

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

<b>PERMIT ISSUED</b>		<b>Permit No:</b> 02-1210	<b>Issue Date:</b> 10/30/02	<b>CBL:</b> 314 B047001	<b>Age:</b> 55
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<b>Location of Construction:</b> 519 Warren Ave	<b>Owner Name:</b> Writt Frederick A &	<b>Owner Address:</b> 93 Mast Rd Portland	<b>Phone:</b> 207-797-9241	<b>Zone:</b> B-4
<b>Business Name:</b> n/a	<b>Contractor Name:</b> n/a	<b>Contractor Address:</b> PORTLAND	<b>Phone:</b>	
<b>Lessee/Buyer's Name:</b> n/a	<b>Phone:</b> n/a	<b>Permit Type:</b> Commercial		

<b>Part Use:</b> Vacant / Single Family Residence	<b>Proposed Use:</b> Drive thru coffee shop (business) no interior seating.	<b>Permit Fee:</b> \$373.00	<b>Cost of Work:</b> \$50,000.00	<b>CEO District:</b> 1
		<b>FIRE DEPT:</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	<b>INSPECTION:</b> Type: SSG B 11/15/02	

**Proposed Project Description:**  
Drive thru coffee shop, no interior seating

**Signature:** *W.R.M.* **Signature:** *Chief Curry*  
**PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)**  
 Action:  Approved  Approved w/Conditions  Denied  
**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Permit Taken By:** gg **Date Applied For:** 10/22/2002

**Zoning Approval**

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.	Special Zone or Reviews <input type="checkbox"/> Shoreland <i>N/A</i> <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <i>W.A. Finelli</i> <input type="checkbox"/> Subdivision	Zoning Appeal <input checked="" type="checkbox"/> Variance ( <i>let site</i> ) <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review
2. Building permits do not include plumbing, septic or electrical work.	<input type="checkbox"/> Maj <input type="checkbox"/> Minor <input checked="" type="checkbox"/> NM <input type="checkbox"/> #2002-0094 Date: <i>10/15/02</i>	<input checked="" type="checkbox"/> Site Plan <input checked="" type="checkbox"/> Approved <i>Extension Approved</i> Date: <i>4/14/2002</i>	<input type="checkbox"/> Denied <input type="checkbox"/> Approved w/Conditions Date: <i>S</i>

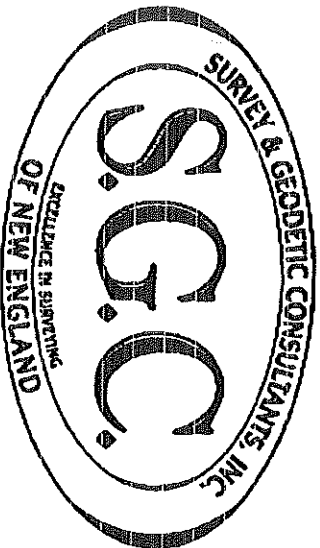
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

**CERTIFICATION**

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

**SIGNATURE OF APPLICANT** \_\_\_\_\_ **ADDRESS** \_\_\_\_\_ **DATE** \_\_\_\_\_ **PHONE** \_\_\_\_\_

**RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE** \_\_\_\_\_ **DATE** \_\_\_\_\_ **PHONE** \_\_\_\_\_



December 4, 2002

Mr. Craig Lefebvre  
 O'Brien Brothers Construction  
 Webster Road  
 Gorham, Maine 04038

RE: Foundation Location  
 Bellingham Coffee Building  
 Portland, Maine  
 SGC Project No. 1-000164.00


Dear Mr. Lefebvre:

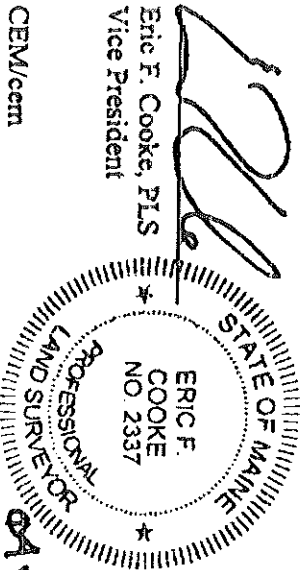
Pursuant to your request on December 3, 2002 we submit this letter to verify the as laid out location of the above referenced building.

On November 25, 2002 existing boundary monumentation was located and verified according to plan entitled "Property of Craig & Laurie Winslow, 527 Warren Avenue, Portland, Maine 04103", as recorded in Plan Book 197 Page 309. Said plan having been utilized as the boundary plan for the design plans below mentioned. On December 2, 2002 the foundation was laid out as shown on plan entitled, "Drive-Thru Coffee Shop for Bellingham Coffee", prepared by David D. Leisure - Architectural Associates, Inc, last revised September 15, 2002 on said property. The foundation meets the required setbacks as shown on above said plan.

Please contact me directly if you have any questions regarding this submittal.

Sincerely,  
 Survey & Geodetic Consultants, Inc.

  
 Eric F. Cooke, PLS  
 Vice President



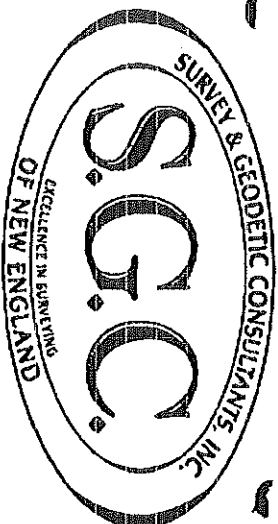
CEM/cem

04 DEC 02

314-B-47  
 62-1210

12 Westbrook Common, 2nd Floor ♦ Westbrook, Maine ♦ 04092

Phone: 207-856-0006 ♦ Fax: 207-856-0007 ♦ E-Mail: [sgc@sgcinc.net](mailto:sgc@sgcinc.net)



To: Tammmy Munson

From: Chad Martin

Fax: 207.874.8716

Pages: 2

Phone:

Date: 12/04/02

Re: Bellingham Coffee Building

CC: ~~CHAD~~ LEFEVRE

*207.929.8013*

Urgent  
  For Review  
  Please Comment  
  Please Reply  
  Please Recycle

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Tammmy:

Please find a letter to Craig Lefevre verifying the location of the foundation for the Bellingham Coffee Building.

