



Planning & Urban Development Department

*Jeff Levine, AICP, Director**Marge Schmuckal, Zoning Administrator*

May 23, 2014

Nicholas H. Walsh

Attorney At Law

120 Exchange Street, suite 202

Portland, Maine 04101

RE: 1035 Ocean Avenue – 415-B-003 – (the "Property") – I-M Zone

Dear Attorney Walsh,

I am in receipt of your request for a determination letter concerning the Property and the request to allow a temporary 8' x 20' exterior stand for the retail sale of lobster. The Property is located within the I-M, Moderate Industrial Zone. It is noted that there is an issued permit on record #2013-01157 for lobster processing and wholesaling as allowed under 14-247(m) and (d). If the work is complete, the final stage of this permit, a certificate of occupancy, should be requested and the permit finalized.

Your first argument regards section 14-248, Performance Based Uses. It is my reading of the Land Use Ordinance that 14-247, 14-248 and 14-249 are concerning *principal* uses, as to whether they are allowed by right, allowed by performance base criteria or prohibited. The selling of lobsters or retail in the I-M is specifically listed as a prohibited principal use. Therefore, I do not agree with your argument that the temporary lobster stand is allowed under 14-248 as a principal use.

Section 14-407(a), Temporary Stands, offers me other guidance concerning your proposed temporary lobster retail stand. The section reads: "No premises shall be used for business purposes consisting of temporary stands, booths, platforms, or vehicles intended for the sale of merchandise or other mercantile purposes, if any part of such stand, booth, platform or vehicle is proposed to be located nearer than one hundred twenty-five (125) feet to any residence zone, except that stands for the sale of agricultural products shall be permitted as specified in division 2 of this article." The City's Zoning map shows that the R-3 residential zone line falls midway of Ocean Avenue. Using your sketch and the City's GIS maps, the proposed temporary stand is well within the one-hundred twenty-five (125) feet of a residential zone. Therefore, the temporary lobster retail stand would be in violation of 14-407(a) and is prohibited by Ordinance.

Although you have not asked specifically in your request, I will offer that since the use of lobster processing and wholesaling is established as a legal use on the property, I would entertain the retail trade of lobsters as an ancillary use [as allowed under 14-249(b)] *within* the current building. I would want assurances, with a permit, that the retail trade of lobster within the building is actually ancillary. Floor plans showing how and where the retail trade would be located would be essential to my review of the ancillary use.



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Marge Schmuckal, Zoning Administrator

PG 2.

In conclusion, I have determined that the 8' x 20' temporary lobster retail stand as proposed is not allowed and would be in violation of the Land Use Zoning Ordinance.

You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal. If you have any questions concerning this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal", is written over a horizontal line.

Marge Schmuckal
Zoning Administrator
City of Portland, Maine

to any part of any church, public or private hospital or school; or if any part of either old or new building when completed would be less than fifteen (15) feet from the boundary line of any lot upon which any part of any church, public or private hospital or school is located. No existing garage used for the storage of more than three (3) motor vehicles or for the business of repairing motor vehicles shall be deemed to become a nonconforming use through the subsequent erection of such church, hospital or school closer than the aforesaid distance to such a garage.

(Code 1968, § 602.18.E)

Sec. 14-407. Temporary stands.

(a) No premises shall be used for business purposes consisting of temporary stands, booths, platforms or vehicles intended for the sale of merchandise or other mercantile purposes, if any part of such stand, booth, platform or vehicle is proposed to be located nearer than one hundred twenty-five (125) feet to any residence zone, except that stands for the sale of agricultural products shall be permitted as specified in division 2 of this article.

(b) A single produce stand shall be permitted on the premises of a community garden for the sale of flowers, vegetables, herbs or fruit produced on the premises; provided that the stand is no more than one hundred (100) square feet in floor area or open table area and is located a minimum of five feet from any property line; and that sales are limited to two days per week between the hours of 9:00 a.m. and 6:30 p.m. during the growing season from May 25 through October 31 and that the stand has received all necessary permits. The use of produce stands shall be seasonal and temporary. Any properly permitted structure may remain on the premises year round. If the community garden is owned or operated by a non-profit organization, sales of flowers, vegetables, herbs or fruit produced in other gardens or farms in Maine owned or operated by said organization shall be permitted within the same limitations listed above. For purposes of this section, community garden means a parcel of open land used for the cultivation of flowers, vegetables, herbs, or fruit by a group of city residents either jointly as a single plot or through individual garden plots or beds.

(c) A single produce stand shall be permitted on the premises of a non-profit organization with the permission of the owner and on the premise of public schools with the permission of the

*Not Appropriate
for what they're
proposing
with
73.38'
see plan*

school department; provided that the stand is for the sale of local fruit, vegetables, flowers, seedlings and plants produced by the seller; that the stand is no more than one hundred (100) square feet in floor area or open table area and is located a minimum of five feet from any property line; that sales on the premises are limited to two days per week between the hours of 9:00 a.m. and 6:30 p.m. during the growing season from May 25 through October 31; and that the stand has received all necessary permits. The use of produce stands shall be seasonal and temporary. Any properly permitted structure may remain on the premises year round.

(d) For purposes of this Section, non-profit organization shall mean a non-profit organization incorporated pursuant to the laws of the State of Maine.

(Code 1968, § 602.18.F; Ord. No. 75-10/11, 11-15-10; Ord. No. 59-12/13, 9-19-12)

Sec. 14-408. Exceptions to performance standards.

The operation on public streets, airports and railroad rights-of-way of motor vehicles and other vehicles for the transportation of goods or persons shall be excepted from the limitations of the sections entitled "external effects."

(Code 1968, § 602.18.G)

Sec. 14-409. Heliports.

Heliports shall meet the following minimum specifications, subject to regulations of the Civil Aeronautics Administration when such regulations are greater:

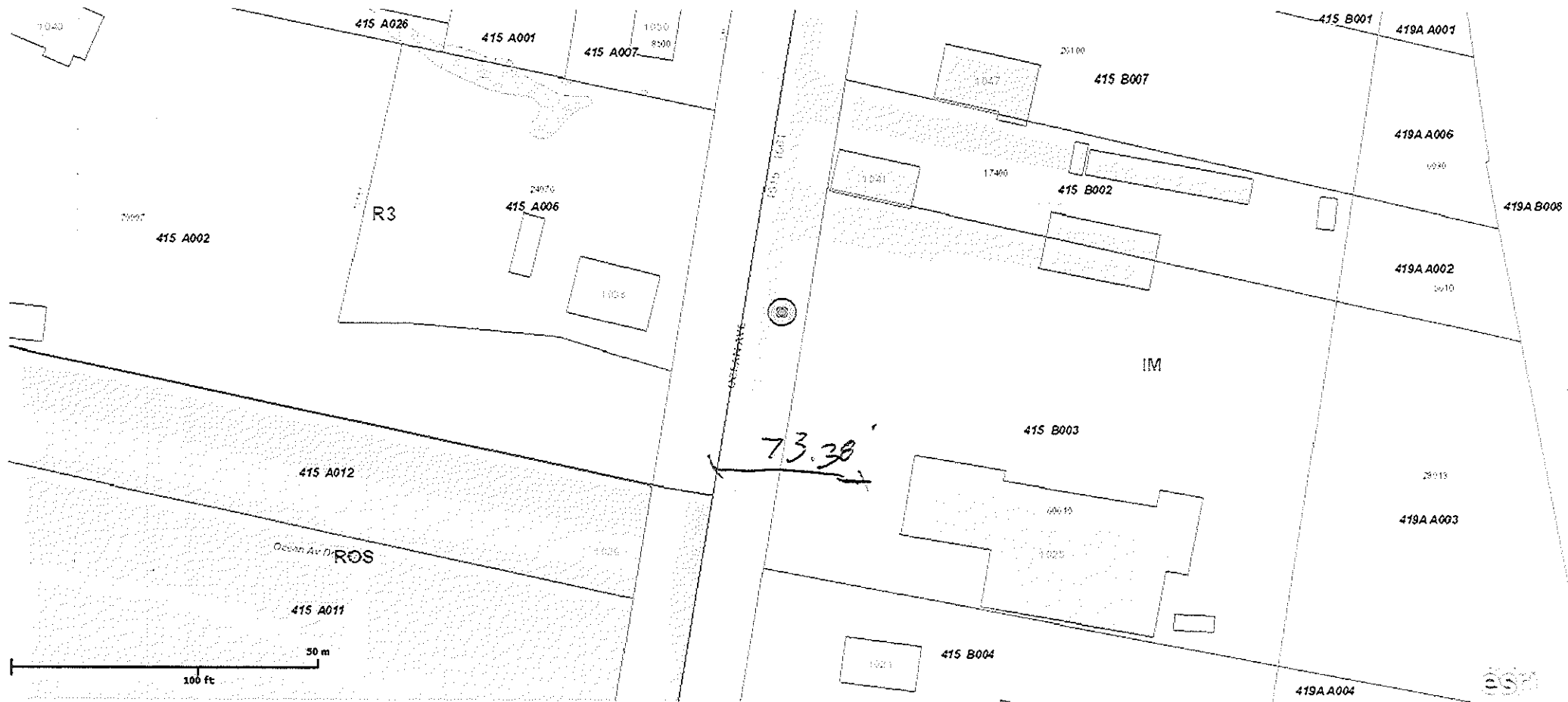
(a) *Roof heliport:*

1. Take-off area: Two hundred (200) feet by two hundred fifty (250) feet minimum.
2. Parking area: Thirty (30) feet by ninety (90) feet minimum.

(b) *Ground heliport:*

1. Take-off area: Three hundred (300) feet by seven hundred (700) feet minimum.
2. Parking area and station building shall be located out of flight area.

1035 Ocean Avenue



LEGAL SECRETARY'S CONCISE DICTIONARY

all fours An expression signifying that a case or decision agrees in all its circumstances with another.

al·lo·cate Apportion. al·lo·ca·ble, al·lo·ca'tion

al·lot' To distribute in portions. al·lot'ment, al·lot'ted

al·low' To approve; permit; grant; yield. al·low'able

al·lu·vi·al Of sand, clay, etc, deposited by flowing water.

al·lu·vi·on, al·lu·vi·um

al·ly' To unite or associate. An associate; helper. al·li'ance

along'side Side by side; adjoining.

al·ter·ation A change of a thing from one form or state to another. al'ter·able

al·ter·ca'tion Angry dispute or disagreement; noisy disorder.

al'ter·nate To switch from one to another. A substitute.

al'ter·na·tive

al·ti·tude The height of a thing above a certain level.

amal·gam·ate To unite; mix; consolidate.

am·bi·dex'trous Easily using right or left hand.

am·big'u·ous Not clear or definite; doubtful; capable of being understood in more than one way. am·bi·gu'ity

am'bush To lie in wait. Surprise attack.

ame'llo·rate To make better; improve. ame'llo·ra'tion

amend To correct; to change or modify. amend'able,

amen'da·to·ry, amend'ment

amends Satisfaction for a wrong; recompense; reparation.

amercement A pecuniary penalty imposed upon an offender by a court for some fault or misconduct.

am'i·ca·ble Friendly; peaceable; harmonious. am'i·ty

amiss Wrong; improper.

am'nes·ty An act of sovereign power granting a general pardon for a past offense.

amortization schedule An analysis of an indebtedness showing interest paid, principal reduction and balance due after each payment is applied.

am'or·tize To provide for the payment of a debt by creating a sinking fund or paying in installments. am·or·ti·za'tion

LEGAL WORDS AND PHRASES

am'per·sand The character "&," meaning "and."

am·phib'i·ous Adapted for both land and water.

anal'o·gous Corresponding in some respects to something else. anal'o·gize, anal'o·gy

an'a·lyze To study in detail in order to determine solution or outcome. anal'y·sis, pl. anal'y·ses, an'a·lyst

an'ces·tor One from whom a person is descended or from whom an estate has descended; a progenitor. an·ces'tral

anchor A sure support. A heavy object lowered into the water to keep a boat from drifting. an'chor·age

an'cil·lary Aiding; auxiliary; subordinate.

an'guish Extreme pain of body or mind; excruciating distress.

an·i·mad·ver'sion Adverse criticism; blame. an·i·mad·vert'

an·i·mos'i·ty Ill will, tending toward hostile action; enmity.

an'i·mus

an·nex' Fasten or connect to; add to or attach. An addition.

an·ni·hi·late To destroy wholly; demolish. an·ni·hi·la'tion

an·ni·ver'sa·ry Yearly recurring day.

an'no·tate To furnish with explanatory or critical notes.

an·nounce' To declare publicly; proclaim. an·nounce'ment,

an·nun'ci·ate, an·nun'ci·a·tor

an'nu·al Reckoned by the term of a year; returning every year; covering events of a year. an'nu·al·ly

an·nu'ity, pl. ·ities A periodical payment of money, usually a fixed amount each year. an·nu'itant

an·nul' To nullify; make void; invalidate. an·nul'la·ble,

an·nul'ment

anom'a·lous Deviating from the general rule; irregular.

anom'a·lous·ly, anom'a·ly

anon'y·mous Without a name. an·o·nym'i·ty

an'swer Statement by a defendant setting forth his defense.

To reply; respond. an'swered, an'swer·ing

an'swer·able Accountable; responsible; liable. Capable of being refuted.

