

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
CHRISTOPHER DINAH

March 22, 1989

RE: 20 Custom House Wharf

Mr. Russell Hunnewell
20 Custom House Wharf
Portland, Maine 04101

Dear Mr. Hunnewell:

Receipt of your application for a miscellaneous appeal to permit expansion of restaurant to include new bathroom facilities and prep room is acknowledged.

This request for a variance will be scheduled for review at the meeting of the Board of Appeals on Thursday evening, April 6, 1989, at 7 P.M. in Room 209, City Hall, Portland, Maine. You or your authorized representative should attend this meeting.

A copy of the agenda for this meeting will be sent to you as soon as copies become available for distribution.

Sincerely,

William B. Giroux
Zoning Codes Enforcement Inspector

/el

cc: Merrill S. Seltzer, Chairman of the Board of Appeals
Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief of Inspection Services
Warren J. Turner, Administrative Assistant
Charles Lane, Associate Corporation Counsel
Arthur Addato, Code Enforcement Officer

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



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CHRISTOPHER DINAN

November 7, 1988

20 Custom House Walk

Mr. Russell Honeywell
The Porthole Restaurant
20 Custom House Walk
Portland, Maine 04101

Dear Mr. Honeywell:

This is in reference to your application for a building permit to authorize your Porthole Restaurant to expand into an area formerly occupied by the Casco Bay Lines in the W-1 Waterfront Zone. We are unable to issue this permit for alterations because it would represent an expansion of a nonconforming use which requires approval of the Board of Appeals.

If you wish to apply for an Interpretation Appeal, the enclosed forms should be used in making such an application to the Board of Appeals for consideration of your request. The enclosed forms outline the method for applying for an Interpretation Appeal. If you wish to be included on the agenda for the December 1st meeting of the Board of Appeals, please have the material in this office on or before 12 noon, November 14th.

Sincerely,

Warren J. Turner
Zoning Enforcement Inspector

/el

Enclosure: Interpretation Appeal Forms

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director of Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief of Inspection Services
Arthur Rowe, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



20 Custom House Walk

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MICHAEL E. WESTORT
CHRISTOPHER DINAN

February 27, 1989

Mr. Russell Honeywell
The Porthole Restaurant
20 Custom House Walk
Custom House Wharf
Portland, Maine 04101

Dear Mr. Honeywell:

We are enclosing a copy of the recent zoning text amendment to Section 14-382 of the City Zoning Ordinance pertaining to the increase of nonconforming uses. This text amendment was adopted by the City Council on February 22, 1989 with an emergency preamble making it effective upon passage.

This amendment has been indicated as being applicable to pending proceedings so as to avoid undue hardship and the City Council specified that no such pending proceeding shall be barred from relief hereunder as a "successive application."

We understand that you may wish to go back to the Board of Appeals for a determination by that Board in view of the recently adopted zoning text amendment. The way the City Council Order is phrased, the Board is the only way that your nonconforming use may be extended. We shall need a revised plan showing the proposed expansion of your restaurant use, for the minimum necessary.

Sincerely,

Warren J. Turner
Administrative Assistant

Enclosure: City Council Order re zoning text amendment for nonconforming uses

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief, Inspection Services
Hugh Irving, Code Enforcement Officer
William Giroux, Zoning Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



20 Custom House Wharf

MERRILL S. SELTZER
Chairman

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Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERMAN
MICHAEL E. WESTORT
CHRISTOPHER DINAN

April 7, 1989

Mr. Russell Hunnewell
The Porthole Restaurant
20 Custom House Wharf
Portland, Maine 04101

Dear Mr. Hunnewell:

At the meeting of the Board of Appeals on Thursday evening, April 6, 1989, the Board voted by a vote of six in favor to one opposed to grant your miscellaneous appeal for permission to expand your restaurant at the above address in the W-1 Waterfront Zone. Such expansion as approved by the Board of Appeals is shown on the approved floor plan which was signed by the Chairman of the Board of Appeals and dated April 6, 1989.

The Board found that health and safety problems, not necessarily technical violations exist and that relief should be limited to the plan provided as Exhibit A of the application, as outlined thereon. Section 14-382.