Please call me with any questions.

Thanks

Chad Martin

*Revised*

12 Westbrook Commons, 2nd Floor Westbrook, Maine 04092  
 Phone: 207-856-0006 Fax: 207-856-0007 E-mail: [sgc@sgcinc.net](mailto:sgc@sgcinc.net)



**CITY OF PORTLAND**

*Joeline A.*  
Division Directors  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning  
John N. Lufkin  
Economic Development

September 27, 2002

Mr. Craig Rasmussen  
171 Brown Street #2  
Westbrook, ME 04092

RE: Coffee Shop Drive thru, 519 Warren Avenue  
ID #2002-0094, CBL #314-B-047

Dear Mr. Rasmussen:

On September 27, 2002, the Portland Planning Authority granted minor site plan approval to allow a drive-thru coffee shop located at 519 Warren Avenue with the following conditions:

- i. that the applicant install a 12" pipe from the catch basin inlet to the catch basin; and
- ii. that the applicant provide an executed drainage maintenance agreement.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one-year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

License Inspection Slip

Applicant Bullingham Coffee Co, Inc.  
Business Name Same ↑  
Address 519 Dannon Ave  
Phone 854-4015  
Type of License SE w/prof

*Clerks Office Use Only*  
New  Renewal   
Change of Ownership \_\_\_\_\_  
Date Issued 5/28/03  
Date of Application 5/28/03

Zoning:  Approved  Denied Zone \_\_\_\_\_  
CHANGE OF USE PERMIT  Required  Not required issued date \_\_\_\_\_

Date \_\_\_\_\_ Signature of Zoning Enforcement Official \_\_\_\_\_

Comments: \_\_\_\_\_

Inspection Services:  Approved  Denied

Date \_\_\_\_\_ Signature of Inspector \_\_\_\_\_

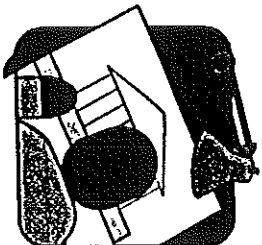
Date \_\_\_\_\_ Signature of Chief or Asst. Chief of Inspection \_\_\_\_\_

Comments: \_\_\_\_\_

Fire Prevention Bureau:  Approved  Denied

Date \_\_\_\_\_ Signature of Fire Prevention Officer \_\_\_\_\_

Comments: \_\_\_\_\_



# CITY OF PORTLAND MAINE

389 Congress St., Rm 315  
Portland, ME 04101  
Tel - 207-874-8704  
Fax - 207-874-8716

TO: Inspector of Buildings City of Portland, Maine  
Planning & Urban Development  
Division of Housing & Community Services

FROM DESIGNER: DAVID D. VEASURE - ARCHITECTURAL ASSOC INC  
1844 WASHINGTON AVE, PORTLAND, ME. 04103

DATE: 10/21/03

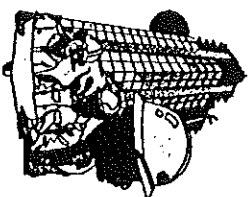
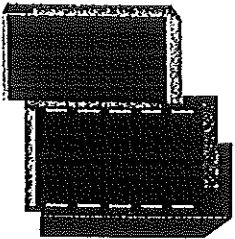
Job Name: DRIVE THRU COFFEE SHOP DBA BULLDOGHAM COFFEE  
Address of Construction: 519 WARREN AVENUE, PORTLAND, ME 04103

### THE BOCA NATIONAL BUILDING CODE/1999 Fourteenth EDITION

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

Building Code and Year BOCA-1999 Use Group Classification(s) B (Business)  
Type of Construction SB Bldg Height 15'-4" Bldg Sq. Footage 448 GSF  
Seismic Zone Ar = 0.10 Group Class S.H.E.G = I  
Roof Snow Load Per Sq. Ft. 54 Dead Load Per Sq. Ft. 16  
Basic Wind Speed (mph) 90 Effective Velocity Pressure Per Sq. Ft. 25  
Floor Live Load Per Sq. Ft. 50 P.S.F.  
Structure has full sprinkler system? Yes    No X Alarm System? Yes    No X  
Sprinkler & Alarm systems must be installed according to BOCA and NFPA Standards with approval from the Portland Fire Department.  
Is structure being considered unlimited area building: Yes X No     
If mixed use, what subsection of 313 is being considered N/A

List Occupant loading for each room or space, designed into this Project.  
KITCHEN SPACE = 448 GSF @ 1/100 GSF = 4.48 occupants



CITY OF PORTLAND  
 BUILDING CODE CERTIFICATE  
 389 Congress St., Rm 315  
 Portland, ME 04101

TO: Inspector of Buildings City of Portland, Maine  
 Department of Planning & Urban Development  
 Division of Housing & Community Service

FROM: DAVID D. LEASURE - ARCHITECTURAL ASSOC. INC.

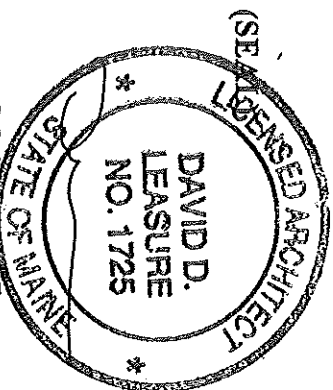
RE: Certificate of Design

DATE: 10/21/02

These plans and/or specifications covering construction work on:

DRIVE - THIRD CORNER SHEP OBA BULLYHAM CORNER  
519 WARED AVENUE, PORTLAND, ME.

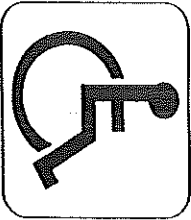
Have been designed and drawn up by the undersigned, a Maine registered architect/engineer according to the BOCA National Building Code/1999 Fourteenth Edition, and local amendments.



As per Maine State Law:

Signature [Signature]  
 Title PRESIDENT  
 Firm ARCHITECTURAL ASSOC. INC.  
 Address 1344 WASHINGTON AVENUE  
PORTLAND, ME. 04103

\$50,000.00 or more in new construction, repair, expansion, addition, or modification for Building or Structures, shall be prepared by a registered design Professional.



