

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: March 8, 2013
RE: Action taken by the Zoning Board of Appeals on March 7, 2013.

Members Present: Gordon Smith (chair), William Getz, Sara Moppin (secretary) and Eric Larsson

Members Absent: Mark Bower

1. Old Business

A. Variance Appeal:

46-68 Commercial Street, Casco Bay Island Transit District, lessee, Tax Map 444, Block A, Lot 001, EWPZ Eastern Waterfront Port Zone: The Variance Appeal was first heard on January 17, 2013 where the Board voted to table it. Casco Bay Island Transit District is requesting that the outstanding portions of the Variance Appeal be withdrawn but requesting that the Board preserve the initial Board vote that concurred with the Zoning Administrator's opinion that the unsupported roof overhang of the proposed structure did not require a setback variance. **The applicant withdrew their withdrawal which the Board accepted.**

2. New Business

A. Conditional Use Appeal:

50-58 Bernard Road, Anthony & Darlene Napolitano, owners, Tax Map 437, Block E, Lot 001, R-3 Residential Zone: The appellants are seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to their single family home. Representing the appeal are the owners. **The Zoning Board of Appeals voted 4-0 to grant the appeal to add an accessory dwelling unit to the single family home.**

B. Conditional Use Appeal:

58-64 Pine Street, Princess K, LLC, owner, Tax Map 056, Block C, Lots 002 & 004, B-1 Neighborhood Business Zone: The appellant is seeking a Conditional Use Appeal under section 14-163(a)(1) to add a restaurant use to the existing retail use. Representing the appeal is Leslie Oster, General Manager of Aurora Provisions. **The Zoning Board of Appeals voted 4-0 to grant the appeal to add restaurant use to the existing retail use.**

Enclosure:

Decision for Agenda from March 7, 2013

One DVD

CC: Mark Rees, City Manager

Jeff Levine, AICP, Director Planning & Urban Development

Alex Jaegerman, Planning Division

Mary Davis, Housing and Neighborhood Services Division

Members Present: Sara Moppin, Bill Getz, Gordon Smith, Eric Larsson

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Members Absent: Mark Bower

APPEAL AGENDA

meeting called to order -

The Board of Appeals will hold a public hearing on Thursday, March 7, 2013 at 6:30 p.m. on the second floor in room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeals:

1. Old Business

A. Variance Appeal:

withdrew
The
withdrawal
accepted by
the Board

46-68 Commercial Street, Casco Bay Island Transit District, lessee, Tax Map 444, Block A, Lot 001, EWPZ Eastern Waterfront Port Zone: The Variance Appeal was first heard on January 17, 2013 where the Board voted to table it. Casco Bay Island Transit District is requesting that the outstanding portions of the Variance Appeal be withdrawn but requesting that the Board preserve the initial Board vote that concurred with the Zoning Administrator's opinion that the unsupported roof overhang of the proposed structure did not require a setback variance.

2. New Business

A. Conditional Use Appeal:

A-Q
Granted

50-58 Bernard Road, Anthony & Darlene Napolitano, owners, Tax Map 437, Block E, Lot 001, R-3 Residential Zone: The appellants are seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to their single family home. Representing the appeal are the owners.

B. Conditional Use Appeal:

A-Q
Granted

58-64 Pine Street, Princess K, LLC, owner, Tax Map 056, Block C, Lots 002 & 004, B-1 Neighborhood Business Zone: The appellant is seeking a Conditional Use Appeal under section 14-163(a)(1) to add a restaurant use to the existing retail use. Representing the appeal is Leslie Oster, General Manager of Aurora Provisions.

3. Adjournment

MURRAY PLUMB & MURRAY
ATTORNEYS AT LAW

Peter S. Plumb
pplumb@mpmlaw.com
207 523 8223

February 12, 2013

RECEIVED

Zoning Board of Appeals
City of Portland
389 Congress Street, Room 315
Portland, ME 04101

13 2013

Dept. of Building Inspections
City of Portland Maine

**RE: Variance Appeal of the Casco Bay Island Transit District,
dated December 17, 2012**

Dear Zoning Board of Appeals:

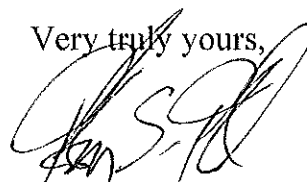
The Casco Bay Island Transit District filed a setback variance appeal with the Board of Zoning Appeals on December 17, 2012. The Zoning Board gave its first consideration of the appeal on January 17, 2013. At that time, the Board voted partially to concur with the opinion of the Zoning Administrator that the unsupported roof overhang of the proposed structure did not require a setback variance.

At the January 17, 2013 meeting the Zoning Board tabled the remaining aspects of the variance appeal.

It appears that because the Zoning Administrator has now ruled that the structure of the building actually includes the area involved in the setback variance appeal, a variance is no longer required as originally thought. For that reason, the outstanding portions of the variance appeal are hereby withdrawn by the applicant, while preserving the initial Board vote concerning the roof overhang.

Thank you for your attention.

Very truly yours,



Peter S. Plumb

RECEIVED

FEB 13 2013

Dept. of Building Inspections
City of Portland Maine

PSP:dmv

cc: Hank Berg, Casco Bay Island Transit District General Manager
Mark Rees, Portland City Manager

S:\C:\bit\CBIT44 variance\1.-ZBA.02.12.13.docx

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Gordon Smith-chair
Sara Moppin-secretary
William Getz
Mark Bower
Eric Larsson

January 18, 2013

Hank Berg, General Manager
Casco Bay Island Transit District
PO Box 4656
Portland, ME 04112

RE: 56 Commercial Street
CBL: 444 A0001
ZONE: EWPZ

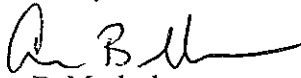
Dear Mr. Berg,

At the January 17, 2013 meeting, the Zoning Board of Appeals voted 4-0 to table the Variance Appeal to be heard at a future date. I am enclosing a copy of the Board's decision.

You will also find an invoice for the fees that are still owed for the processing fee, the legal ad and the notices for the appeal. Please submit your payment on receipt of this invoice.

Should you have any questions please feel free to contact me at 207-874-8709.

Yours truly,


Ann B. Machado
Zoning Specialist

Cc. file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: January 18, 2013
RE: Action taken by the Zoning Board of Appeals on January 17, 2013.