Sincerely,

William D. Giroux
Zoning Enforcement Officer

Enclosure: Copy of Board's Decision

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffses, Chief, Inspection Services
Bruce M. Read, Attorney, P. O. Box 1092, Kennebunkport, Maine 04046
Arthur Addato, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



20 Custom House Wharf

MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERMAIL
MICHAEL E. WESTORT
CHRISTOPHER LINAN

November 17, 1988

Mr. Russell Hunnewell
The Porthole Restaurant
20 Custom House Wharf
Portland, Maine 04101

Dear Mr. Hunnewell:

Receipt of your application for an interpretation appeal is acknowledged. If granted by the Board of Appeals, your restaurant may be expanded into the area formerly occupied by the Casco Bay Lines. A restaurant use is permitted in the W-1 Waterfront Zone, but the waterfront referendum which was approved by the voters on May 5, 1987 stipulates that only marine related uses be permitted within the W-1 Waterfront Zone.

This appeal is scheduled for consideration by the Board of Appeals at its regular meeting scheduled for Thursday evening, December 1, 1988, at 7 P.M. in Room 209, City Hall, Portland, Maine. Your interpretation appeal is being requested because you wish to expand your restaurant into the area formerly occupied by the Casco Bay Lines. Restaurants are required to have rest room facilities by State Law. Restaurant uses were permitted in the W-1 Waterfront Zone prior to the approval of the Waterfront Referendum.

The Board of Appeals may reverse the action by the Building Inspector if the Board finds that said action is based on an erroneous interpretation of the City Zoning Ordinance.

Sincerely,

Warren J. Turner
Warren J. Turner
Zoning Enforcement Inspector

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief, Inspection Services
Arthur Rowe, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

PERMIT # _____ CITY OF Portland BUILDING PERMIT APPLICATION

MAP # _____ LOT# _____

Please fill out any part which applies to job. Proper plans must accompany form.

Owner: Russell Honeywell/The Porthole Restaurant

Address: 20 Custom House Walk, Portland

LOCATION OF CONSTRUCTION: 20 Custom House Walk

CONTRACTOR: owner SUBCONTRACTORS: 773-9348

ADDRESS: _____

Est. Construction Cost: \$50,000 Type of Use: restaurant

Past Use: _____

Building Dimensions L _____ W _____ Sq. Ft. _____ # Stories _____ Lot Size _____

Is Proposed Use _____ Seasonal _____ Condominium _____ Apartment _____

Conversion - Explain Interior renovations and closing in section

COMPLETE ONLY IF THE NUMBER OF UNITS WILL CHANGE as per attached plans.

Residential Buildings Only:
Of Dwelling Units _____ # Of New Dwelling Units _____

Foundation:

- Type of Soil: _____
- Set Backs - Front _____ Rear _____ Side(s) _____
- Footings Size: _____
- Foundation Size: _____
- Other _____

Floor:

- Sills Size: _____ Sills must be anchored.
- Girder Size: _____
- Lally Column Spacing: _____ Size: _____
- Jolts Size: _____ Spacing 16" O.C.
- Bridging Type: _____ Size: _____
- Floor Sheathing Type: _____ Size: _____
- Other Material: _____

Exterior Walls:

- Studding Size _____ Spacing _____
- No. windows _____
- No. Doors _____
- Header Sizes _____ Span(s) _____
- Bracing: Yes _____ No _____
- Corner Posts Size _____
- Insulation Type _____ Size _____
- Sheathing Type _____ Size _____
- Siding Type _____ Weather Exposure _____
- Masonry Materials _____
- Metal Materials _____

Interior Walls:

- Studding Size _____ Spacing _____
- Header Sizes _____ Span(s) _____
- Wall Covering Type _____
- Fire Wall if required _____
- Other Materials _____

08/17/01

White-Tax Assessor Yellow-GPCOG

For Official Use Only

Date: October 17, 1988 Subdivision: Yes / No _____

Inside Fire Limits _____ Name _____

Blg. Code _____ Lot _____

Time Limit _____ Block _____

Estimated Cost: \$50,000 Permit Expiration: _____

Value Structure: \$270.00 Ownership: _____ Public _____ Private _____

- Colling:
- Ceiling Joists Size _____ Spacing _____
 - Ceiling Strapping Size _____
 - Type Ceilings: _____ Size _____
 - Insulation Type: _____
 - Ceiling Height: _____

