMUCKAL, ZONING ADMINISTRATOR**  
**APRIL 7, 2010**

Research of Inspection Services microfiche shows that this property has had retail and service station uses since prior to 1957. There have been various appeals relating to the residential zone that is part of this property. All the appeals have been granted in the past. Please note that the appeal process in the past was much different. Currently the Land Use Zoning Ordinance under section 14-473(c)4 does not allow the Zoning Board of Appeals to grant a variance for a business use in a residential zone.

There is an allowance for a 30' extension of the B-1 Zone into the R-3 Zone using section 14-51. However, those extensions would not be enough to allow the addition that is requested.

The change of the R-3 zone to a B-1 zone would only allow for a retail use expansion, not for an expansion of pumps for gasoline sales.

47

City of Portland, Maine  
Board of Appeals  
—ZONING—

Decision

Public hearing was held on the 18th day of March, 1949,  
on petition of Gulf Oil Corporation, owner of property at  
797-803 Washington Avenue, seeking to be permitted an exception to the regulations of  
the Zoning Ordinance relating to this property.

Building permit to cover construction of Service Station building at 797-803  
Washington Avenue, about 35' x 52', is not issuable because this property is  
within a Local Business Zone where Section 6a8 of the Zoning Ordinance pro-  
vides that such a use is not allowable unless first authorized by the Board of  
Appeals after the usual appeal procedure.

The Board finds that an exception is necessary in this case to grant reasonable  
use of property and can be granted without substantially departing from the  
intent and purpose of the Zoning Ordinance.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted  
in this specific case.

*John R. Litchford*  
*John W. Lutz*  
*William F. O'Brien*  
*Edward J. Colley*

Board of Appeals

WARREN McDONALD  
INSPECTOR OF BUILDINGS

49/31

On reply refer  
to File

CITY OF PORTLAND, MAINE  
Department of Building Inspection

FLU AP 797-903 Washington Ave.  
corner Ocean Avenue-I

February 9, 1949

C  
O  
P  
Y

Gulf Oil Corporation  
Attn: Mr. W. H. Thornton  
Sales Representative  
601 Danforth Street,  
Portland, Maine

Subject: Application for building permit  
to cover construction of Service Station  
building (Service Garage under the Build-  
ing Code) at 797-803 Washington Ave.,  
corner of Ocean Avenue

Gentlemen:

You have asked that we proceed under your application for a building permit, completed January 28, 1948, to cover construction of a one story brick Service Station building (Service Garage), about 35' x 52' at 797-803 Washington Avenue, corner of Ocean Avenue, and since all rights under zoning appeal relating to this project and sustained conditionally on October 31, 1947, have expired, the building permit is not issuable because the property is within a Local Business Zone where Section 6A8 of the Zoning Ordinance provides that such a use is not allowable unless first authorized by the Board of Appeals after the usual appeal procedure.

You have indicated your desire to again go through with the appeal procedure, and there is enclosed, therefore, an outline of the appeal procedure.

As regards compliance with the Building Code, in case your appeal should be successful, you no doubt have in your files my letter of February 7, 1948 which indicated certain questions as to compliance with requirements of the Building Code, based on your plans filed here January 28, 1948.

Very truly yours,

(Signed) WARREN McDONALD  
Inspector of Buildings

WMdD/G

Enclosure: Outline of appeal procedure

✓ CC: Edward T. Gignoux  
Assistant Corporation Counsel

City of Portland, Maine  
Board of Appeals  
—ZONING—

*Sustained*  
8/17/56

July 24, 1956, 19

56/72

To the Board of Appeals:

Your appellant, **Phillips's Inc.**, who is the owner of property at **805 Washington Avenue**, respectfully petitions the Board of Appeals of the City of Portland to permit an exception to the regulations of the Zoning Ordinance relating to this property, as provided by Section 18, Paragraph E of said Zoning Ordinance. Building permit intended to authorize erection of outdoor telephone booth at 805 Washington Ave. is not issuable under the Zoning Ordinance because this proposed business use is not allowable according to Section 10A of the Ordinance applying in the Residence O Zone where the property is located, and because the booth would be located only about four feet from the street line of Washington Ave. (inside edge of public sidewalk) instead of 20 feet stipulated in Section 10D of the Ordinance applying in this type of zone.

The facts and conditions which make this exception legally permissible are as follows:

An exception is necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

Phillips's Inc.

By *[Signature]*  
Appellant

After public hearing held on the 17th

day of August, 1956,

the Board of Appeals finds that an exception is necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted in this specific case.