# City of Portland, Maine

389 Congress St., Rm 315  
Portland, ME 04101

## ACCESSIBILITY CERTIFICATE

TO: Inspector of Buildings City of Portland, Maine  
Department of Planning & Urban Development  
Division of Housing & Community Services

FROM: DAVID D. LEASURE - ARCHITECTURAL ASSOC. INC.

RE: Certificate of Design, HANDICAP ACCESSIBILITY

DATE: 10/21/02

These plans and/or specifications covering construction work on:

DRIVE-THRU COFFEE SHOP OBA BULLDOGHAM COFFEE  
519 WARED AVENUE  
PORTLAND, MAINE 04103

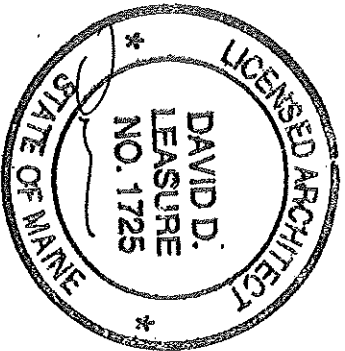
Have been designed and drawn up by the undersigned, a Maine registered engineer/architect according to State Regulations as adopted by the State of Maine on Handicapped Accessibility.

(SEAL) Signature [Signature]

Title PRESIDENT

Firm ARCHITECTURAL ASSOC INC.

Address 1344 WASHINGTON AVENUE  
PORTLAND, ME. 04103





URSIS KASMAISON  
Bellingsham Coffee Co. Inc.

Doc#: 85999 Bk:18245 Pg: 35



Received  
Recorder Register of Deeds  
Oct 18, 2002 02:34:18P  
Cumberland County  
John B. O'Brien

### CITY OF PORTLAND CERTIFICATE OF VARIANCE APPROVAL

I, Patric Santerre, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 3<sup>rd</sup> day of October 2002, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Property Owner:** Fredrick A. Witt & Colleen R. Witt
2. **Property:** Cumberland County Registry of Book 15648, Page 186  
(Last recorded August 9, 2000 Deed in Chain of Title)  
517 Warren Avenue CBL: 314-B-047, 48 & 55
3. **Variance and Conditions of Variance:**  
To allow for relief from Section 14-229.13 of the Zoning Ordinance in regards to dimensional requirement to allow a reduction in lot size, from the required 10,000 square feet to approximately 7,900 square feet. This is a 6 month extension from the Zoning Board of Appeals meeting of October 3, 2002. The original approval was granted on April 4, 2002 and this is an allowance of a 6-month extension.

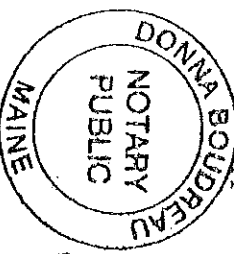
IN WITNESS WHEREOF, I have hereto set my hand and seal this 10/15 day of, 2002.

*Patric Santerre*, Chair

(Printed or Typed Name)  
**PATRIC SANTERRE**

STATE OF MAINE  
Cumberland, ss.

Then personally appeared the above-named Patric Santerre and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals.



**DONNA BOUDREAU**  
NOTARY PUBLIC  
STATE OF MAINE  
Com. Expires 03-12-09

*Donna Boudreau*  
(Printed or Typed Name)  
Notary Public

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

Patric Santerre, Chair  
Catherine Decker, Secretary  
William Hall  
Julie Brady  
Nan Sawyer  
Joseph Lewis  
Kimberely Boggiatto

October 8, 2002

Craig Rasmusson  
820 Main Street  
Westbrook, Maine 04092

RE: 519 Warren Avenue  
CBL: 314-B-047, 48 & 55  
ZONE: IR-2 Zone

Dear Mr. Rasmusson;

As you know, at its October 3, 2002 meeting, the Board of Appeals granted 4-0 the request to extend and continue the **Zoning Board of Appeals decision of April 4, 2002 with a 6 month extension**. The Board granted the Variance Appeal to relax the required 10,000 square foot lot size dimension to approximately 7,900 square feet.

Enclosed you will find the Certificate of Variance Approval that must be filed the Cumberland County Registry of Deed with 90 days of the final written approval to become valid.

I must also remind you that a building permit must be submitted and approved before any work may commence.

Should you have any questions I may be reached at 207-874-8701.

Sincerely,

Jodine Adams  
Office Manager

0046996

SKT7733Pg235

314-B-47



CITY OF PORTLAND  
CERTIFICATE OF VARIANCE APPROVAL

I, Elizabeth Bordowitz, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 4<sup>th</sup> day of April 2002, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Property Owner:** Fredrick A. Witt & Colleen R. Witt
2. **Property:** Cumberland County Registry of Book 15648, Page 186  
(Last recorded August 9, 2000 Deed in Chain of Title)  
517 Warren Avenue    CBL: 314-B-047, 48 & 55
3. **Variance and Conditions of Variance:**  
To allow for relief from Section 14-229.13 of the Zoning Ordinance in regards to dimensional requirement to allow a reduction in lot size, from the required 10,000 s.f. to approximately 7,900 s.f.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 25<sup>th</sup> day of April 2002.

RECEIVED  
RECORDED REGISTRY OF DEEDS

2002 JUN 13 AM 10: 51

*Elizabeth L. Bordowitz*, Chair  
(Printed or Typed Name)

STATE OF MAINE  
Cumberland, ss.

CUMBERLAND COUNTY  
*John B. Brown*

Then personally appeared the above-named Elizabeth Bordowitz and acknowledged the above certificate to be her free act and deed in her capacity as Chairman of the Portland Board of Appeals.

*[Signature]*  
DEBORAH LYNN  
Notary Public, Maine  
My Commission Expires April 7, 2005  
Notary Public

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

Department of Planning & Development  
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
John N. Luffkin  
Planning  
Economic Development

*Joeline A.*

September 27, 2002

Mr. Craig Rasmusson  
171 Brown Street #2  
Westbrook, ME 04092

RE: Coffee Shop Drive thru, 519 Warren Avenue  
ID #2002-0094, CBL #314-B-047

Dear Mr. Rasmusson:

On September 27, 2002, the Portland Planning Authority granted minor site plan approval to allow a drive-thru coffee shop located at 519 Warren Avenue with the following conditions:

- i. that the applicant install a 12" pipe from the catch basin inlet to the catch basin; and
- ii. that the applicant provide an executed drainage maintenance agreement.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one-year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8822. (Only excavators licensed by the City of Portland are eligible.)
6. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Kandice Talbot at 874-8901.