Members Present: Gordon Smith (chair), Mark Bower, William Getz (acting secretary) and Eric Larsson

Members Absent: Sara Moppin

1. New Business

A. Variance Appeal:

46-68 Commercial Street, Casco Bay Island Transit District, lessee, Tax Map 444, Block A, Lot 001, EWPZ Eastern Waterfront Port Zone: The appellant is seeking a Variance Appeal under section 14-303(c)(4) to reduce the required setback from the pier line from twenty-five (25) feet to twenty-two (22) feet in order to build an addition to the existing Casco Bay Ferry Terminal. Representing the appeal is Hank Berg, General Manager of Casco Bay Island Transit District. **The Zoning Board of Appeals voted 4-0 to table the appeal to be heard on a future date.**

B. Disability Variance Appeal:

123-125 Morning Street, Joseph Piergrossi Jr. & Trevor Coyne, owners, Tax Map 014, Block N, Lot 018, R-6 Residential Zone: The applicants are seeking a disability variance under section 14-473(c)(2) to install an elevator to provide handicap access to their apartment on the third and fourth floors of the building. Section 14-139(a)(5) states that the allowable maximum lot coverage is 50%. The existing structure covers 63% of the lot. The appellants are requesting a variance to increase the maximum allowable lot coverage to 64%. Representing the appeal are the owners. **The Zoning Board of Appeals voted 4-0 to grant the appeal.**

Enclosure:

Decision for Agenda from January 17, 2013

One DVD

CC: Mark Rees, City Manager

Jeff Levine, AICP, Director Planning & Urban Development

Barbara Barhydt, Planning Division

Mary Davis, Housing and Neighborhood Services Division

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

"Undue Hardship" Variance Appeal

DECISION

Date of public hearing:

January 17, 2013

Mark Bower
Eric Larsson
Gordon Smith
Bill Getz

Name and address of applicant:

Casco Bay Island Transit District
PO Box 4656
Portland, ME 04112-4656

Location of property under appeal:

56 Commercial Street

Peter Plumb est. Murry Plumb + Murry
Hank Berg. GM Casco Bay

For the Record:

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

Exhibits admitted (e.g. renderings, reports, etc.):

Site Plans
City Consent letters
State of Maine - Submerged land abatter
Area Photos

- 1) Discussion of undue hardship and the determination of the structural requirements of the building.
- 2) The need for the expansion for public benefit
Capacity designed for 1/2 M - current use over 1M
- 3) Setback change in 2006 from 5' to 25' to allow public use of the pier

Findings of Fact and Conclusions of Law:

The applicant is requesting an "undue hardship" variance from section 14-303(c)(4) of the Portland Land Use Code. That section provides, in pertinent part:

"a minimum setback of twenty-five (25) feet from the edge of any pier; wharf or working edge of the hardened shoreline shall be required for any structure. The setback area may be utilized for water-dependent uses and public uses and activities . . . , and shall not be utilized for restaurant, drinking, or other non-water dependent uses or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s)."

The applicant is seeking a variance to reduce the required setback from the pier line to build an addition to the existing Casco Bay Ferry Terminal. The wall of the proposed addition will be 22 feet, rather than the required 25 feet from the edge of the pier. The roof overhang, which is approximately eighteen (18) feet or about 2 stories above the pier, is approximately twelve (12) feet from the pier edge.

I. Application of Setback Requirement to Roof Overhang

The Board concludes that the 25-foot setback requirement

Applies _____ Does Not Apply 4 to the roof overhang of the proposed structure.

Reason and supporting facts:

Past practice was to use foundation to measure setback
The overhang is 18' above the deck for an awning effect

II. Undue Hardship Variance

"Undue Hardship" Variance standard pursuant to Portland City Code §14-473(c)(1):

1. The land in question cannot yield a reasonable return unless a variance is granted. (Note: "Failure to yield a 'reasonable return' means 'the practical loss of all beneficial use of the land.' . . . Reasonable return does not mean maximum return." *Rowe v. City of South Portland*, 730 A.2d 673, 675 (Me. 1999) (citations omitted).)

Satisfied _____ Not Satisfied _____

Reason and supporting facts:

Discussion that practical loss will not occur if the variance is not granted. Public's denial of beneficial use of the land/facility may not constitute an undue hardship to the applicant.
Discussion on the need for a variance due to the structural support to a legally nonconforming structure

Motion to table appeal by request of the applicant
Motion approved 4-0

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Satisfied _____ Not Satisfied _____

Reason and supporting facts:

3. The granting of a variance will not alter the essential character of the locality.

Satisfied _____ Not Satisfied _____

Reason and supporting facts:

4. The hardship is not the result of action taken by the applicant or a prior owner.

Satisfied _____ Not Satisfied _____

Reason and supporting facts:

Conclusion: (check one)

____ Option 1: The Board finds that the standards described above (1 through 4) have been satisfied and therefore GRANTS the application.

____ Option 2: The Board finds that while the standards described above (1 through 4) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

____ Option 3: The Board finds that the standards described above (1 through 4) have NOT all been satisfied and therefore DENIES the application.

Dated: January __, 2013

Board Chair

members Present: Gordon Smith, William Getz, ^{Acting Sec.} Mark Bower, Eric Carasm

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

member Absent: Sara Moppin -

APPEAL AGENDA

called to Order at: 6:30 pm

The Board of Appeals will hold a public hearing on Thursday, January 17, 2013 at 6:30 p.m. on the second floor in room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeals:

1. New Business

A. Variance Appeal:

46-68 Commercial Street, Casco Bay Island Transit District, lessee, Tax Map 444, Block

A, Lot 001, EWPZ Eastern Waterfront Port Zone: The appellant is seeking a Variance

Appeal under section 14-303(c)(4) to reduce the required setback from the pier line from

twenty-five (25) feet to twenty-two (22) feet in order to build an addition to the existing

Casco Bay Ferry Terminal. Representing the appeal is Hank Berg, General Manager of

Casco Bay Island Transit District. Also Peter Plumb -

B. Disability Variance Appeal:

123-125 Morning Street, Joseph Piergrossi Jr. & Trevor Coyne, owners, Tax Map 014,

Block N, Lot 018, R-6 Residential Zone: The applicants are seeking a disability variance

under section 14-473(c)(2) to install an elevator to provide handicap access to their

apartment on the third and fourth floors of the building. Section 14-139(a)(5) states that

the allowable maximum lot coverage is 50%. The existing structure covers 63% of the

lot. The appellants are requesting a variance to increase the maximum allowable lot

coverage to 64%. Representing the appeal are the owners.