- Roof:
- Truss or Rafter Size _____ Span _____
 - Sheathing Type _____ Size _____
 - Roof Covering Type _____
 - Other _____

Chimneys: Type _____ Number of Fire Places _____

Heating: Type of Heat: _____

Electrical: Service Entrance Size: _____ Smoke Detector Required Yes _____ No _____

- Plumbing:
- Approval of soil test if required Yes _____ No _____
 - No. of Tubs or Showers _____
 - No. of Flushes _____
 - No. of Lavatories _____
 - No. of Other Fixtures _____

- Swimming Pools:
- Type: _____ Square Footage _____
 - Pool Size: _____ x _____
 - Must conform to National Electrical Code and State Law.

Zoning: District W-7 Street Frontage Req. _____ Provided _____

Review Required: Required Setbacks: Front _____ Back _____ Side _____

Zoning Board Approval: Yes _____ No _____ Date: _____

Planning Board Approval: Yes _____ No _____ Date: _____

Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____

Shore and Floodplain Mgmt _____ Special Exception _____

Other: _____ (Explain) _____

Date Approved: _____

Permit Received By Nancy Grossman

Signature of Applicant [Signature] Date 10/27/88

Signature of CEO _____ Date _____

Inspection Date _____

White Tag - CEO [Signature] Copyright GPCOG 1987.

PLOT PLAN



FEES (Breakdown From Front)

Base Fee \$ _____
Subdivision Fee \$ _____
Site Plan Review Fee \$ _____
Other Fees \$ _____
(Explain) _____
Late Fee \$ _____

Type

Inspection Record

Date

COMMENTS

Signature of Applicant

Russell Hummel

Date

10 / 29 / 88

PERMIT # _____ CITY OF Portland = BUILDING PERMIT APPLICATION

MAP # _____ LOT# _____

Please fill out any part which applies to job. Proper plans must accompany form.

OWNER: Russell Honeywell - 773-9348

Address: 20 Custom House Wharf, Portland

LOCATION OF CONSTRUCTION _____

CONTRACTOR: _____ SUBCONTRACTORS: _____

ADDRESS: _____

Est. Construction Cost: _____ Type of U. Interpretation Appeal

Past Use: _____

Building Dimensions: L. 1 V. 1 Sq. Ft. _____ # Stories _____ Lot Size _____

Is Proposed Use: Personal Condominium _____ Apartment _____

Conversion - Explain _____

COMPLETE ONLY IF THE NUMBER OF UNITS WILL CHANGE

Residential Buildings Only:

Of Dwelling Units _____ # Of New Dwelling Units _____

Foundation:

1. Type of Soil: _____
2. Set Backs - Front _____ Rear _____ Side(s) _____
3. Footings Size: _____
4. Foundation Size: _____
5. Other _____

Floor:

1. Sills Size: _____ Sills must be anchored.
2. Girder Size: _____
3. Lally Column Spacing: _____ Size: _____
4. Joists Size: _____ Spacing 16" O.C.
5. Bridging Type: _____ Size: _____
6. Floor Sheathing Type: _____ Size: _____
7. Other Material: _____

Exterior Walls:

1. Studding Size _____ Spacing _____
2. No. windows _____
3. No. Doors _____
4. Header Sizes _____ Span(s) _____
5. Bracing: Yes _____ No _____
6. Corner Posts Size _____
7. Insulation Type _____ Size _____
8. Sheathing Type _____ Size _____
9. Siding Type _____ Weather Exposure _____
10. Masonry Materials _____
11. Metal Materials _____

Interior Walls:

1. Studding Size _____ Spacing _____
2. Header Sizes _____ Span(s) _____
3. Wall Covering Type _____
4. Fire Wall If required _____
5. Other Materials _____

For Official Use Only	
Date: <u>November 15, 1988</u>	Subdivision: Yes <input type="checkbox"/> No <input type="checkbox"/>
Inside Fire Limits _____	Name _____
Bldg Code _____	Lot _____
Time Limit _____	Block _____
Estimated Cost _____	Permit Expiration: _____
Value/Structure _____	Ownership: _____ Public _____ Private _____
Yes <u>\$50,000</u>	