access

-bilo (ák-sě'ěr-a-b'), *adj.* Capable of acceleration.
-in-do (ák-sě'ěr-án'-do), *fr.* ák-chál-lá-rán'-dó, *adv.* **1.** *ák-sě'stic.* Gradually faster; — a direction.
-int (ák-sě'ěr-ánt), *adj.* Accelerating. — **n.** One at which accelerates; specif., *Chem.*, a catalyst.
-ito (-át), *v. t.* [*L. acceleratus*, past part. of *accele-* + *celere* or to hasten, *fr. celer* quick.] **1.** To move faster. **2.** To quicken the natural or ordination or process of. **3.** To bring about at an int. of time, as one's departure. **4. Mech.** To undergo acceleration. — **v. i.** To move or act **Syn.** Expedite, dispatch, forward, advance, further. Retard, hinder, obstruct.
'tion ('s-š'in), **n.** **1.** Act or process of acceleration of being accelerated. **2. Mech.** Change of rate of such change, as regards either speed or, both,
all of gravity. *Physics.* The acceleration of a body due to the attraction of gravity, expressed by increase of velocity per unit of time (32.7 feet per second at the sea level in latitude 45°).
'tvo (ák-sě'ěr-áv'tv), *adv.*; also **ak-sě'er-i-táv'tv** (-tér-'s); **Relating to, or tending to cause, n;** adding to velocity.
(tor (ák'tēr), **n.** One who or that which accelerates. **1.** An automobile, a foot-operated throttle. **fr. sě'ěr-ter**; **Lk.** ák-sě'ěr-át) **Anat.** Any muscle that hastens a motion. **O Chem.** A substance that reaction.
'scent or, *esp. Brit.*, ák'sēnt), **n.** [*F.*, *fr. L. accens*, of *Gr. prosōidia*, cf. *PROSODY*, *fr. ad + canis*, *fr. canere* to sing.] **1.** An articulative effort made to one syllable of a word or group of adjacent syllables; the prominence so given. Cf. *See Pros.* **2.** A letter used with a letter or letters to indicate the nature and place of the accent or, esp. in European languages, the quality of the letter marked. **3.** Modulation of the voice; as, a foreign accent. **4. Poetic.** A word; pl., **i.** Distinctive mode of expression; distinguishing mark of a painter. **6.** A mark placed at the right after or number, and a little above it: a *Math.* To either different variables or different values of variable, as in *y'*, *y''*; — usually called *prime*, *secundum*, etc.; denote minutes or seconds of a degree, as *an 2 21"* (two minutes twenty-one seconds), inches, as in *6' 10"* (six feet ten inches). **7.** A stress or special emphasis upon a word, or relating this. **B** The principle of regularly recurring groups serve to distribute a succession of pulses groups or measures. **8. Pros.** Rhythmically stress; the beat in poetic rhythm; ictus; the mark this.
'scent; ák'sēnt), *v. t.* **1.** (*prom.* usually ák'sēnt) express the accent of (either by the voice or by a pen) to accentuate; emphasize.
'l (ák-sēnt-ál), *adj.* Of, pertaining to, characterized by, accent, specif., *Pros.*, syllabic **AKQUANTITATIVE**. — **ad-cent**/u/-ál'y-, **n.** — **acy**, *adv.*
'te (-át), *v. t.* [*MLL. accentuatus*, past part. of *accēntare*; intensify; intensity. — **ak-cent'**, *adv.*
'sēptv), *v. t.* [*From F.*, *fr. L. acceptare*, freq. of *ad + capere* to take.] **1.** To receive (a thing) as a consenting mind. **2.** To receive with favor; **3.** To receive or admit and agree to; to assent *cept* your excuse. **4.** To understand; as, how does he get accepted? Hence, to receive as true; **5.** To deliver a deliberative body, to receive (a report, as nitified) in acquittance of duty imposed. **6.** To give as obligatory reply to (an invitation). **7.** To elicit as obligatory and promise to pay, as a bill **— v. i.** To make acceptance; — with of, — **AKE**. — **Ant.** Refuse, reject, decline.
'e (ák-sēp't-a-b'l'), *adj.* Capable, worthy, or sure to accept; agreeable; welcome. — **ak-cep'ta-bil'i-ta-bile-ness**, **n.** — **ak-cep'ta-bly**, *adv.*
a (-tūns), *pl.* [*OF.*] **1.** Act of accepting; **bile** reception; approval. **2.** State or qualification; acceptableness. **3. Com.** An Assagement by the person on whom a bill of exchange to pay it when due according to terms accepted bill.
'y (-tāns-shēn), **n.** Acceptance.
'(tant), *adj.* Accepting; receiving.
'n (ák-sēp't-š'in), **n.** [*F.*] **1. Archaic.** Ac-
cept. The meaning which a word or expression do, or generally received.
k-sēp' (tēd; -tid), *adj.* Generally believed in or **Syn.** Popular, conventional.
tēr), **n.** One who accepts; a taker.
ik-sēp' (-tēr), **n.** [*L.*] One who or that **s**; specif., one who accepts a bill of exchange, or
'es; formerly ák-sē's), **n.** [*OF. acces*, *fr. L. accedere*. See *ACCEDE*.] **1.** Approach; admit-
'(t), *event*, end, silēnt, makēs; íce, ýll;
ú; cúbé, únite, úrn, úp, círcíts, mýllís

accessarily

access; admission; accessibility; as, to gain access; easy of access; also, an advance or approaching. 2. A means, place, or way of approach. 3. An attack or fit of disease. 4. A fit of passion; an outbreak; as, an access of fury or of zeal. 5. Increase by addition; accession. *Milton*. 6. *Ecclesiastical*. Approach to God through Jesus Christ (*Rom.* v. 2; *Eph.* ii. 18, iii. 12); — in titles of prayers.
ac-ces'sa-ry (ák-sés'á-rí), *adj.* & *n.* Accessory.
[*Etymologically* the noun is primarily accessory, the *adj.* accessory; but present usage favors accessory for both.]
— ac-ces'sa-ri-ly, *adv.* — ac-ces'sa-ri-ness, *n.*
ac-ces'si-bile (í-bí-lí), *adj.* 1. Usable for access. 2. Easy of access; also, open to the influence (of); as, a mind accessible to reason; obtainable; as, all the data accessible.
ac-ces'si-bil-i-ty, *n.* — ac-ces'si-bly, *adv.*
ac-ces'sion (ák-sesh'ú-n), *n.* [*L. accersio*] 1. A coming to near; approach. 2. Act of coming and becoming joined; also, assent. 3. Increase by something added; as, an accession of wealth; also, that which is added; as, a list of accessions to a library. 4. The act of coming to or reaching a throne, an office, or a condition, as manhood. 5. Law. Addition to property by growth, increase, or labor. — *v. t.* To record (data concerning accessions, or additions). — ac-ces'sion-al, *adj.*
ac-ces-so-ri-al (ák-sés'-ó-rí-ál), *adj.* Of or pertaining to, or of the nature of, accession or an accessory.
ac-ces'so-ry (ák-sés'-ó-rí), *adj.* 1. Aiding or contributing in a secondary way; as, accessory sounds in music. 2. Of a person, assisting or aiding as a subordinate; privy; as, accessory to a crime. 3. An offense. 4. *Petrology*. Present in a minor amount, not essential to a constituent. — *Syn.* Accompanying, contributory, subsidiary.
— *n.*; pl. -ries (-rí-z). 1. That which contributes subordinately to an effect; an adjunct or accompaniment. 2. Any article or device that adds to the convenience or effectiveness of something else but is not essential; an appurtenance; attachment. 3. Law. One who, not being present, contributes as an assistant to the commission of an offense (accessory before the fact), or one who aids or shelters an offender with the intent to defeat justice (accessory after the fact). — *Syn.* See ABETTOR. — ac-ces'so-ri-ly, *adv.*
— ac-ces'so-ri-ness, *n.*
ac-cla-ga-to-ri-a (ák-chák-ká-tó-ó-rá), *n.* [It., fr. *acciaccare* to lash, rebuke] The short apostrophe, written with a stroke through the stem of the note and performed as quickly as possible.
ac-ci-dence (ák-sí-dén-s), *n.* [For accidents, pl. of accident (in sense 4).] The accidents, or inflections, of words; the rudiments of grammar or of any subject.
ac-ci-dent (-dént), *n.* [F., fr. *L. accidens, -entis*, pres. part. of *accidere* to happen, fr. ad + cadere to fall.] 1. An event that takes place without one's foresight or expectation, esp. one of an afflictive or unfortunate character; a casualty; as, an accident to a locomotive. 2. Chance; contingency; also, a contingent circumstance, relation, etc. 3. A quality, esp. one not in the essence or specific nature of a thing. 4. Gram. A property attached to a word, but not essential to it, as gender, number, case. 5. *Geog. & Astron.* A change of place or of direction. — *Syn.* Mishap, mischance, misfortune, disaster, calamity, catastrophe.
ac-ci-den-tal (-dén'tál; -tí), *adj.* 1. Happening by chance, or unexpectedly; casual; fortuitous. 2. Nonessential; incidental; as, songs accidental to a play. 3. Music. Pertaining to or designating an accidental.
Syn. — Accidental, incidental, casual, fortuitous. Accidental applies to that which happens without design, or wholly outside the regular course of things; as, an accidental meeting. Incidental implies a real aid, it may be, even a designed relation, but one secondary to the main object; as, an incidental suggestion. Casual suggests absence of prearrangement or premeditation, and no ulterior importance; as, a casual glimpse. Fortuitous applies to what occurs without known cause, or is regarded as due to chance.
— *n.* 1. A property not essential; a nonessential; anything happening accidentally. 2. Music. Any sharp, flat, natural, double sharp, or double flat occurring in the course of a composition, after the key signature.
— ac-ci-den-tal-ly, *adv.* — ac-ci-den-tal-ness, *n.*
ac-ci-pi-tra (ák-síp-trí), *adj.* Of, like, or pert. to, a hawk.
ac-ci-pit-rine (-trín; -trín), *adj.* [L. *accipiter* hawk.] Hawklike; raptorial; like or belonging to the birds of prey.
ac-clam' (ák-klam'), *v. i.* [L. *clamare*, fr. ad + clamare to cry loudly.] 1. To applaud. 2. To declare or proclaim by cries; as, to acclaim him king. 3. To shout; to call out loudly; as, to acclaim my boy. — *v. t.* To shout applause. — *n.* Acclamation; applause. — ac-clam'er, *n.*
ac-cla-ma-tion (ák-ká-má-shún), *n.* [L. *acclamatio*, 1. Act of acclaiming; that which is uttered in acclamation; loud applause. 2. In parliamentary usage, the formal vote taken informally. — ac-clam'a-to-ry (ák-ká-má-tó-rí; -tér-í), *adj.* — ac-clam'mate (ák-klí'mít; ák-ly-mát), *v. t.* & *i.* [F. *acclamer*, fr. d. to + climat climate.] To habituate, or cause habituata, to a climate not native; to acclimateize. — ac-clim'mat-a-ble (ák-klí'mf-áb'l), *adj.* — ac-clim'ma-tion (ák-ly-má-shún; ák-ly-), *n.*
ac-clim'a-tize (ák-klí'mf-íz), *v. t.* To cause to become acclimated; to adapt to a new environmental condition. — *v. i.* To become acclimated. — ac-clim'a-tiz-a-ble, *adj.* — ac-clim'a-tiz-a-tion, *n.* — ac-clim'a-tiz-or, *n.*