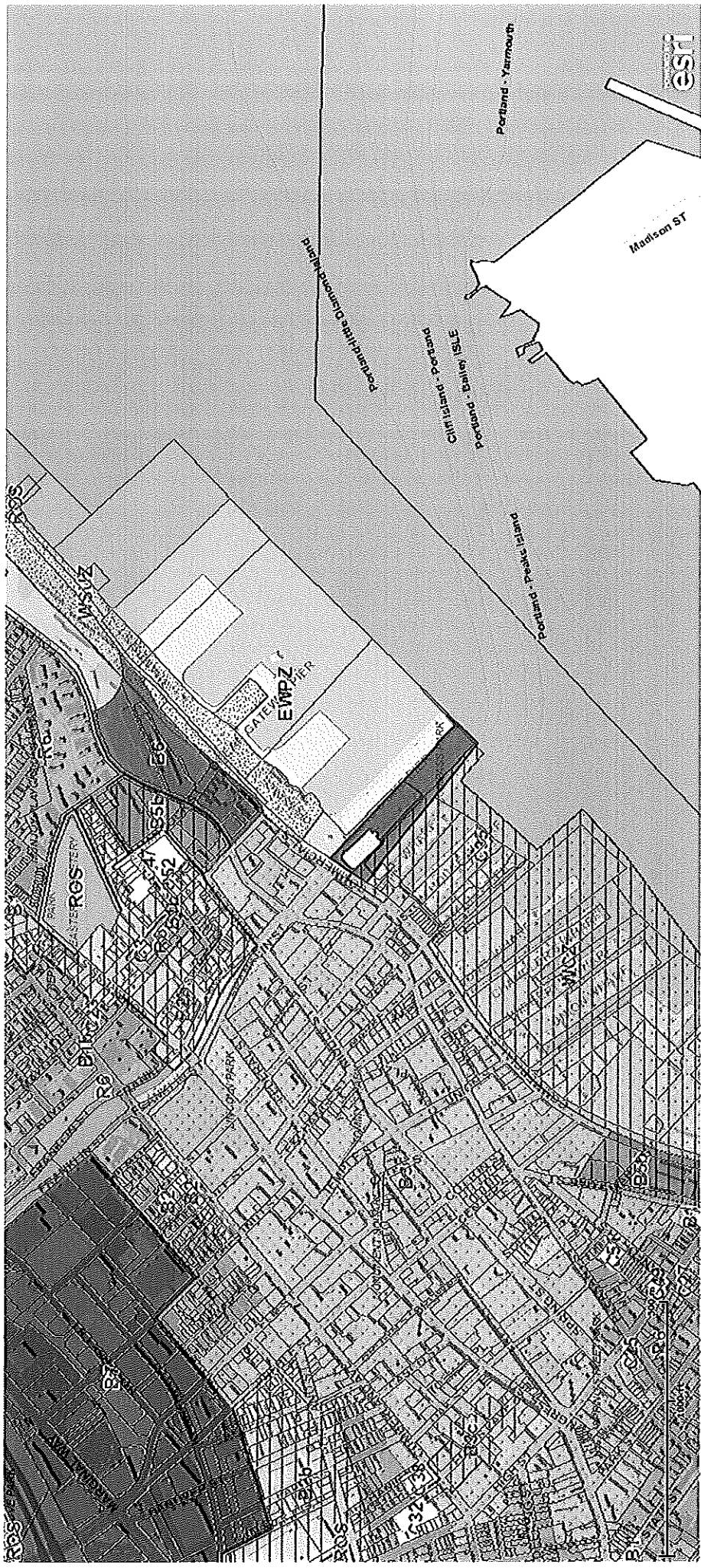
2. Adjournment

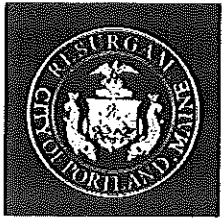
8:00 pm

Tabled to
A convenient
future date
A-φ

Granted
A-φ

56 Commercial Street





PORTLAND MAINE

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

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

TO: Gordon Smith, Chair and Zoning Board Members

FROM: Marge Schmuckal, Zoning Administrator

SUBJECT: 46-68 Commercial Street, Casco Bay Island Transit District Project

DATE: January 10, 2013

I want to clarify my interpretation of where the requested setback should be determined. The proposal shows the project with the new building wall 22' from the pier edge instead of the required 25' under section 14-303(c)4. I have not included the roof overhang (12' from the edge of pier) as part of the required 25' setback based on the further conditions/explanations under this section. It states that the 25' setback area is to be utilized for water-dependent uses and public uses and other activities. The roof overhang is approximately 18' or about 2 stories above the pier. This height of the overhang in no way hinders use of the pier edge. As a matter of fact, it acts as good protection for such activities during inclement weather.

So I am hoping that the Board agrees with my interpretation to limit the discussion to the setback of the building wall only.

Cc: Mark Rees, City Manager
Lauren Swett, P.E.
Nicholas M. Mavodones
Peter S. Plumb Esq
Hank Berg, General Manager CBITD

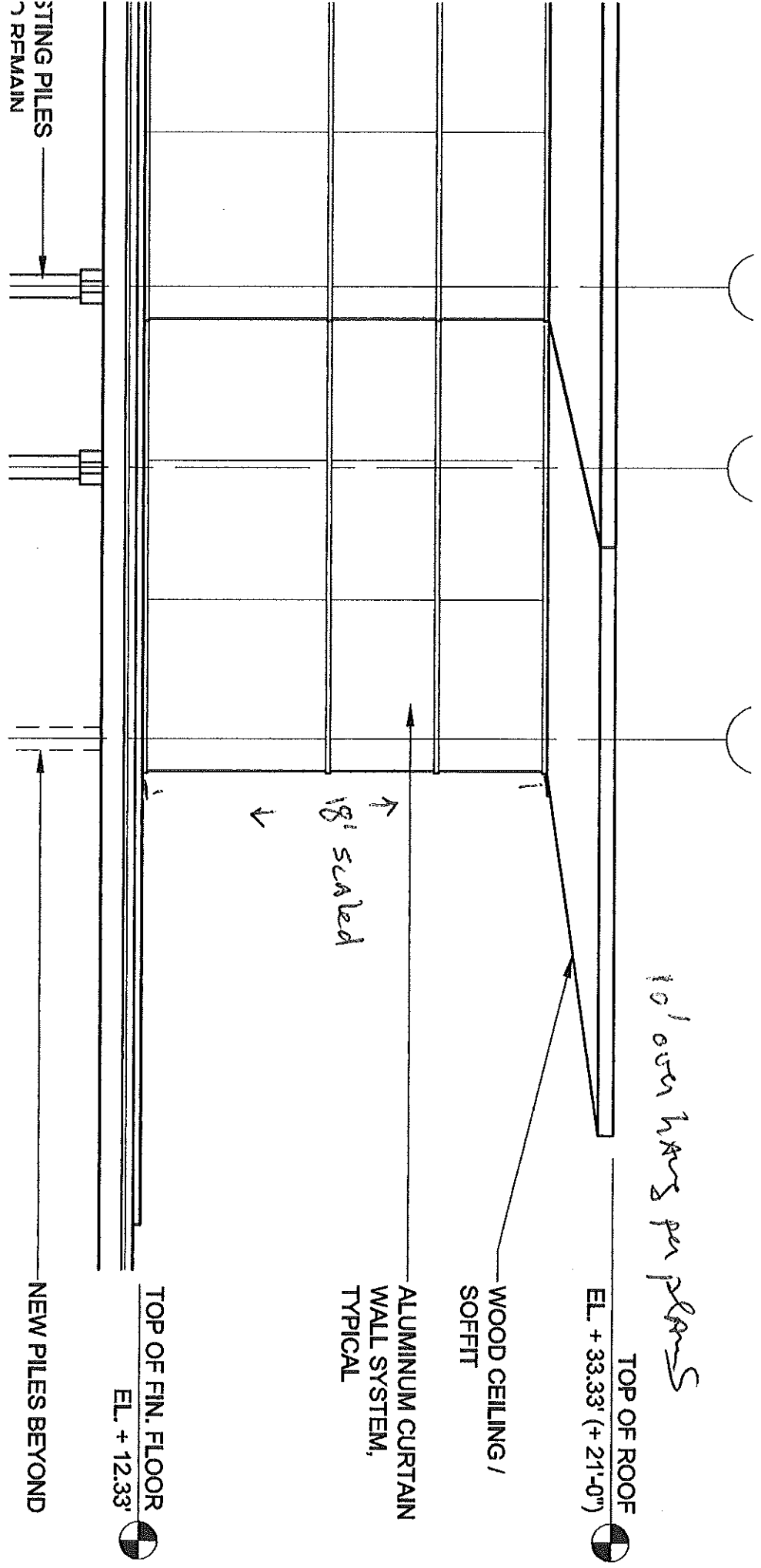
consideration of the planning board's
recommendation on the same.