Ceiling:

1. Ceiling Joists Size: _____
2. Ceiling Strapping Size _____ Spacing _____
3. Type Ceilings: _____
4. Insulation Type _____ Size _____
5. Ceiling Height: _____

Roof:

1. Truss or Rafter Size _____ Span _____
2. Sheathing Type _____ Size _____
3. Roof Covering Type _____
4. Other _____

Chimneys:

Type: _____ Number of Fire Places _____

Heating:

Type of Heat: _____

Electrical:

Service Entrance Size: _____ Smoke Detector Required Yes No

Plumbing:

1. Approval of soil test if required Yes No
2. No. of Tubs or Showers _____
3. No. of Flushes _____
4. No. of Lavatories _____
5. No. of Other Fixtures _____

Swimming Pools:

1. Type: _____
2. Pool Size: _____ x _____ Square Footage _____
3. Must conform to National Electrical Code and State Law.

Zoning:

District _____ Street Frontage Req. _____ Provided _____

Required Setbacks: Front _____ Back _____ Side _____ Side _____

Review Required:

Zoning Board Approval: Yes _____ No _____ Date: _____

Planning Board Approval: Yes _____ No _____ Date: _____

Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____

Shore and Floodplain Mgmt _____ Special Exception _____

Other: (E plain) _____

Date Approved: _____

Permit Received By Nancy Grossman

Signature of Applicant [Signature] Date 11-15-88

Signature of CEO as agent for owner Date _____

Inspection Dates _____

White-Tax Assessor

Yellow-GPCOG

White Tag-CEO

© Copyright GPCOG 1987

PLOT PLAN



FEES (Breakdown From Front)

Base Fee \$ _____
Subdivision Fee \$ _____
Site Plan Review Fee \$ _____
Other Fees \$50.00 - appeal fee: _____
(Explain) _____
Late Fee \$ _____

Type

Inspection Record

Date

Type	Inspection Record	Date
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____

COMMENTS

Signature of Applicant: Charles A. Chodwick, as agent for owner, Date 11-15-88

(4) 11-2/20/87

AMENDMENT TO PORTLAND CITY CODE
§14-382 (INCREASE IN NONCONFORMING USE OF BUILDING PROHIBITED)

BE IT ORDAINED BY THE CITY COUNCIL IN THE CITY OF PORTLAND, MAINE IN CITY COUNCIL ASSEMBLED THAT PORTLAND CITY CODE 14-382 BE AND HEREBY IS AMENDED TO READ AS FOLLOWS:

Sec. 14-382. Increase in nonconforming use of building prohibited.

(a) A lawful nonconforming building may be maintained or repaired, but no alterations, modifications or additions shall be made to it, except as provided in this division:

(b) A-a-building whose use is wholly nonconforming shall not be altered so as to increase the cubical content or the degree of nonconformity;--and--

(c) No alterations, modifications or additions shall be made so as to increase the cubical content or the degree of nonconforming use, nor shall a nonconforming use or part of a building be extended to any other part of such building unless such part was clearly arranged and designed for such nonconforming use prior to June 5, 1957, or such extension of a nonconforming use is solely for the purpose of bringing the use into compliance with health or safety codes, or to correct a condition that may not technically be in violation, but which is determined by the Board of Appeals to constitute a health or safety problem. In either case, the expansion shall be limited to the minimum necessary to accomplish that purpose.

BE IT FURTHER ORDAINED THAT this curative amendment shall take effect as an emergency and shall be applicable to pending proceedings so as to avoid undue hardship, and no such pending proceeding shall be barred from relief hereunder as a "successive application".

AMENDMENT TO PORTLAND CITY CODE
#14-382 (INCREASE IN NONCONFORMING
USE OF BUILDING PROHIBITED)

(COUNCILORS ESTHER B. CLENOT AND
PETER E. O'DONNELL)

IN THE CITY COUNCIL

December 12, 1988

Given first reading. Motion to table Community Development Committee for review, passed, 9 Years.

February 22, 1989 - Removed from the table. Motion to amend with a substitute amendment, passed, 8 Years, and passed, as amended, 8 Years.