Sincerely,



Alexander Jaegerman  
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director  
Sarah Hopkins, Development Review Program Manager  
Kandice Talbot, Planner  
Jay Reynolds, Development Review Coordinator  
Marge Schmuuckel, Zoning Administrator  
— Jodine Adams, Inspections  
William Bray, Director of Public Works  
Larry Ash, Traffic Engineer  
Tony Lombardo, Project Engineer  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Lt. Gaylen McDougall, Fire Prevention  
Don Hall, Appraiser, Assessor's Office  
Approval Letter File  
Correspondence File

0046996

BK17733PE235

314-B-47



CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Elizabeth Bordowitz, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 4<sup>th</sup> day of April 2002, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

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2. Property: Cumberland County Registry of Book 15648, Page 186  
(Last recorded August 9, 2000 Deed in Chain of Title)  
517 Warren Avenue CBL: 314-B-047, 48 & 55
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IN WITNESS WHEREOF, I have hereto set my hand and seal this 25<sup>th</sup> day of April 2002.

RECEIVED  
RECORDED REGISTRY OF DEEDS

2002 JUN 13 AM 10: 51

CUMBERLAND COUNTY

*John B. Brown*

STATE OF MAINE  
Cumberland, ss.

*Elizabeth L. Bordowitz*, Chair

Elizabeth L. Bordowitz

(Printed or Typed Name)

Then personally appeared the above-named Elizabeth Bordowitz and acknowledged the above certificate to be her free act and deed in her capacity as Chairman of the Portland Board of Appeals.

*Deborah L. ...*

DEBORAH L. ...  
Notary Public, Maine  
My Commission Expires April 7, 2003  
Notary Public

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

Site # 20020094 021210

# All Purpose Building Permit Application

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

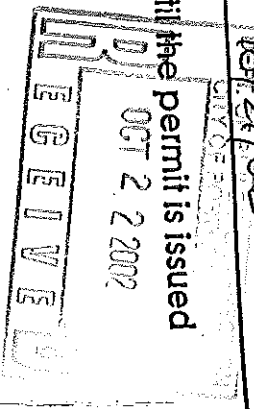
Location/Address of Construction: 519 WARRAD AVENUE, PORTLAND, ME 04103	
Total Square Footage of Proposed Structure: 448 SF.	Square Footage of Lot: 7900 SF.
Tax Assessor's Chart, Block & Lot Chart# 314 Block# 47, 48, 49, 50, 51, 52, 53, 54, 55	Owner: FRED & ROSEANN WINTT 93 W. AST ROAD FARMOUTH, ME. 04105 (207) 797-9241
Lessee/Buyer's Name (If Applicable) CRAIG RASMUSSEN 171 BROWN STREET WESTBROOK, ME. 04092	Applicant name, address & telephone: (207) 856-1600
Current use: VACANT LOT	Cost Of Work: \$ 50,000. -
If the location is currently vacant, what was prior use: SINCE FAMILY RESIDENCE	Fee: \$ 324. -
Approximately how long has it been vacant: _____	TOTAL \$ 373,000
Proposed use: DRIVE THRU COFFEE SHOP (BUSINESS) NO INTERIOR SEATING	
Project description: DRIVE THRU COFFEE SHOP w/ NO INTERIOR SEATING Volunteered food with Lounge	
Contractor's name, address & telephone: _____	
Who should we contact when the permit is ready: CRAIG RASMUSSEN (207) 856-1600	
Mailing address: 171 BROWN STREET WEST BROOK, ME. 04092	Phone: _____

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

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of the 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: \_\_\_\_\_ Date: 10/21/02

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



**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM  
DRC Copy**

2002-0094

Application I. D. Number

03/12/2002

Application Date

Drive-Thru Coffee Shop

Project Name/Description

519 - 519 Warren Ave, Portland, Maine

Address of Proposed Site

314 B047001

Assessor's Reference: Chart-Block-Lot

Craig Rasmussen

Applicant

171 Brown Street #2, Westbrook, ME 04092

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (207) 856-1600

Applicant or Agent Daytime Telephone, Fax

Agent Fax:

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail

Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify)

448 sq. Ft.

Proposed Building square Feet or # of Units

B4  
Zoning

Acreage of Site

Check Review Required:

Site Plan (major/minor)

Subdivision # of lots

PAD Review

14-403 Streets Review

Flood Hazard

Shoreland

Historic/Preservation

DEP Local Certification

Zoning Conditional Use (ZBA/PS)

Zoning Variance

Other

Fees Paid: Site Plan \$400.00 Subdivision

Engineer Review \$918.00

Date 11/14/2002

**DRC Approval Status:**

Approved

Approved w/Conditions See Attached

Denied

Reviewer Sebago Technic

Approval Date 09/27/2002

Approval Expiration 09/27/2003

Extension to

Additional Sheets Attached

Condition Compliance

Kandi Talbot  
signature

11/19/2002  
date

Performance Guarantee

Required\*

Not Required

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted

11/18/2002  
date

\$55,000.00  
amount

04/20/2004  
expiration date

Inspection Fee Paid

date

amount

expiration date

Building Permit Issue

date

amount

Performance Guarantee Reduced

date

remaining balance

signature

Temporary Certificate of Occupancy

date

Conditions (See Attached)

expiration date

Final Inspection

date

signature

Certificate Of Occupancy

date

signature

Performance Guarantee Released

date

signature

Defect Guarantee Submitted

date

signature

Defect Guarantee Released

submitted date

amount

expiration date

date

signature



**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM  
Planning Copy**

2002-0094  
Application I. D. Number

03/12/2002

Application Date

Craig Rasmusson  
Applicant  
171 Brown Street #2, Westbrook, ME 04092  
Applicant's Mailing Address

Drive-Thru Coffee Shop  
Project Name/Description

Consultant/Agent  
Applicant Ph: (207) 856-1600 Agent Fax:

519 - 519 Warren Ave, Portland, Maine  
Address of Proposed Site  
314 B047001  
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  
 New Building  
 Building Addition  
 Change Of Use  
 Residential  
 Office  
 Retail  
 Manufacturing  
 Warehouse/Distribution  
 Parking Lot  
 Other (specify) \_\_\_\_\_