accordantly

ac.aliv/ly-ty (&liv/ty-ty), n.; pl. -ties (-tīz). [*L. acclivitas*, fr. *acclivus*, *acclivus* ascending, *ad* + *clivus* a hill.] Slope or inclination of the earth, the side of a hill, considered as ascending; an upward slope; — opposed to *declivity*. — *ac.aliv/ly-tious* (-tīus), *adj.*

ac.aliv/yous (&liv/yūs), *adj.* [*L. acclivus*.] Sloping upward.

ac.co-lade' (&kō-lād'-lād'), n. [*F. fr. lit. fr. accolare* to embrace, fr. *L. ad* + *collum* neck.] 1. An embrace; specifically, a ceremony or salutation used to mark the conferring of knighthood, as by a tap on the shoulder with the blade of a sword; a salutation or rite performed to mark the recognition of special merit, etc.; also, an award. 2. *Music*. A brace, or line used as a brace, to join two or more staves carrying simultaneous parts.

ac.com'mo-date (&kōm'bō-dāt), v. t. [*L. accommodatus*, past part. of *accommodare*, fr. *ad* + *commodare* to make fit, help, fr. *com-* + *modus* measure, proportion.] 1. To render fit or correspondent; to adapt; as, to *accommodate* ourselves to circumstances. 2. To bring into agreement or harmony; as, to *accommodate* the differences. 3. To furnish with something desired, needed, or convenient; to favor; oblige; specif., to furnish sleeping quarters, as in a hotel; for. — *v. i.* To adapt oneself; to make adjustment. — *Syn.* See *CONFORM*.

ac.com'mo-dat'ing, *adj.* Affording, or disposed to afford, accommodation; obliging. — *ac.com'mo-da'ting-ly*, *adv.*

ac.com'mo-da'tion (&dā'sh'ŋ), n. 1. Act of accommodating, or state of being accommodated; adaptation; adjustment. 2. Willingness to accommodate; obligingness. 3. Adjustment of differences; settlement. 4. Whatever supplies a want or affords ease, refreshment, or convenience; — often in *pl.*; as, the *accommodations* (that is, lodgings and food) at a hotel. 5. Short for *ACCOMMODATION BILL*. — *Physiol.* *Com.* A loan. 6. An accommodation bill. 7. *Physiol.* A systematic adjustment of the eye for seeing at different distances.

accommodation bill, *draft*, or *note*, *ac.com'mo-da'tion-al*, *adj.* Made, drawn, accepted, or endorsed by one person for another without consideration, to enable that other to raise money or obtain credit thereby.

accommodation ladder. *Naut.* A light ladder or stairway hung over the side of a ship at the gangway for use in ascending from, or descending to, small boats.

accommodation train. *U. S.* A train stopping at all or nearly all stations.

ac.com'mo-da'tive (&kōm'bō-dā'tiv), *adj.* Tending to accommodate; accommodating. — *ac.com'mo-da'tive-ness*, *n.*

ac.com'pa-ni-ment (&kūm'pā-nī-mēnt), n. 1. That which accompanies as a circumstance or an ornament, or to give symmetry. 2. *Music*. An instrumental part or parts designed to support or enrich a voice or instrument or a melody.

ac.com'pa-nist (-nīst), *n.* One who accompanies; esp., one who plays or sings an accompaniment.

ac.com'pany (-nī), *v. t.*; -NIED (-nīd); -NŶING. [*From OF. fr. L. compānīo, compānīo, companion.*] 1. To cause to be attended by or as a companion; as, he *accompanied* the advice with a warning. 2. To go with or attend as a companion or associate; to attend. 3. To occur in association with. 4. *Music*. To play or sing an accompaniment to or for. — *ac.com'pa-ny-ist*, *n.*

Syn. Accompany, attend, escort agree in the idea of going with someone. Accompany implies companionship and (usually) equality of station; attend, a waiting upon one (often as a subordinate) in order to do what is necessary; escort, attendance by way of protection, courtesy, or honor. — *Ant.* Desert, leave.

ac.com'plish (&kōm'plīsh), n. [*From* *fr.* the article *a*] + *complete*.] An associate; a guild. — *Syn.* See *ABETTOR*.

ac.com'plish (&kōm'plīsh), *v. t.* [*OF. accomplir*, fr. *L. ad* + *complere* to fill up, complete.] 1. To bring to an issue of full success; to effect; perform; fulfill. 2. To attain to or cover in traversing, as time or distance. 3. To equip thoroughly, as with accoutrements or refinements. — *Syn.* Do, achieve, attain, execute, perfect. See *EFFECT*. — *ac.com'plish-a-ble*, *adj.* — *ac.com'plish-er*, *n.*

ac.com'plished (-plīsh't), *adj.* 1. Completed; effected. 2. Complete in acquisitions as the result of training.

ac.com'plish-ment (&kōm'plīsh-mēnt), *n.* 1. Accomplishing; completion. 2. That which is accomplished. 3. That which completes or equips thoroughly; an element in excellence of mind, or elegance of manners, acquired by education or training. — *Syn.* See *ACQUIREMENT*.

ac.cord' (&kōrd'), *v. t.* [*Through OF. & LL. fr. L. ad* + *cor*, *cordis*, heart.] 1. *Archite.* To bring into agreement; to reconcile; also, to settle or adjust. 2. To grant as suitable; to confer; as, *accord* award; as, to *accord* due praise to one. — *v. i.* To agree; correspond; be in harmony. — *Syn.* Accord, harmonize, agree, consent, concurrence; harmony; specific, harmony of sounds; concord. 2. A reaching of agreement; specif., an informal political agreement between governments. 3. Voluntary or spontaneous impulse to act; volition; as, of one's own *accord*. — *ac.cord-a-ble*, *adj.* — *ac.cord'er*, *n.*

ac.cord-ance (&kōr'dāns), *n.* 1. Agreement; conformity; as, in *accordance* with a rule. 2. Act of according.

ac.cord'ant (-dānt), *adj.* Agreeing; consonant; also, correspondent. — *Syn.* See *CONSONANT*. — *ant-ly*, *adv.*

an-cho'vy (än-chö'vî; än-chö'vî), n.; pl. -vies (-vîz), some-
times ANCHOVY. See PLURAL.
Note. 3. [Sp. anchovy.] Any of
a number of small herringlike
fishes, esp. one (*Engraulis en-
crasicholus*) of the Mediterrane-
an, used for pickling, sauces, etc.