A TRUE COPY. ATTEST:

Jane Durcin
JANE DURCIN
CITY CLERK, PORTLAND, MAINE

DATED 2/24, 1989

Attest: *Jane Durcin*

City Clerk.

20 Custom House
Wharf

KEEP THE PORT IN PORTLAND

November 27, 1988

Merrill S. Seltzer, Chairman,
Zoning Board of Appeals
City of Portland

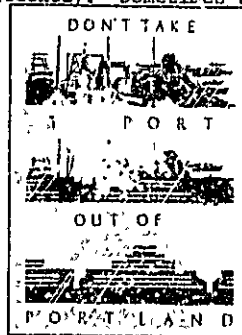
Dear Chairman and Members,

We urge you to view the Porthole Restaurant as it truly is: a marine use which conforms to the zoning and, therefore, may expand without violating any zoning regulations.

The Porthole provides an essential service to waterfront industries as a "commercial"- "accessory" use, and is, therefore, in conformance with the referendum overlay zone. The Porthole also conforms with permitted uses in the underlying W-1 zone.

Some of the characteristics which make the Porthole conforming are:

- 1) The majority of its business is with marine industry.
- 2) It opens at 5:30 a.m. in order to serve the BIW, fishermen, tugboat and ferry workers' early morning work patterns.
- 3) It closes in the mid-afternoon, so it is clearly not an entertainment restaurant. It is a workers' eating hole rather than a place where fishermen take their wives to celebrate anniversaries, for example.
- 4) The food is simple, inexpensive and served without fuss. No alcohol is served.
- 5) The decor is casual, and no one in work clothes with greasy hands or muddy boots feels out of place.
- 6) The lavatory facilities are among the few which are available to waterfront workers. Many people come in, use the lavatory and leave.
- 7) The Porthole serves as a conference room, a clearing house for information, a trading floor for gear and an informal employment hall where help is found for odd jobs and even crawling, and according to one fisherman eating there recently, "Sometimes there's more fishing going



PO BOX NO 800, PORTLAND ME 04104

on in here than there is out on the water !"

- 8) The Porthole was the unofficial "coffee shop" for the Casco Bay Ferry Terminal for many years and will soon, on premises, sell cruise tickets.

The Porthole's entire operation from the hours it is open, to the kind of food it offers, to the prices, to the types of tables and chairs it uses is geared to serve one kind of clientele: waterfront workers. Its track record proves that it is successful in serving waterfront industry and Mr. Honeywell, its owner, has no intention of changing his operation. The present bathroom is inadequate as are the storage room and maneuvering room in the kitchen. His proposed expansion will improve the quality of service he provides and will be a positive addition to the working waterfront.

The City has led the way in approving "accessory" type uses even in the most restrictive waterfront zone, the W-1. Uses, such as grocery, accountant, and lawyers' offices have been approved because they could prove that they serve the marine industries on the waterfront. On face value, those uses are not marine-related, but, again, their methods of operation and their clientele are marine, so they are permitted.

Since the City has not come up with a one-size-fits-all definition for "marine-related" because it is almost impossible to do so (Is it based on gross revenues, floor area, product line, clientele?), decision-makers must look at these proposals on a case-by-case basis and ask the common-sense questions necessary to determine whether or not a proposal meets the spirit and letter of the law.

We firmly believe that the Porthole's methods of operation and predominantly marine clientele render it a conforming use and therefore able to expand within the law.

Finally, we know that your decision will send an important message to the waterfront community and the entire city and so we sincerely hope that it will reflect a common-sense approach to interpreting our waterfront zoning codes.

Sincerely yours,

Karen Sanford
Karen Sanford

20 Custom House Wharf

Nov. 28, 1988

20 Custom H.
Wharf.

Zoning Board of Appeals:

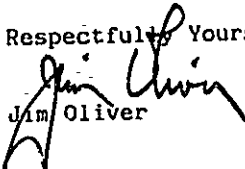
The Working Waterfront Coalition urges you to rule favorably regarding the Porthole Restaurant's request for expansion. The Porthole has long been a vital part of Portland's Working Waterfront.

It was always the intention of the Working Waterfront Coalition as the proponent of the Working Waterfront Ordinance to preserve the waterfront not merely for direct marine usage, but for a broader more inclusive category of usages, those which are "accessory to fishing activities, maritime activities, functionally water-dependent activities, or authorized public uses".