448 sq. Ft. Proposed Building square Feet or # of Units  
 Acreage of Site \_\_\_\_\_  
 B4 Zoning

Check Review Required:  
 Site Plan (major/minor)       Subdivision # of lots \_\_\_\_\_  
 Flood Hazard       PAD Review       14-403 Streets Review  
 Zoning Conditional Use (ZBA/PB)       Shoreland       Historic Preservation       DEP Local Certification  
 Zoning Variance       Other \_\_\_\_\_

Fees Paid: Site Plan \$400.00 Subdivision \_\_\_\_\_ Engineer Review \$918.00 Date 11/14/2002

**Planning Approval Status:**  
 Approved       Approved w/Conditions See Attached       Denied

Approval Date 09/27/2002      Approval Expiration 09/27/2003      Extension to 11/19/2002       Additional Sheets Attached  
 OK to Issue Building Permit      Kandl Talbot      signature      date

Performance Guarantee       Required\*       Not Required

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input checked="" type="checkbox"/> Performance Guarantee Accepted	11/18/2002	\$55,000.00	04/20/2004
<input type="checkbox"/> Inspection Fee Paid	_____	_____	_____
<input type="checkbox"/> Building Permit Issue	_____	_____	_____
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____

<input type="checkbox"/> Temporary Certificate of Occupancy	_____	_____	_____	_____
<input type="checkbox"/> Final Inspection	_____	_____	_____	_____
<input type="checkbox"/> Certificate Of Occupancy	_____	_____	_____	_____
<input type="checkbox"/> Performance Guarantee Released	_____	_____	_____	_____
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____	_____
<input type="checkbox"/> Defect Guarantee Released	_____	_____	_____	_____

<input type="checkbox"/> Performance Guarantee Released	_____	_____	_____	_____
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____	_____
<input type="checkbox"/> Defect Guarantee Released	_____	_____	_____	_____

CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM  
ADDENDUM

2002-0094

Application I. D. Number

03/12/2002

Application Date

Drive-Thru Coffee Shop

Project Name/Description

Craig Rasmusson

Applicant

171 Brown Street #2, Westbrook, ME 04092

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (207) 856-1600

Agent Fax:

Applicant or Agent Daytime Telephone, Fax

519 - 519 Warren Ave, Portland, Maine

Address of Proposed Site

314 B047001

Assessor's Reference: Chart-Block-Lot

Approval Conditions of Planning

- 1 i. that the applicant install a 12" pipe from the catch basin inlet to the catch basin; and
  - 2 ii. that the applicant provide an executed drainage maintenance agreement.
- Approval Conditions of DRC
- 1 See Planning conditions

Application ID Number: 2-1210

Department: Zoning Status: Approved with Conditions Reviewer: Marge Schmuckel

Comments: 519 Warren Ave Approval Date: 11/05/2002

Given On Date: 11/01/2002

OK to Issue Permit Name: Marge Schmuckel Date: 11/05/2002 Date 2: [redacted]

Conditions Section:

This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Separate permits shall be required for any new signage.

Create Date: 10/23/2002 By: [redacted] Update Date: 11/05/2002 By: mes

Applicant: Craig Rasmussen

Date: 11/5/02

Address: 519 Warren Ave

C-B-L: 314 - B-04748-5

CHECK-LIST AGAINST ZONING ORDINANCE

Date - New

Zone Location - B-4

Interior or corner lot - corner lot on old Fiske St

Proposed Use/Work - construction re Turn Coffee Shop

Sewage Disposal - City

Lot Street Frontage - 60' min - 79' shown

Front Yard - 20' or Average Req - 43' scaled

Rear Yard - 20' min 41' scaled

Side Yard - 10' Req - 115' 39' scaled  
1-2 stories

Projections - just overhangs

Width of Lot - 60' req - 79' shown

Height - 65ft max - 14'3" shown

Lot Area - 10,000 sq ft req - 7,900 sq ft shown at per appeal

W/ appeal 4/12/02  
extended 10/3/02 Impervious Surface - 80% max or 6320 sq ft all 5147 sq ft given total

Area per Family - N/A

Off-street Parking - 2 ft sq - none req - under 2,000 sq shown - 3 spaces shown

Loading Bays - N/A

Site Plan - # 2002-0094

Shoreland Zoning/Stream Protection - N/A

Flood Plains - Panel 6 Zone

Max Floor Area Ratio =  $\frac{448 \text{ sq ft}}{7,900 \text{ sq ft}} = .057$

0046996



BK 17733PE235

CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Elizabeth Bordowitz, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 4<sup>th</sup> day of April 2002, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. Property Owner: Fredrick A. Wirth & Colleen R. Wirth
2. Property: Cumberland County Registry of Book 15648, Page 186  
(Last recorded August 9, 2000 Deed in Chain of Title)  
517 Warren Avenue CBL: 314-B-047, 48 & 55
3. Variance and Conditions of Variance:  
To allow for relief from Section 14-229.13 of the Zoning Ordinance in regards to dimensional requirement to allow a reduction in lot size, from the required 10,000 s.f. to approximately 7,900 s.f.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 25<sup>th</sup> day of April 2002.

RECEIVED  
RECORDED REGISTRY OF DEEDS

2002 JUN 13 AM 10: 51

CUMBERLAND COUNTY

*John B. Egan*

*Elizabeth L. Bordowitz*, Chair  
(Printed or Typed Name)

STATE OF MAINE  
Cumberland, ss.

Then personally appeared the above-named Elizabeth Bordowitz and acknowledged the above certificate to be her free act and deed in her capacity as Chairman of the Portland Board of Appeals.