(Ord. No. 297-05/06, 9-18-06; Ord. No. 278-09/10, 7-19-10)

Sec. 14-303. Dimensional requirements.

In addition to the provisions of article III, division 25 of this code, lots in the EWPZ shall be subject to the following requirements:

- (a) *Minimum lot size:* None.
- (b) *Minimum frontage:* None.
- (c) *Minimum yard dimensions:*
 - 1. Front setback: None.
 - 2. Side setback: None.
 - 3. Rear setback: None.
 - 4. Setback from pier line: Notwithstanding the above requirements, a minimum setback of twenty-five (25) feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure. The setback area may be utilized for water-dependent uses and public uses and activities, subject to the provisions of sections 14-300.1 (no adverse impact) and 14-301.1 (conditional use provisions), and shall not be utilized for restaurant, drinking, or other non water-dependent uses or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).
- (d) *Maximum impervious surface:* One hundred (100%) percent.
- (e) *Maximum building height:* Forty-five (45) feet, except as follows:
 - 1. For purposes of this section only, moveable elements such as cranes and gantries, connection devices such as conveyors or bridges, and



Ann Machado - EWPZ

From: Marge Schmuckal
To: Ann Machado
Date: 12/20/2012 4:18 PM
Subject: EWPZ

Hi Ann,

I have re-looked at section 14-303 concerning the 25 foot setback. I realize the overhang is part of the structure, but I am prepared to write a memo to the Board explaining my interpretation on this. the intent is not to block public use and activities. And the high roof over hang actually helps those activities and uses along the pier providing an amount of protection from the elements.

So I am saying that the setback is to the wall of the building and not to the overhang.

thank you,

Marge

Marge Schmuckal - RE: Casco Bay Lines Deed

From: Marge Schmuckal
To: Henry Berg; Nick Mavodones
Date: 1/17/2013 11:43 AM
Subject: RE: Casco Bay Lines Deed

than you Hank. This is very Helpful
Marge

>>> Henry Berg <HankB@cascobaylines.com> 1/17/2013 11:41 AM >>>
Marge,

Peter Plumb's office looked into this and they think it is book 4916 page 26. This is the deed of some 61 acres from the state to the city, and appears to include the Maine State Pier, when Bath Iron Works came in. It is dated February 1, 1982, recorded the next day.

Thanks - Hank

Hank Berg
General Manager
Casco Bay Lines
p: 207-774-7871 x103
f: 207-774-7875
e: hankb@cascobaylines.com

From: Marge Schmuckal [mailto:MES@portlandmaine.gov]
Sent: Thursday, January 17, 2013 10:58 AM
To: Nick Mavodones
Cc: Henry Berg
Subject: RE: Casco Bay Lines Deed

Great! Thank you very much - Good Luck at the dentist.
Marge

>>> Nick Mavodones <NickM@cascobaylines.com> 1/17/2013 10:38 AM >>>
Marge,

I am just heading out the door for a dentist appointment. I have forwarded your email to Hank. He is going to locate the information and will be back in touch with you.

Thanks,

Nick

Nick Mavodones
Operations Manager
Casco Bay Lines

207-774-7871 (ext. 108)
207-774-7875 (fax)
nickm@cascobaylines.com

From: Marge Schmuckal [mailto:MES@portlandmaine.gov]
Sent: Thursday, January 17, 2013 10:30 AM
To: Nick Mavodones
Subject: Casco Bay Lines Deed

Hi Nick,

I am preparing a Certificate of Variance for tonight's ZBA meeting. That Certificate of Variance must be recorded in the Registry of Deeds. Because of that I need information concerning the City's deed. I spoke with Larry Walden and he knows there is one from when the City bought it from the State about thirty years ago.

What I need is the Book and Page numbers from when it was recorded. I will also need the date of recording. Is this something that you can help me with? I will also check with Assessor's. Currently there is nothing on their web site with that information.

thank you,
Marge Schmuckal
Zoning

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

4916
26

(122)

QUITCLAIM DEED
Without Covenant
Release

2132

Know all Men by these Presents,

That STATE OF MAINE, acting by and through the Commissioner of the Department of Transportation, as authorized by Private and Special Laws of 1981, Chapter 65, Section 12,

In consideration of One Dollar (\$1.00) and other valuable considerations

paid by CITY OF PORTLAND

and whose mailing address is City Hall, Portland, ME
the receipt whereof it does hereby acknowledge, as hereby renounce, release, bargain, sell and convey, and forever quit claim unto the said City of

Portland, its successors, heirs and assigns forever,

a certain lot or parcel of land, together with the improvements thereon and all submerged lands included therein, situated in the City of Portland, County of Cumberland, State of Maine, and further bounded and described as follows:
Beginning at the corner formed by the projection South easterly of the westerly side of India Street into the South side of Commercial Street; thence from said point of beginning and by the West sideline of India Street projected by land now or formerly of the Canadian National Railroad, S 46° 18' 00" E, twenty-eight and eighty hundredths (28.80) feet to a Maine Department of Transportation disk in a concrete monument; thence continuing by said Canadian National Railroad land N 55° 05' 33" E, thirty (30) feet to a reinforcing rod at other land now or formerly of the Canadian National Railroad; thence by said other land now or formerly of the Canadian National Railroad on the following described courses, distances and curve; N 55° 05' 33" E, three hundred eighty and fifty-nine hundredths (380.59) feet to a point of curve; thence by a convex curve to the Northeast having a radius of seven hundred (700) feet a distance of ninety and forty-one hundredths (90.41) feet measured on the arc thereof to a point of tangent; thence N 47° 41' 33" E, four hundred eight and ninety-eight hundredths (408.98) feet to a point; thence N 46° 57' 33" E, seven hundred forty-eight and fifty-eight hundredths (748.58) feet to a point at land now or formerly of the Canadian National Railroad Company; thence by said Canadian National Railroad Company land and flats S 43° 02' 27" E, one thousand eighty-one (1,081) feet, more or less, to the Harbor Commissioners Line; thence by said Harbor Commissioners Line S 45° 03' 13" W, two thousand two hundred fifty-three (2,253) feet, more or less, to land now or formerly of Schmadier Realty Corporation and known as Verrier's Wharf or Maine Wharf; thence by said Schmadier Realty Corporation land and flats N 50° 31' 55" W, one thousand one hundred thirty-seven (1,137) feet, more or less, to a Maine Department of Transportation disk at Commercial Street; thence by the south side of Commercial Street N 33° 28' 05" E, two hundred eighty-nine and sixty-three hundredths (289.63) feet to a point; thence continuing by said Commercial Street on the same course of N 33° 28' 05" E, eighty-six and eight hundredths (86.08) feet to Thames Street; thence by said Thames Street on the following described courses and distances: S 30° 22' 55" E, one hundred sixty-seven and fifty-four hundredths