Anchovy (34)

an-cho'vy pear (än-chö'vî). The fruit of a West Indian
tree (*Grias cauliflora*), often eaten as a pickle.
an-chu'sa (äng-kü'sä), n. [NL., fr. L. *anchusa* alkanet,
fr. Gr. *anchousa*.] Bot. Bugloss.

an-chu'sin (sîn), n. Chem. Alkannin.
an-choy-lose, an-choy-lo'sis, etc. Vars. of ANKYLOSE, etc.

an-choy' re'gime' (än'syän' rä'zhëm'), [F.] The former
political and social system, esp. that existing in France be-
fore the Revolution of 1789.

an-choy' (än'shënt), adj. [OF. (& F.) *ancien*, fr. L. *antea*,
ante, before.] 1. Old; specif.: a. Archaic. Aged. b. Ex-
isting or handed down from remote antiquity. c. Vener-
able; hoary; also, antique; old-fashioned. 2. Belonging to
times long past; specif.: a. Belonging to the historical period
beginning with the earliest known civilizations (those of
Egypt and Chaldea) and generally taken as extending to
the fall of the Western Roman Empire (A.D. 476). b. Per-
taining to the ancients or to their times; as, *ancient history*.
— *Syn.* Antiquated, obsolete. See OLD. — *Ant.*
Modern. — *n.* 1. An aged living being. 2. One who
lived in antiquity; pl. the civilized peoples of antiquity,
esp. the classical nations. 3. One of the classical authors.

an-choy'ly, adv. — an-choy'ly-ness, n.

an-choy' (än'shënt), n. [Corrupt, fr. *ensign*.] Archaic. A an en-
sign. b The bearer of an ensign. *Shak.*

an-choy' (än'shënt), n. Ancientness; antiquity.

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chained to a cliff for a monster to devour but was rescued
by Perseus, who married her. 2. *genitive* -DAE (-dä). A
northern constellation directly south of Cassiopeia, be-
tween Pegasus and Perseus.

an'dro-sphinx (än-drö'sfîngks), n. [Gr.] A man-sphinx.
an'drous (-än-drös). [Gr. *anēr*, *andros*, man.] Bot. A
combining form denoting *having* (so many or such) *sta-*
mens, as in *monandrous*, *gynandrous*.

An'dva-rî (än-dvā'ri), n. [ON.] In the Eddas, a dwarf
whom Loki robs of his treasure and a ring.

ane (än), anes (äns). Dial. vars. of ONE, ONCE.

a-near' (ä-nēr'), adv. & prep. Poetic & Dial. Near.

an'ec-dot'age (än'ek-döt'ij; 30), n. Anecdotes collectively.

an'ec-dot'al (-döt'al; -döt'al; -l'), adj. Characteristic of
or containing anecdotes; as, *anecdotal conversation*.

an'ec-dote (än'ek-döt; 30), n. [F., fr. Gr. *anekdotos* not
published, fr. *an-* not + *ekdotos* given out.] A narrative,
usually brief, of a separable incident or event of curious in-
terest, often biographical. — *Syn.* See STORY. — an'ec-
dot'ist (-döt'ist), n.

an'ec-dot'io (-döt'ik), an'ec-dot'i-cal (-ikäl), adj. a Of,
telling anecdotes. b Given to

a-nel' (ä-nel'), v. t. [ME. *anelien*, fr. *an* on + AS. *æle* oil,
fr. L. *oleum*.] Archaic. To give extreme unction to.

an'ec-ec' (än'ek-ek'tik), adj. [an- not + electric.]
Physics. Not becoming electrified by friction.

a-ne'mi-a, a-nae'mi-a (ä-nē'mî-dä), n. [NL., fr. Gr. *ana-*
mia, fr. *a-* an- not + *haima* blood.] Med. A condition in
which the red corpuscles of the blood are reduced in number
or deficient in hemoglobin, causing pallor, shortness of
breath, and palpitation of the heart. — a-ne'mi-o, a-nae'-
mi-o (-mîk), adj.

an'e-mo (än'ē-mō). [Gr. *anemos*.] A combining form
meaning *wind* or *inhalation*.

a-nem'o-graph (ä-nēm'ō-gräf), n. [anemo- + graph-.] A record-
ing anemometer. — a-nem'o-graph'io (-gräf'ik), adj.

an'e-mol'o-gy (än'ē-mōl'ō-jî), n. [anemo- + -logy.] The science
of the wind. — an'e-mol'o-g'i-cal (-mōl'ō-jî-käl), adj.

an'e-mom'e-ter (mōm'ē-tēr), n. [anemo- + -meter.] An in-
strument for measuring the force or
velocity of the wind; a wind gauge.

an'e-mom'e-try (mōm'ē-trî), n. [anemo- + -metry.] The
act or process of ascertaining the force or velocity of the
wind.

a-nem'o-no (ä-nēm'ō-nē), n. [L.,
fr. Gr. *anemōnē*, fr. *anemos*
wind.] 1. Any of a large genus
(*Anemone*) of the crowfoot fam-
ily (*Ranunculaceae*) having
showy flowers, without petals
but with conspicuous, often col-
ored, sepals. 2. A sea anemone.

an'e-moph'i-lous (än'ē-mōf'î-
lūs), adj. [anemo- + -philous.]
Bot. Fertilized by wind-borne
pollen. — an'e-moph'i-ly (-lî), n.

a-nem'o-scope (ä-nēm'ō-skōp), n.
[anemo- + -scope.] Any con-
trivance for indicating and re-
cording the direction of the wind.

an'e-mo'sis (än'ē-mō'sis), n. [NL., fr. Gr. *anemos* wind.]
Wind shake.

a-nent' (ä-nēnt'), prep. Also a-nent's'. [AS. *anefen*,
onemn, fr. *an*, on, on + *efen* even, equal.] New Dial.

an'er-gy (än'er-jî), n. [NL. *anergia*, fr. Gr. *an-* not +
ergon work.] Med. Lack of energy; specif., *immunol.*, a
condition in which an acquired immunity is reduced or
lost. Cf. ALLERGY.

aner-old (än'er-öld), adj.
[Gr. *a-* not + *neros* wet,
moist + *-oid*.] Contain-
ing no liquid. — an. An
aneroid barometer.

aneroid barometer. A
barometer in which the
action of atmospheric
pressure in bending a
metallic surface is made
to move a pointer.

an'es-the-si-a, an'aes-
the-si-a (än'ēs-thē-zhî-dä;
-zhî-dä; -zî-dä), n. [Gr. *an-*
aesthesia insensibility,
fr. *an-* not + *aisthesis*
feeling.] Entire or par-
tial loss of feeling or sen-
sation; a state of paralysis of the sensory apparatus pro-

duced by disease, hypnosis, or an-
esthesia is *local*, when produced by a lo-
like cocaine; *block* or *conduction*,
blocking nerve impulses from the site
when the anesthetic is injected under
the spinal cord.

an'es-the'tic, an'aes-the'tic (än'ēs-thē-
tîk; -tîk), n. Capable of producing anesthesia. b C
connected with, anesthesia. 2. (*pron.*
tuse; — with *to*. — n. An agent that;
an'es-the'tist, an'aes-the'tist (än'ēs-
thē-tîst), n. One who administers anesthetics.

an'es-the'tize, an'aes-the'tize (-tîz-
tîz), v. t. To anesthetize. — an'es-the'ti-
za'tion (än'ēs-thē-tî-zä'shün; än'ēs-thē-
tî-zä'shün), n. Scot. var. of ENO

an'e-u-rism (än'ē-jî-z'm), n. Also an
euryisma an opening, fr. *ana-* + *eur-*
permanent abnormal blood-filled dil
resulting from disease of the vessel wal
an'e-u-ris'mal (-rîz'mäl), adj.

a-new' (ä-nū'), adv. [a- for of + *neu*
in a new form.]

an-frac'tu-ous-ly (än-fräk'tū-ōs-lî),
an-frac'tu-ous quality. 2. A sinu-
ous an-frac'tu-ous (än-fräk'tū-ōs), adj.
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for *amb-* + *frangere*, *fractum*, to bi-
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an'ga-ry (äng-gä-rî), n. [L. *angari*
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an'gel (äng-jel), n. [OF. *angele*, fr. I
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senger of God; a spiritual, celestial be-
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Attendant spirit; genius; as, one's ge
A pompous professional backer of a ventur
cal candidate. 4. An English gold c
showing the archangel Michael sla
Christian Science. A message from
inspiration of goodness, purity, and
acting allevil, sensuality, and mortal

an'gel-fish' (-fîsh'), n. pl. see RİP
like sharks (*Squatina squatin* and
ral fins that extend horizontally like
Any of several compressed, bright
(family Chaetodontidae) of warm se
an'gel'io (äng-jel'îo), an'gel'io-cal (-
äng-jel'îo), n. [NL., fr. Gr. *angelos*
angel; heavenly; saintly. — an-
äng-jel'io-cal (äng-jel'îo-käl), n. [NL.
(äng-jel'îo-käl), n. Any of a large genus
the carrot family, whose leafstalks
roots and fruit furnish the angelic
for liquors and as a perfume.