*Deborah Lynn*

DEBORAH LYNN (Printed or Typed Name)  
Notary Public, Maine  
My Commission Expires April 7, 2003  
Notary Public

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM**

2002-0094  
Application I. D. Number  
03/12/2002  
Application Date

Craig Rasmussen  
Applicant \_\_\_\_\_

519 - 519 Warren Ave, Portland, Maine  
Address of Proposed Site  
314 B047001

171 Brown Street #2, Westbrook, ME 04092  
Applicant's Mailing Address \_\_\_\_\_

Drive-Thru Coffee Shop  
Project Name/Description

Consultant/Agent \_\_\_\_\_  
Applicant Ph: (207) 856-1600 Agent Fax: \_\_\_\_\_

Assessor's Reference: Chart-Block-Lot

Applicant or Agent Daytime Telephone, Fax  
Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) \_\_\_\_\_  
448 sq. Ft. B4  
Proposed Building square Feet or # of Units \_\_\_\_\_  
Acreege of Site \_\_\_\_\_  
Zoning \_\_\_\_\_

**Check Review Required:**

Site Plan (major/minor)  Subdivision # of lots \_\_\_\_\_  PAD Review  14-403 Streets Review  
 Flood Hazard  Shoreland  Historic/Preservation  DEP Local Certification  
 Zoning Conditional Use (ZBA/P3)  Zoning Variance  Other \_\_\_\_\_  
Fees Paid: Site Plan \$400.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 04/10/2002

**Insp Approval Status:**

Approved  Approved w/Conditions See Attached  Denied  Reviewer \_\_\_\_\_  
Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets Attached  
 Condition Compliance \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

Performance Guarantee  Required\*  Not Required

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_

Inspection Fee Paid \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_

Building Permit Issue \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_

Performance Guarantee Reduced \_\_\_\_\_ date \_\_\_\_\_ remaining balance \_\_\_\_\_ signature \_\_\_\_\_

Temporary Certificate of Occupancy \_\_\_\_\_ date \_\_\_\_\_  Conditions (See Attached) \_\_\_\_\_ signature \_\_\_\_\_ expiration date \_\_\_\_\_

Final Inspection \_\_\_\_\_ date \_\_\_\_\_ signature \_\_\_\_\_ expiration date \_\_\_\_\_

Certificate Of Occupancy \_\_\_\_\_ date \_\_\_\_\_ signature \_\_\_\_\_ expiration date \_\_\_\_\_

Performance Guarantee Released \_\_\_\_\_ date \_\_\_\_\_ signature \_\_\_\_\_ expiration date \_\_\_\_\_

Defect Guarantee Submitted \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_

Defect Guarantee Released \_\_\_\_\_ date \_\_\_\_\_ signature \_\_\_\_\_ expiration date \_\_\_\_\_

Craig Rasmussen  
171 Brown St #2  
Westbrook, ME 04092  
(207) 854-4015

---

March 12, 2002

Planning Review Board  
318 Congress Street  
Portland, ME 04092

Reference: Minor site plan review for Bellingham Coffee Co., Drive Thru Coffee. Located at 519 Warren Ave. Portland, ME.

Dear Plan Review Board,

Enclosed you will find a Minor Site Plan Review Application along with a check for \$400. The proposed plan will be a 16' x 28' (448 square feet) double drive thru coffee shop located at 519 Warren Ave. in Portland, ME.

Bellingham Coffee Co. is a drive thru "only" retail establishment. There is no sit down or walk up. The lot is 7,900 square feet with an existing right of way for a total of 10,400 square feet. I have enclosed copies of the variance, ROW and written permission to tie into private sewer.

Bellingham Coffee Co. is drive thru coffee shop. The 448 square foot building will have a drive thru window located on each side. We sell mostly coffee items. Our menu includes coffee, iced coffee, espresso drinks (café latte, café mocha, cappuccino, etc.), chai tea, bulk coffee, hot chocolate, fruit juices etc. Our only food items are delivered or picked up. They include pastries, donuts and bagels. We do not bake or cook any items on premise. We only brew coffee.

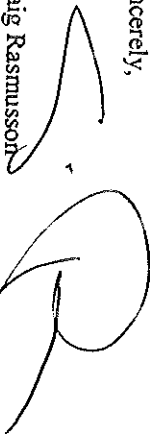
We will be providing 350 cars a day with coffee and like items based on our projections. Our hours will be from 5:30 a.m. till 7:30 p.m. Monday through Friday and 7:00 a.m. till 7:00 p.m. Saturday and Sunday.

Based on our current downtown Westbrook, ME location we will do 50% of business between the hours of 6:30 a.m. and 10:30 a.m. The other 50% are spread between the remaining 10 hours. The average order time is one minute. Cars are released in intervals and have two windows to choose from for there service. Traffic moves smooth.

For ingress and egress we will be utilizing an existing curb cut located on Warren Ave. and Fiske St., which is a vacated road and part of our right of way.

Thank you for your time and consideration. I feel confident that this project makes sense and I look forward to the permitting process.

Sincerely,



Craig Rasmussen  
Owner, President, Bellingham Coffee Co. Inc.

# City of Portland Site Plan Application

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

Location/Address of Construction: <u>519 Warren Ave.</u>		
Total Square Footage of Proposed Structure <u>448</u>	Square Footage of Lot <u>7,900</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>314</u> Block# <u>B</u> Lot# <u>049</u>	Property owner, mailing address: <u>Fred Wirth</u> <u>1400 Washington Ave.</u> <u>Portland, ME 04103</u>	Telephone: <u>(207) 773-8100</u>
Consultant/Agent, mailing address, phone & contact person  <u>←</u>	Applicant name, mailing address & telephone: <u>Craig Rasmussen</u> <u>171 Brown St #2</u> <u>Westbrook, ME.</u> <u>04092</u>	Project name: <u>Bellingham</u> <u>COffee</u>
Proposed Development (check all that applies) <input checked="" type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input checked="" type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision, amount of lots _____ <input type="checkbox"/> Other: _____		
Major Development _____ \$500.00	Minor Development <input checked="" type="checkbox"/> \$400.00	
Who billing will be sent to: <u>Craig Rasmussen</u>		
Mailing address: <u>820 Main St</u>	Contact person:	Phone: <u>(207)</u> <u>856-1600</u>
State and Zip: <u>Westbrook, ME</u>		


Nine (9) separate packets must include the following:

- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans check list

All plans must be folded neatly and in packet form

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .25 per page, you may also visit the web site: ci.portland.me.us chapter 14

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

Signature of applicant: 	Date: <u>3/12/02</u>
--	----------------------

This application is for site review ONLY, a building Permit application and associated fees will be required prior to construct