27

(167.54) feet or to the Southerly terminus of said Thames Street, thence N 59° 37' 05" E, forty-nine and fifty hundredths (49.50) feet by the Southerly terminus of Thames Street, thence from the Southerly terminus of Thames Street N 30° 22' 55" W, one hundred (100) feet or to the former Southwest corner of the Galt Block Building at a portion of Thames Street vacated by the City of Portland, Maine in 1946; thence by said vacated portion of Thames Street S 59° 37' 06" W, ten (10) feet to a point; thence N 30° 22' 55" W, eighty-six and ninety-three hundredths (86.93) feet to Commercial Street; thence by said Commercial Street N 33° 28' 05" E, eleven and fourteen hundredths (11.14) feet to the former corner of Commercial Street and Thames Street; thence continuing by said Commercial Street N 33° 28' 05" E, fifty-five (55) feet to a Maine Department of Transportation disk at an angle point in Commercial Street; thence by said Commercial Street N 43° 56' 54" E, two hundred seventy-three and seventeen hundredths (273.17) feet to the point of beginning, together with all easements and other rights appurtenant thereto.

The above described lot contains sixty-one +/- acres.

The above described courses are based on the Maine State Coordinate System, West Zone.

Subject to a portion of a sewer right of way granted by the Grand Trunk Railway Co. of Canada to the City of Portland, dated September 10, 1903, and recorded in Cumberland County Registry of Deeds in Book 740, Page 165.

Subject also to a sewer easement granted by the State of Maine to the Portland Water District by deed dated September 8, 1976, recorded in said Registry of Deeds in Book 3908, Page 244.

Subject also to a sewer easement granted by the Canadian National Railway Company to the Portland Water District by deed dated September 2, 1976, recorded in said Registry of Deeds in Book 3905, Page 238.

Subject also to a sewer easement granted by the Maine Port Authority to the City of Portland by deed dated September 4, 1969, recorded in said Registry of Deeds in Book 3102, Page 401.

This conveyance is made subject to the condition that the premises shall be used solely for overhaul, repair, refitting and building of ships, and for allied activities, for a cargo facility and uses incidental thereto or such other uses consistent with the public interest as may be approved in advance by the State of Maine acting through the Commissioner of the Department of Transportation. This condition shall terminate upon the final maturity of certain State of Maine Bonds issued to pay the cost of certain improvements at the premises or on December 21, 2002, whichever shall first occur.

The premises are also conveyed subject to all existing easements, agreements or other encumbrances, thereon created by Grantor or its predecessors in title, and by acceptance of this deed, the Grantee agrees for itself and its successors and assigns that it will assume and perform all of the Grantor's obligations under any such easements, agreements or encumbrances, and defend and hold Grantor harmless from and against any such obligations.

The premises are also conveyed subject to the right of the State to locate, moor, operate and maintain upon the premises a dry dock facility, as contemplated in a certain agreement entitled "Comprehensive Commitment" between the Grantor and the Grantee and Bath Iron Works Corporation dated January 18, 1982.

Reference is made to plan entitled "Plan of Property in Portland, Maine Made For Bath Iron Works", made by H. I. & E. C. Jordan Surveyors, dated October 19, 1981, as revised through November 20, 1981, to be recorded at said Registry of Deeds.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said City of Portland, its successors

and assigns, to it and their own use and behoof forever.

In Witness Whereof, the said State of Maine has caused this instrument to be signed in its name and under its seal by George N. Campbell, Jr., its Commissioner, Department of Transportation, and to be approved by Joseph E. Brennan, its Governor, this

1st day of February in the year of our Lord one thousand nine hundred and eighty-two.

Signed, Sealed and Delivered in presence of

David Webster

David Webster

STATE OF MAINE

By George N. Campbell, Jr., Commissioner, Dept. of Transportation

APPROVED: Joseph E. Brennan, Governor, State of Maine

State of Maine, ss.

February 2, 1982

Personally appeared the above named George N. Campbell, Jr., Commissioner, Department of Transportation for the State of Maine and Joseph E. Brennan, Governor, State of Maine and acknowledged the above

instrument to be their free act and deed, in their said capacities and the free act and deed of said State of Maine.

Before me,

MY COMMISSION EXPIRES JULY 25, 1983

John E. Fox

Justice of the Peace, Notary Public, Attorney at Law



FEB 2 1982

REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE

Received at 7:20 AM, and recorded in

BOOK 4916

PAGE 26

Edward D. Austin Register



City of Portland Zoning Board of Appeals

January 9, 2013

Hank Berg, General Manager
Casco Bay Island Transit District
PO Box 4656
Portland, ME 04112

Dear Mr. Berg,

Your Variance Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday, January 17, 2013 at 6:30 p.m.** in Room 209 located on the second floor of City Hall.

Please remember to bring a copy of your application packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted, as well as a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bill for the processing fee, legal ad and the notices for the appeal. The check should be written as follows:

MAKE CHECK OUT TO: City of Portland
MAILING ADDRESS: Room 315, attn. Ann Machado
389 Congress Street
Portland, ME 04101

Please feel free to contact me at 207-874-8709 if you have any questions.

Sincerely,

Ann B. Machado
Zoning Specialist

Cc: File

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Gordon Smith-chair
Sara Moppin-secretary
William Getz
Mark Bower
Eric Larsson

January 30, 2013

Hank Berg, General Manager
Casco Bay Island Transit District
PO Box 4656
Portland, ME 04112

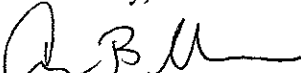
RE: 56 Commercial Street
CBL: 444 A0001
ZONE: EWPZ

Dear Mr. Berg,

I have enclosed the receipt for the payment of the processing fee, the legal ad and the notices for the Variance Appeal. Your fees are now paid in full.

Should you have any questions please feel free to contact me at 207-874-8709.