*[Signatures]*  
BOARD OF APPEALS

City of Portland, Maine  
Board of Appeals  
—ZONING—

*Sustained*  
*5/2/57*

April 10, 1957, 19

To the Board of Appeals:

Your appellant, Gulf Oil Corporation, who is the owner of property at 801 Washington Avenue, cor of Ocean, respectfully petitions the Board of Appeals of the City of Portland to permit an exception to the regulations of the Zoning Ordinance relating to this property, as provided by Section 18, Paragraph E of said Zoning Ordinance.

Building permit intended to authorize installation of a 2000 gallon tank underground for additional storage of gasoline in connection with the motor vehicle service station at 801 Washington Ave., corner of Ocean Avenue, is not issuable under the Zoning Ordinance because the service station, itself, is non-conforming in the Local Business Zone where the property is located, having been granted by successful appeal on April 18, 1949; and the proposed additional tank is therefore not allowable because it would represent occupancy of an additional area of land for the non-conforming use, contrary to Section 14A of the Ordinance applying in the Local Business Zone where the property is located.

The facts and conditions which make this exception legally permissible are as follows:  
An exception is necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

Gulf Oil Corp.

By *E. P. Phelan*  
Appellant *App. Assn.*

After public hearing held on the third day of May, 1957, the Board of Appeals finds that an exception is necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted in this specific case.

*[Signatures]*  
BOARD OF APPEALS



# APPLICATION FOR PERMIT

PERMIT 15011  
00185  
MAR 28 1967  
CITY OF PORTLAND

Class of Building or Type of Structure Second Class

Portland, Maine August 11, 1966

Completed 3/22/67

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 602 Washington Ave. near Ocean Ave. (44-576) Within Fire Limits?  Dist. No. \_\_\_\_\_  
Telephone 774-8204

Owner's name and address Gulf Oil Corporation, 601 Danforth St. Telephone \_\_\_\_\_

Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_

Contractor's name and address Joseph Kibler & Storer, Inc., Yarmouth, Maine Telephone \_\_\_\_\_

Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans yes No. of sheets 1

Proposed use of building Service Station No. families \_\_\_\_\_

Last use \_\_\_\_\_ No. families \_\_\_\_\_

Material brick No. stories 1 Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_

Other buildings on same lot \_\_\_\_\_ Fee \$ 116.00

Estimated cost \$ 57,375 3/22/67

## General Description of New Work

L.W. CRGPAU

To demolish existing store

To demolish existing brick service station.

To construct 1-story brick "service station" 28'6" x 30'.

This application is preliminary to get settled the question of zoning appeal. In event the appeal is sustained the applicant will furnish complete information estimated cost and pay legal fee.

Appn. contains 3/29/66  
3 bay allowed by board

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT TO BE ISSUED TO Joseph Kibler & Storer, Inc.

## Details of New Work

Is any plumbing involved in this work? yes Is any electrical work involved in this work? yes

Is connection to be made to public sewer? yes If not, what is proposed for sewage? \_\_\_\_\_

Has septic tank notice been sent? \_\_\_\_\_ Form notice sent? yes

Height average grade to top of plate \_\_\_\_\_ Height average grade to highest point of roof \_\_\_\_\_

Size, front \_\_\_\_\_ depth at 10' below grade earth or rock? \_\_\_\_\_

Material of foundation concrete Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_

Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_

No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_ Kind of heat \_\_\_\_\_ fuel \_\_\_\_\_

Framing Lumber—Kind \_\_\_\_\_ Dressed or, full size? \_\_\_\_\_ Corner posts \_\_\_\_\_ Sills \_\_\_\_\_

Size Girder \_\_\_\_\_ Columns under girders \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_

Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.

Joints and rafters: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_

On centers: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_

Maximum span: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_

If one story building with masonry walls, thickness of walls? \_\_\_\_\_ height? \_\_\_\_\_

## If a Garage

No. cars now accommodated on same lot \_\_\_\_\_, to be accommodated \_\_\_\_\_ number commercial cars to be accommodated \_\_\_\_\_

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? \_\_\_\_\_

## Miscellaneous

APPROVED:

J. E. Mc

Will work require disturbing of any tree on a public street? no  
Will there be in charge of the above work a person competent to \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_ thereto are \_\_\_\_\_

FRANK HAMILTON  
1-241-159-6111

1615 - pd 9/7/66

Granted Cond. 9/29/66

66/66

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

VARIANCE APPEAL

Gulf Oil Corp., owner of property at 797-809 Washington Ave.

under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals for a variance from the provisions of said Ordinance to permit: demolishing an existing service station and to construct a 48'8" x 30' service station. This permit is presently not issuable because the service station is proposed to be located in an R-3 and R-5 Residence Zone and a B-1 Business Zone where such a use is not allowable under Sections 4A, 6A and 8A of the Zoning Ordinance and would also constitute an increase in the existing non-conforming use.

LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

Gulf Oil Corporation  
By Ben Vrombich  
APPELLANT atty

DECISION

After public hearing held September 29, 1966, the Board of Appeals finds that all of the above conditions do exist with respect to this property and that a variance should be granted in this case to permit construction of a one-story masonry and wood frame three-bay service station building.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance should be granted in this case to permit construction of one-story masonry and wood frame three-bay service station building.

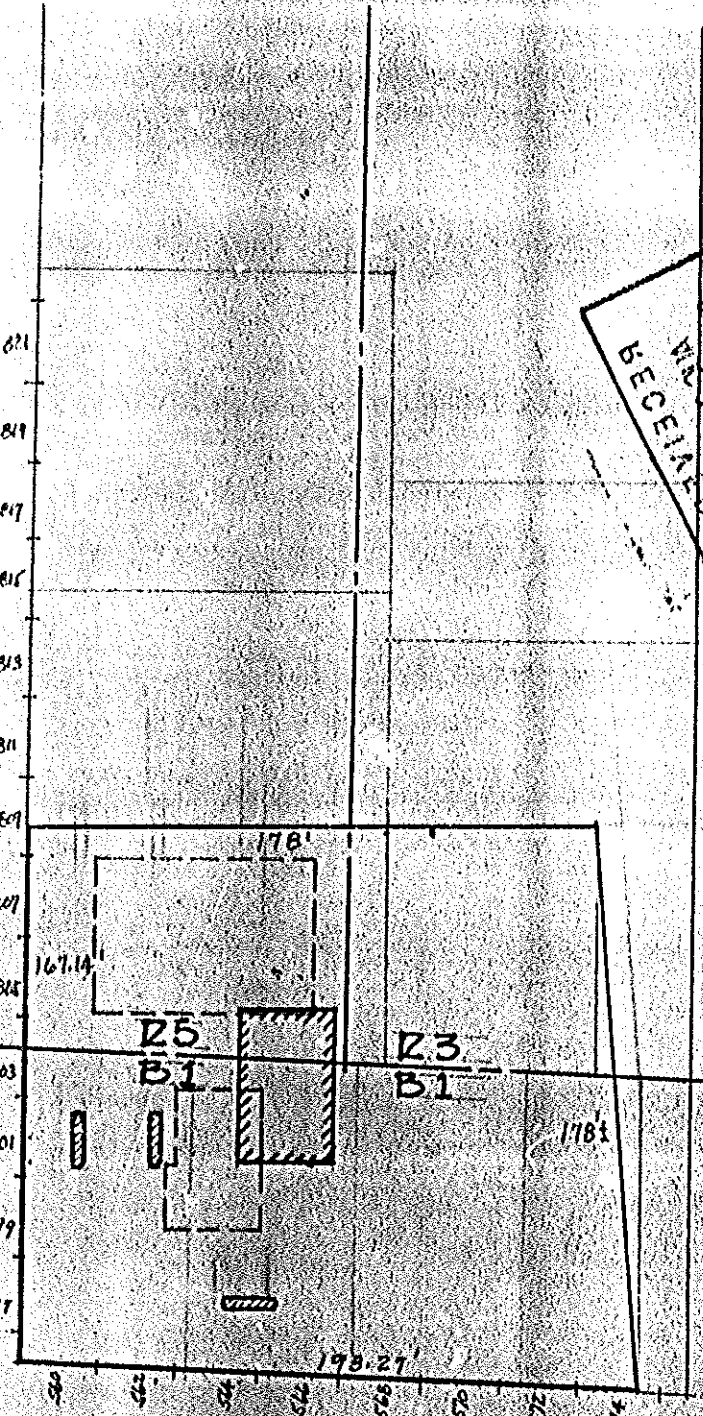
W. M. Hill  
W. M. Hill  
W. M. Hill  
BOARD OF APPEALS



WASHINGTON AVENUE

GRAHAM TERRACE

821  
819  
817  
815  
813  
811  
809  
807  
805  
803  
801  
799  
797



ALL INFORMATION  
 CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 01-09-2001 BY 60322  
 RECEIVED

OCEAN AVENUE

B1

Scale: 1"=50'

A.P.- 797-809 Washington Ave.

August 26, 1966

Gulf Oil Corporation  
601 Danforth Street

cc to: Benjamin Thompson, Attorney  
85 Exchange Street  
cc to: Corporation Counsel

Gentlemen:

Permit to construct a 48'-8" x 30' single story service station is not issuable under Zoning Ordinance Sections 4A, 6A, and 8A referring to uses in the Residence 3, 5 and Business 1 Zones in which this property is located.

As portions of this lot have existing non-conforming business uses in the Residence 5 and Business 1 Zones you have appeal rights under Section 17-C as to the extension of the proposed service station use in the Business 1 and Residence 5 Zones, but it is questionable if part or any of the Residence 3 portion of this property has existing non-conforming business uses.