## EASEMENT DEED

KNOW ALL BY THESE PRESENTS, That I, EDWARD J. BLEILER, TRUSTEE OF

WARREN AVENUE REALTY TRUST under Declaration of Trust dated April 17, 1987 ("Grantor") with a mailing address of 28 Isaac Lucas Circle, Dover, New Hampshire 03820, Strafford County, New Hampshire, for consideration paid, release to FREDERICK A. WRITT and COLLEEN R. WRITT (collectively "Grantee"), as joint tenants, their heirs and assigns, for the benefit of and appurtenant to land of the Grantee, as described in a deed from Craig E. Winslow and Laurie L. Winslow to Frederick A. Writt and Colleen R. Writt dated March 2, 2000 and recorded in Cumberland County Registry of Deeds in Book 15385, Page 84 (the "Benefited Parcel"), easements over and across the following property located on the northerly side of Warren Avenue, Portland, Maine, described as follows:

### Vehicular Access

A perpetual, non-exclusive easement, in common with Grantor, its successors, assigns and others, for purposes of vehicular access over and across that portion of Fiske Street being 50 feet in width and running in a northerly direction from Warren Avenue approximately seventy-three (73) feet to Grantor's existing gate and fence located across said Fiske Street (the "Easement Parcel"); the location of said Fiske Street and Grantor's gate and fence are labeled and depicted on a survey entitled "BJ's Wholesale Club, Portland, Maine prepared by E.C. Jordan Co. dated August 6, 1990 as revised through August 13, 1990 and recorded in Cumberland County Registry of Deeds in Book 187, Page 7 (the "Survey").

Upon construction of any structure or other improvement on the Benefited Parcel, Grantee hereby agrees to repave, at Grantee's sole cost and expense, the existing driveway on the Easement Parcel running in a northerly direction from the northerly side of Warren Avenue approximately seventy three feet (73') to the location of said Grantor's gate and fence. With Grantor's consent, Grantee may increase the width of the paved drive on the Easement Parcel to, but not greater than, the width of Fiske Street. Grantee further agrees to curb, at Grantee's sole cost and expense, the easterly side of the driveway on the Easement Parcel. Grantor shall be responsible for the cost of curbing the westerly side of the driveway on the Easement Parcel.

Also conveying the right to construct, operate, repair and replace, at Grantee's sole cost and expense, a paved access drive providing access from the Easement Parcel to the Benefited Parcel (the "Access Drive"); provided that Grantee's construction and operation of the Access Drive shall not interfere with said Grantor's existing fence and gate. Grantee's construction and operation of the Access Drive shall be performed in full compliance with all applicable laws, rules and regulations. Grantee shall not thereafter relocate the Access Drive without the advance written consent of Grantor, its successors or assigns. Upon construction of the Access Drive, Grantee shall install a culvert of sufficient size and length along the easterly boundary of the Easement Parcel to provide for stormwater and surface water runoff from Grantor's other land as depicted on the Survey and as further described in deeds recorded in Cumberland County Registry of

Deeds in Book 7909, Page 131 and in Book 8390, Page 101, to the storm sewer catch basins on Warren Avenue.

#### Utilities

Also conveying the right and easement over, across, through and under the Easement Parcel for the construction, operation and maintenance of utilities, including, but not limited to, water, sewer and electrical lines (the "Utility Lines") extending from Warren Avenue across the Easement Parcel to the Benefited Parcel. Grantee shall be responsible at its sole cost and expense for the installation, maintenance and repair of any Utility Lines within the Easement Parcel that solely serve the Benefited Parcel. All construction, maintenance, repair and other work on Utility Lines or any other work performed on the Easement Parcel performed by Grantee, its agents, employees, successors and assigns shall be: (i) in compliance with any and all governmental authorities and requirements applicable thereto; (ii) be performed in a good workmanlike manner using materials of a high grade and quality; (iii) include as part of such maintenance, repair and other work or restoration of the Easement Parcel to the same condition as existed prior to the commencement of such work; (iv) be performed with due diligence and dispatch without delays, and only on days and during hours that will not unreasonably interfere with the use of the Easement Parcel for its intended purposes; and (v) if the repair, maintenance or other work cannot be completed in a single day, include the daily restoration of the Easement Parcel to a safe and suitable condition during any period during which work on the Utility Lines or any other work on the Easement Parcel is interrupted.

Grantor shall have the right to connect into the Utility Lines installed within the Easement Parcel, provided that all costs and expenses related to such connection, modifications or alterations must be paid by Grantor.

#### Landscaping

Also conveying the right to enter upon the Easement Parcel to landscape that portion of Fiske Street located between the easterly edge of the paved driveway on the Easement Parcel and the westerly boundary of the Benefited Parcel, and to curb the easterly edge of the driveway on the Easement Parcel; provided however, that any improvements made by Grantee shall not interfere with stormwater or surface water runoff from said Grantor's other land to the storm sewer catch basins on Warren Avenue. Grantor's existing gate and fence located in the northeasterly portion of the Easement Parcel shall remain undisturbed in the exercise of the within granted rights and easements. Sidewalks and pedestrian access from the Easement Parcel to the Benefited Parcel are prohibited.

#### Maintenance and Operation

Upon construction of any improvements on the Benefited Parcel, Grantee hereby covenants and agrees to pay to Grantor a fee (the "Maintenance Fee") equal to thirty (30) percent of the annual maintenance and repair costs (the "Maintenance Costs") to keep the driveway on the Easement Parcel in good condition and repair. Maintenance costs shall include all services and materials necessary for the operation and upkeep of the driveway on the Easement Parcel and all related improvements, including without limitation any patching, regrading, repaving, restriping and repair, snow, ice and debris removal. The Maintenance Fee shall be paid within ten (10) days after the invoice is given to Grantee.

#### Liens

Grantee shall promptly pay when due the entire cost of all work done by it which affects the Easement Parcel, the Access Drive, or any portion thereof, and shall keep the Easement Parcel and Access Drive free of liens for labor or materials. Should mechanics', materialmen's or other liens be filed against the Easement Parcel, Access Drive or any other land of the Grantor, by reason of the acts of Grantee, Grantee shall pay, bond or vacate such liens within ten (10) days of receiving actual notice of such liens. If not promptly paid, Grantor shall have the right, at its option, to pay such lien and Grantee shall reimburse Grantor upon demand.

#### Insurance

Grantee shall obtain and maintain, public liability and property damage insurance with respect to the Easement Parcel and Access Drive from a reputable insurance company licensed in Maine in such amounts as Grantee shall deem proper, naming Grantor as an additional insured.