Yours truly,



Ann B. Machado
Zoning Specialist

Cc. file

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

RECEIPT OF FEES

Application No: 0000-1597	Applicant: HANK BERG, GENERAL MANAG
Project Name: 56 COMMERCIAL ST	Location: 54 COMMERCIAL ST
CBL: 444 A001001	Application Type: Variance
Invoice Date: 01/09/2013	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$100.00		\$100.00		\$194.13		\$194.13		\$0.00	On Receipt

Previous Balance	\$100.00
Payment Received 12/18/2012 - Thank you	\$100.00

Fee Description	Qty	Fee/Deposit Charge
Processing Fee	1	\$50.00
Notices - ZBA	65	\$48.75
Legal Advertisements - ZBA	1	\$95.38
		\$194.13

Total Current Fees:	+	\$194.13
Total Current Payments:	-	\$194.13 #6044
Amount Due Now:		\$0.00

	CBL 444 A001001
Bill to: HANK BERG, CASCO BAY ISLAND TRANSIT DIS	Application No: 0000-1597
PO BOX 4656	Invoice Date: 01/09/2013
PORTLAND, ME 04112	Invoice No: 39695
	Total Amt Due: \$0.00
	Payment Amount: \$194.13

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1597	Applicant: HANK BERG, GENERAL MANAG
Project Name: 54 COMMERCIAL ST	Location: 54 COMMERCIAL ST
CBL: 444 A001001	Application Type: Variance
Invoice Date: 12/18/2012	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$100.00		\$100.00		\$0.00	On Receipt

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Appeal Application Fee	1	\$100.00
		\$100.00
Total Current Fees:		+ \$100.00
Total Current Payments:		- \$100.00
Amount Due Now:		\$0.00

Bill to: HANK BERG, CASCO BAY ISLAND TRANSIT DIS
 PO BOX 4656
 PORTLAND, ME 04112

CBL 444 A001001
Application No: 0000-1597
Invoice Date: 12/18/2012
Invoice No: 39483
Total Amt Due: \$0.00
Payment Amount: \$100.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

Ann Machado - RE: Zoning Board of Appeals Legal Ad

From: "Classified" <classified@mainetoday.com>
To: "Ann Machado" <AMACHADO@portlandmaine.gov>
Date: 1/8/2013 12:04 PM
Subject: RE: Zoning Board of Appeals Legal Ad
Attachments: zba agenda jan 11.pdf

Hi Ann,

All set to publish your ad on Friday, January 11.
The cost is \$190.76 includes \$2.00 online charge. I included a proof.
Thank you,
Joan

Joan Jensen
*Legal Advertising/
Classified Call Center*
Portland Press Herald/Maine Sunday Telegram
295 Gannett Dr.
South Portland, ME 04106
(207) 791-6157
(207) 791-6910
Email: jjensen@mainetoday.com

From: Ann Machado [mailto:AMACHADO@portlandmaine.gov]

Sent: Tuesday, January 08, 2013 9:27 AM
To: classified@mainetoday.com
Subject: Zoning Board of Appeals Legal Ad

Joan -

Attached is the Zoning Board of Appeals legal ad for Friday, January 11, 2013.

Thanks.