We understand that you desire to exercise your appeal rights in this matter and therefore you will need to come to Room 119, City Hall where forms are available for filing this appeal.

Very truly yours,

Gerald E. Mayberry  
Building Inspection Director

GEM:m

(COPY)



CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION #789-809 Washington Ave.

Issued to **Gulf Oil Corporation**  
601 Danforth St.

Date of Issue **September 14, 1967**

This is to certify that the building, premises, or part thereof, at the above location, built—altered—changed as to use under Building Permit No. **66/185**, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

**Entire**

**Service Station**

Limiting Conditions:

This certificate supersedes  
certificate issued

Approved:

*Carl Smith*

*Merald E. Mayberry*

(Date)

Inspector

Inspector of Building

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

Assessor's Office | 359 Congress Street | Portland, Maine 04101 | Robin 115 | (207) 874-8486

City Home Departments City Council E-Services Calendar Jobs

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:**

**Services**

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

**CBL** 163 B003001  
**Land Use Type** RETAIL & PERSONAL SERVICE  
**Property Location** 801 WASHINGTON AVE  
**Owner Information** V S H REALTY INC  
 100 CROSSING BLVD #9003  
 CANTON MA 01702  
**Book and Page**  
**Legal Description** 163-B-3 TO 5-14-15-17  
 WASHINGTON AVE 797-807  
 OCEAN AVE 560-574  
 32053SF  
**Acres** 0.736

**Current Assessed Valuation:**

<b>TAX ACCT NO.</b>	22894	<b>OWNER OF RECORD AS OF APRIL 2009</b> V S H REALTY INC
<b>LAND VALUE</b>	\$441,600.00	777 DEDHAM ST # V1079 CANTON MA 02021
<b>BUILDING VALUE</b>	\$343,300.00	
<b>NET TAXABLE - REAL ESTATE</b>	\$784,900.00	
<b>TAX AMOUNT</b>	\$13,924.14	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

**Building Information:**

Card 1 of 1  
**Year Built** 1989  
**Style/Structure Type** CONVENIENCE STORE  
**# Units** 1  
**Building Num/Name** 1 - CUHBERLAND FARMS  
**Square Feet** 2400  
[View Sketch](#)    [View Map](#)    [View Picture](#)



**Exterior/Interior Information:**

Card 1  
**Levels** 01/01  
**Size** 2400  
**Use** CONVENIENCE STORE  
**Height** 10  
**Walls** BRICK/STONE  
**Heating** HOT AIR  
**A/C** CENTRAL

**Other Features:**

Card 1  
**Structure** CANOPY - ROOF/SLAB  
**Size** 240X1

**Outbuildings/Yard Improvements:**

Card 1  
**Year Built** 1989  
**Structure** CANOPY GD  
**Size** 1X2160  
**Units** 1  
**Grade** C  
**Condition** 3

Card 1  
**Year Built** 1989  
**Structure** PAVING CONC HEAVY  
**Size** 1X2200  
**Units** 1  
**Grade** C



Best Viewed at 800x600, with Internet Explorer



# PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Henry St. Louis Littell, Director of Planning and Development  
Laraine Schmuckal, Zoning Administrator

## Meeting Information

DATE: 12/18/09 ZONE: B-1 Zone & R-3

LOCATION: 801 Washington Ave & Ocean

PEOPLE PRESENT: Chris Tymula - Jim Wynn - Jim Haddow

Tom Errico - Marge - BARBARA - DAVID M. - Pined

DISCUSSION: 14-51 - 30' extension - No Drive-Thru

REAR CORNER of combined lots is in R-3  
Council growing sentiment against conditional contract zones

open 24 hours presently - B-1 Zone limits time  
New Branding & imaging - EXPAND storage & freezer space

22 pkg exist (incl under canopy) - New 33 pkg space  
49 x 45' addition - retail orientated } justify supply for party

Canopy reface only - Not New - green strip Not illuminated  
lighting discussed

Stormwater question - Now sheet flow - use EXIST for entry at  
Roof signs not permitted - tower sign(s) being shown

handed out Traffic Study Outline → will be doing A traffic Study  
TMP probably not needed - under 100 peak hr. trips per 2,000<sup>sq</sup>

collect safety DATA (should do)  
review Access & drive ways - perhaps the issue

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at [www.portlandmaine.gov](http://www.portlandmaine.gov).

Pedestrian Access ALSO important  
BARBARA described the Zone change process  
sidewalks in good shape

Room 315 - 389 Congress Street - Portland, Maine 04101 (207) 874-8695 - FAX: (207) 874-8716 - TTY: (207) 874-3936  
Existing lighting plan required

801 WASHINGTON