#### Indemnity

Grantee does hereby indemnify and hold Grantor, its successors and assigns, harmless from and against any and all liability, loss, cost, damage or expense, including court costs or fees related to litigation or alternative dispute resolution and attorneys' fees, incurred by Grantor as a result of or in connection with the exercise by Grantee and its invitees and permittees of the rights granted or described herein, except in the case of intentional misconduct or willful violation of law by Grantor.

#### Not a Public Dedication

Nothing herein contained shall be deemed to be a gift or dedication of either the Easement Parcel or Access Drive or any portion thereof to the general public, or for any public use or purpose whatsoever. Except as herein specifically provided, no right, privileges or immunities of Grantee shall inure to the benefit of any third-party, nor shall any third-party be deemed to be a beneficiary of any of the provisions contained herein.

This conveyance is made subject to a Grant of Easement to BJ/Portland Limited Partnership, dated August 23, 1990 and recorded in said Registry of Deeds in Book 9300, Page 316 and subject to all easements and conditions as depicted on the Survey. This easement is further subject to the right of public utility companies servicing, owning or having easements for utility lines as they may now exist or hereafter be granted by Grantor.

WITNESS my hand and seal this 31<sup>st</sup> day of July, 2000.

Witness:

WARREN AVENUE REALTY TRUST  
By: Edward J. Bleiler  
Trustee of Warren Avenue Realty Trust

Frederick A. Writ and Colleen R. Writ, the Grantees herein, hereby consent to and join in the execution of this Easement Deed.

[Signature]  
Frederick A. Writ

[Signature]  
Colleen R. Writ

STATE OF NEW HAMPSHIRE Maine  
COUNTY OF Cumberland, ss.

On July 31, 2000, personally appeared the above-named Edward J. Bleiler, in his capacity as Trustee of Warren Avenue Realty Trust and acknowledged the foregoing instrument to be his free act and deed.

Before me,

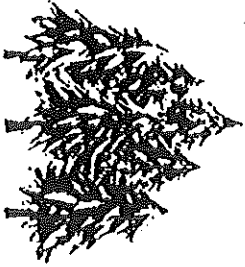
[Signature]  
Notary Public at Large  
Printed Name: J. Andrew M. Kilaz

STATE OF MAINE  
COUNTY OF Cumberland, ss.

On July 31, 2000, personally appeared the above-named Frederick A. Writ and Colleen R. Writ and severally acknowledged the foregoing to be their free act and deed.

Before me,

[Signature]  
Notary Public at Large  
Printed Name: J. Andrew M. Kilaz



WARREN AVENUE REALTY TRUST

19 Crawford Street • P.O. Box 127 • Needham Heights • Massachusetts 02194 • 617-444-3700

FEB-5, 2002

To Whome it may concern.

Mr. Fred Kniff has my permission  
to tie into my sewer line on  
Friede St.

Yours Truly,

Edward J. Blecker  
Trustee



# CITY OF PORTLAND

## CERTIFICATE OF VARIANCE APPROVAL

I, Elizabeth Bordowitz, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 16<sup>th</sup> day of March, 2000, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. Property Owner: Craig & Laurie Winslow
2. Property: Cumberland County Registry of Book \_\_\_\_\_, Page \_\_\_\_\_  
(Last recorded Deed in Chain of Title)  
519 Warren Avenue CBL: 314-B-047, 048, 055
3. Variance and Conditions of Variance:  
To allow for relief from Section 14-229.13(1) (minimum lot size requirement) of the Zoning Ordinance in regards to dimensional requirements. Condition: The Applicant must acquire the rights to Fiske St., or those portions shown on the applicants plans in a recordable instrument within 6 months from date of approval.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 23 day of March, 1999 2000

Elizabeth J. Bordowitz  
Chair

Elizabeth L. Bordowitz  
(Printed or Typed Name)

STATE OF MAINE  
Cumberland, ss.

Then personally appeared the above-named Bordowitz and acknowledged the above certificate to be her free act and deed in her capacity as Chairman of the Portland Board of Appeals.

DEBORAH LYNN  
Notary Public, Maine  
My Commission Expires April 7, 2003  
(Printed or Typed Name)  
Notary Public

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

PRACTICAL DIFFICULTY VARIANCE

DECISION

Name and address of applicant: Craig + Laurie Cinslow

1 No Way, Falmouth, ME 04105

Location of property under appeal: 519 Warren Ave Map 314 Block B, Lot 47

Appearances:

Names and addresses of witnesses (proponents, opponents and others):

Ever With 33 Market (Bayn) Robert Harris Taylor St

Applicants

Dennis Keller Ssg. (opposed)

Exhibits:

APPURTENANCES; ALESSY PHOTOS;

CERTIFICATION BY ZONING ADMINISTRATOR

The Zoning Administrator hereby certifies that:

a. The Practical Difficulty variance applied for is permitted under §14-473(c)(3)(b)(1) (dimensional standards); and is not barred by the exceptions set forth in sections 14-473(c)(3)(a)(6) (shoreland and flood hazard areas); nor §14-473(c)(4) (relief limited to minimum variance required); nor §14-473(c)(3)(c) (specific variances prohibited); nor §14-473(c)(3)(d) (no relief for volume, floor area, nor setting of single-component manufactured homes).

b. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. §435, nor within a shoreland zone or flood hazard zone as defined in this article.

4. No other feasible alternative is available to the applicant, except a variance:  
IT IS NOT   S   IT IS   D   (deny application)

Comment: \_\_\_\_\_

5. The granting of a variance will not have an unreasonably adverse effect on the natural environment:  
IT WILL NOT   S   IT WILL   D   (deny application)

Comment: \_\_\_\_\_

6. Strict application of the dimensional standards of the ordinance to the subject property will preclude a use which is permitted in the zone in which the property is located.  
IT WILL   S   IT WILL NOT   D   (deny application)

Comment: \_\_\_\_\_

7. Strict application of the dimensional standards of the ordinance to the subject property will result in economic injury to the applicant.  
IT WILL   S   IT WILL NOT   D   (deny application)

Comment: \_\_\_\_\_

If the appeal is granted, does the Board wish to impose conditions which will further the intent and purpose of this Ordinance?  
YES \_\_\_\_\_  
NO \_\_\_\_\_

Specific Conditions: \_\_\_\_\_