Ann Machado
874-8709

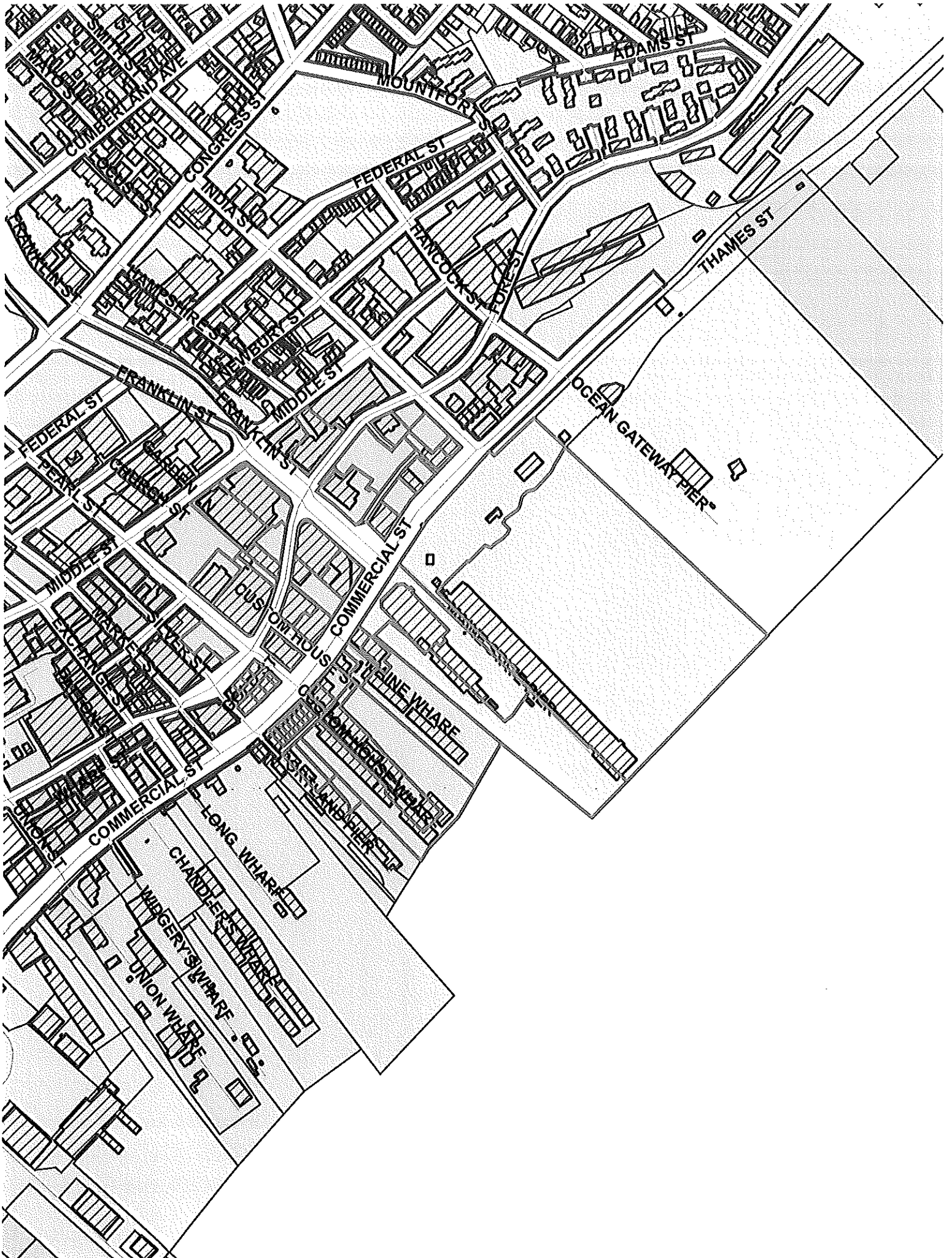
Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
029 B003001	PORTLAND REGENCY INC	20 MILK ST PORTLAND, ME 04101	25 SILVER ST	1
029 C003001	PORT CITY APARTMENTS	PO BOX 10563 PORTLAND, ME 04104	334 FORE ST	3
029 C005001	J & R VENTURES LLC	3 ORCHARD HILL RD SCARBOROUGH, ME 04074	330 FORE ST	4
029 C006001	GOLD STREET LLC	231 FRONT ST SOUTH PORTLAND, ME 04106	320 FORE ST UNIT 1	1
029 C006002	ADNERB PROPERTIES LLC	1 GOLD ST PORTLAND, ME 04101	320 FORE ST UNIT 2	1
029 C006003	322 FORE STREET LLC	PO BOX 682 PORTLAND, ME 04104	320 FORE ST UNIT 3	1
029 C006004	322 FORE STREET LLC	PO BOX 682 PORTLAND, ME 04104	320 FORE ST UNIT 4	1
029 C006005	FORE STREET INVESTMENTS LLC	322 FORE ST # 7 PORTLAND, ME 04101	320 FORE ST UNIT 5	1
029 C006006	FORE STREET INVESTMENTS	322 FORE ST # 7 PORTLAND, ME 04101	320 FORE ST UNIT 6	1
029 C006007	FORE STREET INVESTEMENTS	43 BRIDGE ST YARMOUTH, ME 04096	320 FORE ST UNIT 7	1
029 D001001	RSB LIMITED LIABILITY COMPANY	32 PYA RD PORTLAND, ME 04103	129 COMMERCIAL ST	5
029 D002001	MAD COW LLC	100 COMMERCIAL ST PORTLAND, ME 04101	121 COMMERCIAL ST	1
029 D003001	SOLEY BROTHERS LIMITED LIABILITY COMPANY	100 COMMERCIAL ST PORTLAND, ME 04101	111 COMMERCIAL ST	1
029 E006001	MIDDLE STREET OFFICE TOWER ASSOCIATES	100 MIDDLE ST PORTLAND, ME 04101	100 MIDDLE ST	2
029 E007001	NOVICK SAMUEL L	45 BIRCHVALE DR PORTLAND, ME 04102	291 FORE ST	1
029 E009001	25 PEARL MHR LLC	PO BOX 7488 PORTLAND, ME 04112	25 PEARL ST	768
029 E012001	287 FORE STREET LLC	45 BIRCHVALE DR PORTLAND, ME 04102	277 FORE ST	1
029 E016001	130 LIMITED LIABILITY COMPAMY	42 MARKET ST PORTLAND, ME 04102	31 PEARL ST	4
029 E026001	MIDDLE STREET OFFICE TOWER ASSOCIATES	100 MIDDLE ST PORTLAND, ME 04101	100 MIDDLE ST	2
029 G001001	UNITED STATES	PORTLAND, ME 04101	99 COMMERCIAL ST	1
029 K001001	OLYMPIA EQUITY INVESTORS IV LLC	PO BOX 508 PORTLAND, ME 04112	7 CUSTOM HOUSE ST	1
029 K002001	EAST BROWN COW LIMITED LIABILITY COMPANY	100 COMMERCIAL ST PORTLAND, ME 04101	288 FORE ST	1
029 K003001	OLYMPIA EQUITY INVESTORS V	PO BOX 508 PORTLAND, ME 04112	57 COMMERCIAL ST	120
029 K005001	OLYMPIA EQUITY INVESTORS V-P LLC	PO BOX 508 PORTLAND, ME 04112	280 FORE ST	1
029 K006001	OLYMPIA EQUITY INVESTORS IV LLC	280 FORE ST STE 202 PORTLAND, ME 04101	300 FORE ST	1
029 K006002	COUNCIL INTERNATIONAL STUDY PROGRAMS INC	300 FORE ST PORTLAND, ME 04101	300 FORE ST UNIT 2	1
029 K006003	COUNCIL INTERNATIONAL STUDY PROGRAMS INC	300 FORE ST PORTLAND, ME 04101	300 FORE ST	1
029 K006004	COUNCIL INTERNATIONAL STUDY PROGRAMS INC	300 FORE ST PORTLAND, ME 04101	300 FORE ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
029 K006005	COUNCIL INTERNATIONAL STUDY PROGRAMS INC	300 FORE ST PORTLAND , ME 04101	300 FORE ST	1
029 K00601A	COUNCIL INTERNATIONAL STUDY PROGRAMS INC	300 FORE ST PORTLAND , ME 04101	300 FORE ST UNIT 1A	1
029 K00601B	FOREST300 LLC	300 FORE ST # 01B PORTLAND , ME 04101	300 FORE ST UNIT 1B	1
029 K0060B1	COUNCIL INTERNATIONAL STUDY PROGRAMS INC	300 FORE ST PORTLAND , ME 04101	300 FORE ST	1
029 K0060B2	OLYMPIA EQUITY INVESTORS IV LLC	PO BOX 508 PORTLAND, ME 04112	300 FORE ST UNIT B2	1
029 K0060B3	OLYMPIA EQUITY INVESTORS IV LLC	PO BOX 508 PORTLAND, ME 04112	300 FORE ST UNIT B3	1
029 L001001	STELMACK MARK & PAULA FOLEY-STELMACK JTS	207 FORE ST # 1 PORTLAND, ME 04101	207 FORE ST UNIT 1	1
029 L00100H	209 FORE STREET LLC	11 CORPORATE DR BELMONT, NH 03220	209 FORE ST UNIT H	1
029 L00100R	BASS ACKWARDS REALTY LLC	48 SANFORD DR GORHAM, ME 04038	211 FORE ST UNIT R	1
029 N003001	SIMBA INC	446 COMMERCIAL ST PORTLAND, ME 04101	234 FORE ST	1
029 N004001	M & A PARTNERS INC	120 EXCHANGE ST PORTLAND, ME 04101	15 FRANKLIN ST	7
029 N005001	SIMBA INC	446 COMMERCIAL ST PORTLAND, ME 04101	216 FORE ST	1
029 N008001	ANTIGONISH HOLDINGS CO LLC	208 FORE ST PORTLAND , ME 04101	208 FORE ST	1
029 N024001	SALT OF THE EARTH INC	9 COMMERCIAL ST PORTLAND, ME 04101	5 COMMERCIAL ST	1
029 N024002	CASCO PORTLAND PARTNERS	136 COMMERCIAL ST STE 301 PORTLAND, ME 04101	5 COMMERCIAL ST	1
029 N026001	CASCO PORTLAND PARTNERS	136 COMMERCIAL ST STE 301 PORTLAND, ME 04101	1 COMMERCIAL ST	1
029 N042001	CASCO PORTLAND PARTNERS	136 COMMERCIAL ST STE 301 PORTLAND, ME 04101	INDIA ST	1
029 P027001	AUTO EUROPE LLC	39 COMMERCIAL ST PORTLAND , ME 04101	29 COMMERCIAL ST	1
029 P031001	AUTO EUROPE LLC	39 COMMERCIAL ST PORTLAND , ME 04101	COMMERCIAL ST	1
029 P032001	CLAY COVE CORP	19 HENNING'S WAY NORTH YARMOUTH , ME 04097	19 COMMERCIAL ST	1
030 A001001	PROPRIETORS OF CUSTOM WHARF ATTN G E MACGOWAN JR	5 EASTERN PROMENADE PORTLAND, ME 04101	86 COMMERCIAL ST	4
030 A005001	BMC INC	94 COMMERCIAL ST PORTLAND, ME 04101	94 COMMERCIAL ST	1
030 A101001	PROPRIETORS OF CUSTOM WHARF ATTN G E MACGOWAN JR	5 EASTERN PROMENADE PORTLAND, ME 04101	90 COMMERCIAL ST	1
030 B001001	KNOX CLAIRE E	11 ALPINE RD BRIDGTON, ME 04009	40 PORTLAND PIER UNIT 1	1
030 B001002	CLARKE MERLE W	40 PORTLAND PIER UNIT 2 PORTLAND, ME 04101	40 PORTLAND PIER UNIT 2	1
030 B001003	CLARKE MERLE W	40 PORTLAND PIER # 3 PORTLAND , ME 04101	40 PORTLAND PIER UNIT 3	1
030 B001004	DENLEY WILLIAM P	40 PORTLAND PIER # 4 PORTLAND , ME 04101	40 PORTLAND PIER UNIT 4	1
030 B001005	REAM BARBARA A & WILLIAM L REAM JTS	4182 SPRING ISLAND OKATIE, SC 29909	40 PORTLAND PIER UNIT 5	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
030 B001006	CAROLAN SANDRA & JOSEPH CAROLAN	40 PORTLAND PIER # 6 PORTLAND, ME 04101	40 PORTLAND PIER UNIT 6	1
030 B001007	SOLEY JOSEPH L KW VET	PO BOX 4894 PORTLAND, ME 04112	40 PORTLAND PIER UNIT 7	1
030 B001008	DIAMOND CHARLES KW VET & SANDRA DIAMOND TRUSTEES	PO BOX 7247 PORTLAND, ME 04112	40 PORTLAND PIER UNIT 8	1
030 B001009	DASZKIEWICZ SHARON MURPHY	40 PORTLAND PIER # 9 PORTLAND, ME 04101	40 PORTLAND PIER UNIT 9	1
030 B001010	GRAFFIUS BENJAMIN W	40 PORTLAND PIER # 10 PORTLAND, ME 04101	40 PORTLAND PIER UNIT 10	1
030 B001011	JUVE WALTER H	32 PORTLAND PIER #11 PORTLAND, ME 04101	40 PORTLAND PIER UNIT 11	1
030 B001012	VERLEE THOMAS	91J AUBURN ST # 1151 PORTLAND, ME 04103	40 PORTLAND PIER UNIT 12	1
030 B001013	CLARKE MERLE	40 PORTLAND PIER # 2 PORTLAND, ME 04101	40 PORTLAND PIER UNIT 13	1
030 B001014	WOODS KENNETH M TRUSTEE	40 PORTLAND PIER # 14 PORTLAND, ME 04101	40 PORTLAND PIER UNIT 14	1
030 B001015	WOODS KENNETH M TRUSTEE	40 PORTLAND PIER # 14 PORTLAND, ME 04101	40 PORTLAND PIER UNIT 15	1
030 B001016	LAPIERRE LOUIS L	10 HARRIMAN WAY GORHAM, ME 04038	40 PORTLAND PIER UNIT 16	1
030 B001017	RETSOS IOANNIS K & AMANDA M ROBERTS JTS	40 PORTLAND PIER # 17 PORTLAND, ME 04101	40 PORTLAND PIER UNIT 17	1
030 B001018	GUINN JOHN L	40 PORTLAND PIER # 18 PORTLAND, ME 04101	40 PORTLAND PIER UNIT 18	1
030 B001019	PIER 19 LLC	105 SCHOONER LN JUPITER, FL 33477	40 PORTLAND PIER UNIT 19	1
030 B001020	STEIN JUDITH	1027 MANSFIELD CITY RD STORRS MANSFIELD, CT 06268	40 PORTLAND PIER UNIT 20	1
030 B002001	KRIGER BARBARA K	13 APPLEWOOD CIRCLE SOUTH PORTLAND, ME 04106	12 PORTLAND PIER	1
030 C001001	SOLEY WHARF LLC	100 COMMERCIAL ST PORTLAND, ME 04101	100 COMMERCIAL ST	1
030 D001001	GREAT MAINE WHARF LLC	42 MARKET ST PORTLAND, ME 04101	68 COMMERCIAL ST	2
030 D003001	FLATBREAD WHARF LLC	7 MARKET SQ AMESBURY, MA 01913	70 COMMERCIAL ST	1
030 D005001	FINLEY JAMES R & DALE W WEEKS	166 SPURWINK RD SCARBOROUGH, ME 04074	84 COMMERCIAL ST	1
444 A00500B	CASCO BAY MHR LLC	PO BOX 7488 PORTLAND, ME 04112	46 COMMERCIAL ST	408