angelica tree. The Hercules'-club
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An'ge-lus (äng-jel'ūs), n. [L. See
form of devotion commemorating
said at morning, noon, and evening
called the Angelus hour. b The
an'ger (äng-jēr), n. [ON. *angr*
Obs. Trouble; affliction; also, pl
Inflammation of a wound, sore, et
or emotion of displeasure, and usu
by a sense of injury or insult; as,
Syn. Choler, temper, exasperation, irri
passion. — *Anger*, indignation, wrat
pressing the feelings aroused by wrong
but displeasure (usually with a desire to
an injury or injustice; as, "Moses' ang
is deep and intense, often generous, an
cruel, shameful, or in any way unworth
direction at corruption. Wrath and ir
feelings of one bitterly provoked. *Rai*
anger; fury, an excess of rage, verging
— v. t. [ON. *angra*.] 1. To e
provoke. 2. Dial. To cause to
an'ger-ly (-lî), adv. Archaic. vii
An'ge-vin (äng-jē-vîn), an'ge-vî
Angelvin.] Of or pertaining to
enets. — n. A Angevin royal ho
an'gi-na (äng-jî-nä; L. äng-jî-nä),
angchōzā a throttling.]) Med. o
of the throat or fauces, esp. o
spasms.

an'gi-na pōc-to-ris (äng-jî-tō-rîs).
characterized by a sense of suff
an'gi-o (-äng-jî-ō; -clāssīkäl äng-
angeion a vessel.] A combin
sel, blood vessel, or lymph vess
Bot., having fruit enclosed wi

chait; go; sing; then, thin
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Christian Science. A message from
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acting allevil, sensuality, and mortal

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State law reference(s)--Zoning ordinances, 30 M.R.S.A. § 4962.

DIVISION 1. GENERALLY

Sec. 14-46. Purpose.

This article, made in accordance with a comprehensive plan, is enacted for the purpose of decreasing congestion in streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the over-crowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, sewerage, schools, parks and other community facilities and utilities; thus promoting the health, safety, convenience and general welfare of the citizens of the city. This article is made with reasonable consideration, among other things, to the character of each zone and its peculiar suitability for particular uses and with a view to conserving and stabilizing the value of property and encouraging the most appropriate use of land throughout the community.
(Code 1968, § 602.1.A)

Sec. 14-47. Definitions.

The following words shall be defined as set forth below for use in this article. Definitions set forth in the building code of the city shall apply to words not herein defined:

Accessory uses: Uses which are customarily incidental and subordinate to the location, function and operation of permitted uses.

Adult day care facility: A facility which provides a regular program of care and protection for persons over the age of sixteen (16), for consideration, for any part of the day.

Apartment: See "dwelling unit."

Apartment house: See "multifamily dwelling."

Arcade: A covered passageway, generally occurring at the street level of a building, running parallel and adjacent to the street or as a through-block pedestrian connection, which is intended to provide sheltered access to directly adjoining commercial or other uses. Arcades are provided physical definition

uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:

- (a) Residential uses.
- (b) Retail trade that is not ancillary to a permitted use.
- (c) Restaurant uses.
- (d) Junk yards.
- (e) Amusement parks.
- (f) Crematoriums.
- (g) Mining and drilling operations.
- (h) Refining of petroleum or its products, including tar distillation.
- (i) Petroleum tank farms.
- (j) Commercial excavation of building or construction materials other than in the normal course of building or construction or site preparation.
- (k) Distillation of bones; fat rendering; glue, soap, or fertilizer manufacture.
- (l) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse.
- (m) Stockyard or slaughtering of animals.
- (n) Smelting of iron, copper, tin, zinc, or any other ore.
- (o) Manufacture of primary chemicals.
- (p) Manufacture of cement, lime, gypsum, or plaster of paris.
- (q) Manufacture of bleaching powder, matches, paper, or rubber.
- (r) Manufacture of explosives or fireworks. Bulk storage of explosives or fireworks is also prohibited unless such

NO C/O yet

City of Portland, Maine - Building or Use Permit Application

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

Permit No:	Issue Date:	CBL:
2013-01157	10/31/2013	415 B003001

Location of Construction: 1025 OCEAN AVE	Owner Name: NICHOLAS NAPPI	Owner Address: 155 Pleasant St Yarmouth, ME 04096	Phone: (207) 615-4019
Business Name:	Contractor Name: Owner	Contractor Address: ME	Phone:
Lessee/Buyer's Name Nicholas Napi	Phone: (207) 615-4019	Permit Type: Change of Use - Commercial	Zone: IM
Past Use: Foundry; Warehouse	Proposed Use: Wholesale & lobster processing	Permit Fee: \$295.00	Cost of Work: \$20,000.00
		CEO District: 5	
Proposed Project Description: Change of use to wholesale & lobster processing - build internal wall & insulate		INSPECTION: Use Group: F-1 Type: 3B wholesale & lobstering processing ENTIRE MUBEC/IBC 2009	
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____	

Permit Taken By: bjs	Date Applied For: 06/06/2013	Zoning Approval		
1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..		Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: _____	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	Historic Preservation <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: _____

CERTIFICATION

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

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



Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 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 browse city services a-z browse facts and links a-z	CBL	415 B003001
	Land Use Type	MANUFACTURING & CONSTRUCTION
	Verify legal use with Inspections Division	
	Property Location	1025 OCEAN AVE
	Owner Information	NAPPI NICHOLAS P & BRENT N NAPPI JTS 155 PLEASANT ST YARMOUTH ME 04096
	Book and Page	30701/120
	Legal Description	415-B-3 419A-A-3 OCEAN AVE 1025-1041
		89523 SF
	Acres	2.0552

Current Assessed Valuation:

TAX ACCT NO.	42726	OWNER OF RECORD AS OF APRIL 2013
LAND VALUE	\$172,900.00	ETHERIDGE R FREEMAN JR
BUILDING VALUE	\$113,500.00	1035 OCEAN AVE
NET TAXABLE - REAL ESTATE	\$286,400.00	PORTLAND ME 04103
TAX AMOUNT	\$5,559.02	

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

Building Information:

	Building 1
Year Built	1954
Style/Structure Type	MANUFACTURING
# Units	1
Building Num/Name	1 - ETHERRIDGE FOUNDRY
Square Feet	8525

[View Sketch](#)[View Map](#)[View
Picture](#)**Exterior/Interior Information:**

	Building 1
Levels	01/01
Size	1910
Use	MULTI-USE OFFICE
Height	9
Walls	CONC. BLOCK
Heating	HW/STEAM
A/C	NONE

	Building 1
Levels	01/01
Size	6615
Use	LIGHT MANUFACTURING
Height	14

NICHOLAS H. WALSH

ATTORNEY AT LAW

120 EXCHANGE STREET, SUITE 202

PORTLAND, MAINE 04101

207-772-2191

FAX: 207-774-3940

E-MAIL: sealaw@gwl.net

MAILING ADDRESS

P.O. BOX 7206

PORTLAND, ME 04112-7206

April 22, 2014

Marge Schmuckal
Inspections Division,
Planning and Urban Development
City of Portland
389 Congress St.
Portland ME 04101

I-m

415-B-003

RECEIVED

APR 22 2014

Dept. of Building Inspections
City of Portland Maine

Re: 1035 Ocean Avenue; Request for Zoning Determination

Dear Marge:

2013-01157 ch Abuse

Linda Kate Lobster, Inc. (Linda Kate) has asked me to write for a determination of whether it may operate, at 1035 Ocean Avenue, a seasonal stand selling live lobster and lobster meat.

Linda Kate harvests lobster with its own boats, and buys live lobster. It keeps the lobsters in indoor tanks located at 1035 Ocean Avenue. From 1035 Ocean Avenue Linda Kate ships live lobster to various markets, generally out of state. This summer it plans to handle 10,000 – 20,000 pounds of lobster per week, of which it will catch in the neighborhood of 1,000 to 3,000 pounds.

Only stronger, harder lobsters are suitable for shipping. Weaker lobsters, and lobsters which have recently shed, tend to die in transit and are unsuitable for shipping. I attach a recent page from the Maine Lobstermen's Association price report, stating "Most of the Canadian lobsters are very good (shippable) . . ." The problem is worse in the late spring and summer, because in that period shedders comprise a much bigger fraction of the catch than in the cooler months.

Linda Kate carefully picks through its lobsters prior to putting together a shipment, culling lobsters which are soft shelled or which appear weak. In the warmer months, when it puts together a shipment Linda Kate rejects as unshippable 25% to 50% of the lobsters in its tanks.

The unshippable lobsters remain in demand for local consumption. Linda Kate needs an outlet for these lobsters. For this reason it proposes to operate a seasonal retail lobster stand off Ocean Avenue.

At present Linda Kate cooks and picks unshippable lobster on site. However, the profit margin on lobster meat is less than half the margin on live lobster sold at retail.

The stand would operate from May to October, from about noon to 7:00 p.m. at the latest. Two products would be sold: live lobster and lobster meat.

1035 Ocean Avenue is zoned I-M (moderate impact industrial). I-M allows as a permitted use "Food and seafood processing for human consumption." 14-247-m.

We believe the lobster stand is allowable under 14-248. 14-248 allows performance based uses, provided the "proposed development is consistent with the purposes of this Zone" and "[t]he proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts of the proposal."

temp stands not allowed

yes
- for principal uses

I attach two sketches of the proposed use. The stand would be 8' by 20', open on all sides. Under the roof would be a live tank and a cash desk. There would be a simple unlit sign by the road, compliant with the ordinance. There is ample room off the street for cars to pull over safely and to reenter the road. The sightlines are good. The speed limit is 35 mph. The applicant believes that it would see a maximum of about a dozen cars in an hour. Parking for up to 20 cars is available. There would be no odor, minimal noise, minimal emissions from the cars pulling over, minimal lighting under the stand, and no other negative impacts.

Alternatively, we believe the proposed lobster stand is allowable as an "Incidental accessory use" to the seafood processing operation, 14-247(s), because selling lobsters retail allows efficient liquidation of lobsters that cannot be shipped.

yes Supporting the application is 14-249, prohibiting, in I-M, "retail trade that is not ancillary to a permitted use." The implication of 249 is that a retail use may be allowed, if it meets performance standards and if it is ancillary to the permitted use of seafood processing, as is the case here.

My client and I are happy to meet with you, to respond to any questions you may have. Thanks very much.

Very truly yours,

NH

Nicholas H. Walsh

NHW/ss

Enclosure

cc: Linda Kate Lobster, Inc.

Proposed response:

Thank you for your Request for Zoning Determination, asking for a determination whether Linda Kate Lobster, Inc. may operate a seasonal retail stand at 1035 Ocean Avenue, selling live lobster culled from its shipping operation, and selling lobster meat from culled lobsters which have been cooked and picked on site. The stand would operate from May through October, from noon to 7:00 p.m. The applicant estimates that maximum traffic would be about twelve cars in an hour.

The zone is I-M (Industrial-Moderate). I-M allows as a permitted use "Food and seafood processing for human consumption." 14-247-m.

Section 14-248 of the Land Use Ordinance allows performance based uses in the I-M zone, provided the "proposed development is consistent with the purposes of this Zone" and "[t]he proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts of the proposal." The lobster stand, as described in your letter, is allowable under this section.

Alternatively, the proposed lobster stand is allowable as an "Incidental accessory use", 14-247(s), because selling lobsters retail allows profitable liquidation of lobsters that the applicant cannot ship.

Supporting the application is 14-249, prohibiting "retail trade that is not ancillary to a permitted use." The implication of 249 is that retail uses may be allowed, if they meet performance standards and are ancillary to the permitted use of seafood processing, as is the case here.

**NORTH ATLANTIC LOBSTER COALITION
WEEK OF FEBRUARY 17, 2014
MARKET DEMAND AND SUPPLY UPDATE
MASSACHUSETTS REPORT**



DEMAND reached a light to moderate level over the Valentines Day period. There was what was described as an OK market demand. It was nothing great. Demand has now settled back to light. There was, this week, some restocking of inventories but this was not a big deal. With the price so high for Canadian product, the demand is just not there and won't be as long as the price is this high.

SUPPLY is adequate for the light demand. Inventories are being maintained using mostly Canadian product but dealers are only bringing in what they need due to the high prices the Canadian suppliers are quoting. Some Maine product is available to the Boston market but, again, their price is high too so very little has been purchased for the inventories. Maine pounds are starting to make product available which is normal for this time of year. Local landings are almost non-existent and are not a factor in the overall supply. Almost no offshore lobsters have been landed. Most of these boats are in port or are concentrating on crabs rather than lobsters.

QUALITY of the available product is very good. Most of the Canadian lobsters are very good (shippable) however, there still are some "long-held" "carred", and tubed lobsters available which are weak and the quality of this product is only good at best. The quality of any Maine fresh caughts or pounded product is very good. The Maine pounded lobsters have been fed and have been held in pounds rather than in carrs or tubes. The quality of any local product available is very good to excellent if any are available.

PRICE is expected to hold at current levels. This is because so little is available. With the demand so light and Canadian and even Maine product so expensive, there is no need for the price to move much. On the other hand, with Maine and Canadian pounded supplies starting to enter the market, there may be more product available than what the market needs. This could actually weaken the price. Canadian lobsters are being brought into the Boston market only if needed, at \$6.80 to as high as \$7.75 (US\$). Maine lobsters are available at \$6.80 to \$7.00. A few offshore lobsters were landed in the \$6.60 range.

LAST YEAR AT THIS TIME – 2013

- Boston boat price \$4.50 - \$5.25 Straight
 - Some offshore product was landed at \$6.00 to \$6.25
 - Maine (new caughts) were arriving at \$5.50 to \$5.95
 - Canadian product was arriving at \$5.50 to \$6.00 (US\$)
-

MAINE – Price Range "LAST YEAR AT THIS TIME" - 2013

- Straight \$4.05 - \$5.00
- Select \$4.50-\$5.25
- New Shell n/a
- Old Shell n/a



R3 RESIDENTIAL ZONE

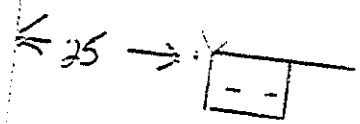
~~ROS~~

ROS ~~to~~ R-OS RECREATION + OPEN SPACE

IM INDUSTRIAL

451

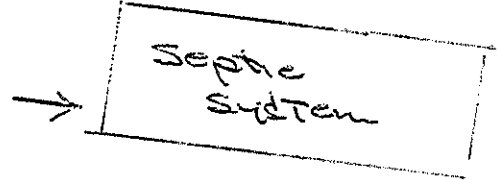
5'3"



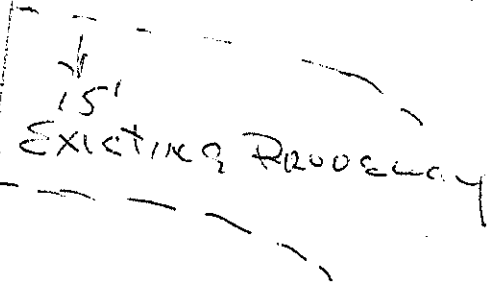
Proposed Parking
6 - 20 slots

PROPOSED
STRUCTURE

FARM STAND - 8' x 20'