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
Total Listed	77	UNITS	1394	



City Postal Postcards

PS Form 3600-R - First-Class Mail and First-Class Package Service - Permit Imprint

Anne Machado

Final

Postage Summary

Account Holder:	BERKELEY MAILINGS 91 BRUCE HILL RD CUMBERLAND CENTER, ME 04021 -3525 Contact: DAVE DAIGLE (207) 878 - 3223	Mailing Agent:		Org. For Mailing is Prepared:	CITY OF PORTLAND 389 CONGRESS ST OFC PORTLAND, ME 04101 -3529		
Account Number:	1756610						
Permit:	Permit Imprint 6			Processing Category:	Postcards Only		
	CRID: 4279876		CRID: 5752635		CRID: 5752635		
Post Office Of Mailing:	PORTLAND ME 04101-9651	Mailer's Mailing Date:	01/10/2013	Weight of Single Piece:	0.0056 lbs.		
Post Office of Permit:	PORTLAND ME 04101-9651						
Total Pieces:	257 pcs.	Total Weight:	1.4392 lbs.	Total Postage:	\$ 82.24		
No of Containers:	1' MM Trays	2' MM Trays	2' EMM Trays	Flat Trays	Sacks	Pallets	Other
	1						
Move Update Method:	Alternative Method	NSA:	NO	Election Mail:	NO		
Mailpieces contain reply postcard or reply envelope:	NO	Mailpieces contain Only contents that are not required to be mailed FCM:	NO				
Mailpieces contain a DVD/CD or other Disk:	NO	Round Trip Only: 1 DVD/CD or other Disk:	NO				
Incentive/Discount Claimed:	N/A	Type of Fee:	N/A				
Mail Arrival Date and Time:	01/10/2013 14:32	Payment Date and Time:	01/10/2013 14:34				
Comments:							

Part B: Nonautomation Prices

Line Number	Title	Description	Price	Quantity	Subtotal Postage	Discount Total	Fee Total	Postage
B2	Single-Piece	Postcards	0.320	257pcs.	\$ 82.2400	\$ 0.0000	0	\$ 82.2400
					Part B Total (Add lines B1-B18)			\$ 82.2400
					Total Postage From All Parts			\$ 82.24
					Total Postage			\$ 82.24

*66 Commercial St - Variance Appeal
125 Morning St - Disability Variance*