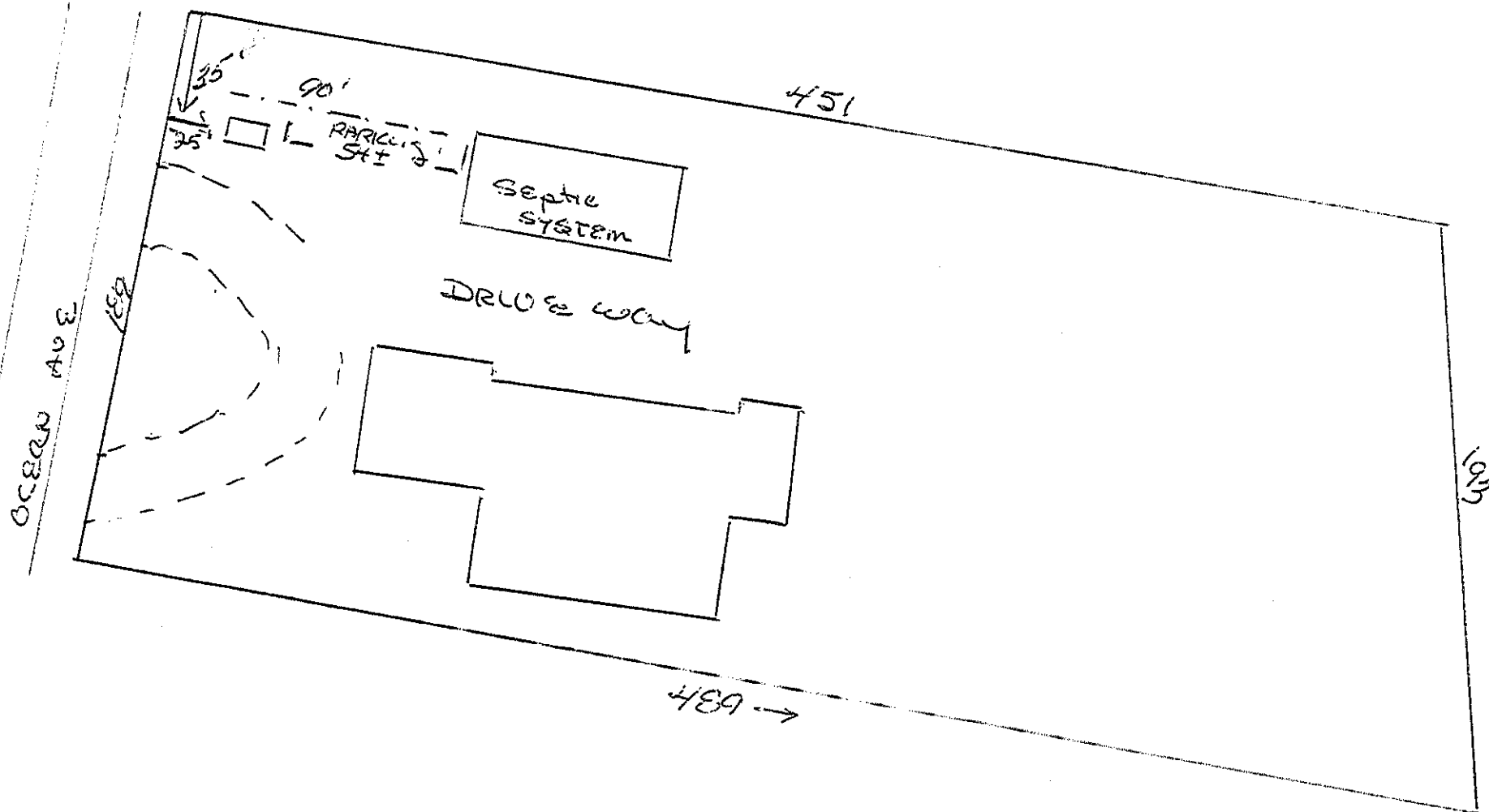
OCEAN PVE



EXISTING ROADWAY

SC. 3/8 ± 10'

1045 OCEAN
Port. Mce



Scale 1" = 50'

1025 OCEAN
PORT. MAINE.

**CITY OF PORTLAND, MAINE
REAL ESTATE TAX ROLL
TAX YEAR 2014**

PARCEL ID TAX ACCT ID OWNER INFORMATION	PROPERTY DESCRIPTIONS	TYPE	VALUATION AMOUNT	TAXABLE VALUE	TAX AMOUNT
012 - E-008-001 962 ESTES LINDA S & NORMAN G JTS 11 HAMMOND ST PORTLAND, ME 04101	12-E-8 HAMMOND ST 9 1901 SF	LAND VALUE BUILDING VALUE HOMESTEAD EXEMPTIO TAXABLE	59,200 61,400 -10,000 110,600	110,600	2,146.76
428 - B-029-001 43508 ESTEY LISA M 166 SHERWOOD ST PORTLAND, ME 04103	428-B-29 SHERWOOD ST 166-168 5000 SF	LAND VALUE BUILDING VALUE HOMESTEAD EXEMPTIO TAXABLE	65,500 79,300 -10,000 134,800	134,800	2,616.48
014 - N-010-001 2148 ESTHER ALBERT REALTY LLC 225 EAST 36TH ST # 5N NEW YORK, NY 10016	14-N-10 MORNING ST 119 8070 SF	LAND VALUE BUILDING VALUE TAXABLE	128,100 1,282,100 1,410,200	1,410,200	27,371.98
348 - C-022-081 37210 ESTY MELISSA & MELANIE DUFFY JTS 81 NORTHWOOD DR PORTLAND, ME 04103	348-C-22-58-78 349-C-22 350-C NORTHWOOD DR 81 U# 81 NORTHWOOD DRIVE CONDO	LAND VALUE BUILDING VALUE TAXABLE	31,400 125,700 157,100	157,100	3,049.32
285 - B-009-001 32202 ESTY PEARL M WID KW VET 33 RAYMOND RD PORTLAND, ME 04102	285-B-9 RAYMOND RD 33 7200 SF	LAND VALUE BUILDING VALUE HOMESTEAD EXEMPTIO WORLD WAR II WIDOWS TAXABLE	57,400 99,200 -10,000 -6,000 140,600	140,600	2,729.06
344 - C-008-001 36456 ESW REALTY LLC 65 GRAY RD 2ND FLOOR BOX 4 FALMOUTH, ME 04105	344-C-8 WASHINGTON AVE 1370-1382 ALLEN AVE 331-339 20338 SF	LAND VALUE BUILDING VALUE TAXABLE	422,600 186,600 609,200	609,200	11,824.58
415 - B-003-001 42726 ETHERIDGE R FREEMAN JR 1035 OCEAN AVE PORTLAND, ME 04103	415-B-3 419A-A-3 OCEAN AVE 1025-1041 89523 SF	LAND VALUE BUILDING VALUE TAXABLE	172,900 113,500 286,400	286,400	5,559.02
439 - D-011-001 44734 ETOC PROPERTIES LLC 20 OLDE BLACKWOOD WAY FALMOUTH, ME 04105	439-D-11 WASH AVE 1212-1214 EDGEWOOD AVE 2-8 5450 SF	LAND VALUE BUILDING VALUE TAXABLE	63,500 114,700 178,200	178,200	3,458.86

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

RECEIPT OF FEES

Application No: 0000-1893	Applicant: NAPPI NICHOLAS P & BRENT N
Project Name: 1025 OCEAN AVE	Location: 1025 OCEAN AVE
CBL: 415 B003001	Application Type: Determination Letter
Invoice Date: 04/24/2014	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

Previous Balance	\$0.00
-------------------------	---------------

Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		\$150.00
Total Current Fees:		+ \$150.00
Total Current Payments:		- \$150.00
Amount Due Now:		\$0.00

CBL 415 B003001
Bill to: NAPPI NICHOLAS P & BRENT N NAPPI JTS
155 PLEASANT ST
YARMOUTH, ME 04096

Application No: 0000-1893
Invoice Date: 04/24/2014
Invoice No: 44816
Total Amt Due: \$0.00
Payment Amount: \$150.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.
Check the status of your permit or schedule an inspection on-line at <http://www.portlandmaine.gov/planning/permitstatus.asp>