The use of the word "accessory" means that not only direct water-dependent uses such as fishing boat berthing and Bath Iron Works are permitted but businesses whose function is to serve a marine clientele are also permitted. A lawyer for instance who served the general public would not be permitted, but a lawyer specializing in serving a marine clientele would be permitted. It is clear that the Porthole Restaurant - which opens at 5:30 A.M. to accommodate fishermen and other waterfront workers, which is where waterfront workers commonly go for lunch and coffee breaks, which is known as their place, and whose trade has always been centered on and continues to be centered on waterfront workers - falls within this definition and is an "accessory" use.

The Porthole is a conforming usage valid both within the intent and the letter of the ordinance. The request for expansion of the Porthole Restaurant should be granted.

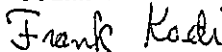
Respectfully Yours


Jim Oliver

Ann Rand


Ann Rand

Frank Kadi


Frank Kadi

CHARLES H. McLAUGHLIN, IV
ATTORNEY AT LAW

75 PEARL STREET, SUITE 209
PORTLAND, MAINE 04101

AREA CODE 207
TELEPHONE 772-2289

*20 Custom House
Wharf.*

November 28, 1988

Portland Zoning Board of Appeals
389 Congress Street
Portland, Maine 04101

Dear Members of the Portland Zoning Board of Appeals:

Russ Hunnewell and his family have operated The Porthole Restaurant located on the Custom House Wharf since 1971. At the present time, The Porthole is serviced by a single restroom, with one toilet, for both female and male customers. Mr. Hunnewell has a 5 year lease (as of November 1, 1989) for the area formerly operated by the Casco Bay Lines. Located within this area are two existing restrooms, one with one toilet and the other with three, which Mr. Hunnewell proposes to incorporate into his present restaurant pursuant to the plan submitted with this appeal.

By letter from the City of Portland Zoning Enforcement Inspector dated November 17, 1988, Mr. Hunnewell was informed that while the present use of The Porthole as a restaurant is a permitted use in a W-1 waterfront zone, his application for a building permit was denied because the waterfront referendum (hereinafter the "Ordinance") passed by the voters on May 5, 1987, "stipulates that only marine related use be permitted within the W-1 waterfront zone." It is our position that this decision is erroneous and that The Porthole Restaurant is a marine use as contemplated by the Ordinance.

The stated purpose of the Ordinance is to "secure the Portland waterfront for marine uses." The body of the Ordinance goes on to state that:

"In order to secure the Portland waterfront for marine uses, no uses shall be permitted ... other than those accessory to fishing authorities, maritime authorities, (and) functionally water dependent activities" (emphasis added).

Maritime activities are defined as those:

"activities required for, supportive of or commonly associated with the construction, repair, operation, storage, loading and unloading of boats, waterfront dock and port facilities marinas, navigation aids, boat fuel and equipment supply, the primary purpose of which is to facilitate maritime trade."

The Porthole clearly falls within the parameters of the Ordinance. Due to both the atmosphere and location of The Porthole, the majority of its customers work on the Portland waterfront in marine related fields. The Porthole serves breakfast and lunch seven days a week from 5:00 a.m. to 2:30 p.m. The food is inexpensive and plentiful. A partial list of regular Porthole customers includes employees of R & S Seafood, Custom House Lobster, Fisherman's Choice, Holden Seafoods, Bath Iron Works, and the captain and deck hand(s) of almost every single commercial fishing vessel sailing out of Portland Harbor. There is not one other restaurant in Portland which caters to this clientel.

Denial of Mr. Hunnewell's request for a building permit based upon the Ordinance would clearly frustrate the intent and language of the Ordinance. The Porthole Restaurant is exactly the type of business that the Ordinance seeks to protect.

I urge you to grant Mr. Hunnewell's request for a building permit.

Sincerely,



CHARLES H. McLAUGHLIN, IV
Attorney at Law

THOMPSON, MCNABOE, ASHLEY & BULL

BENJAMIN THOMPSON
THOMAS R. MCNABOE
EDWARD J. ASHLEY
NICHOLAS BULL
BRUCE M. TOMPKINS
PAUL G. VIOLMETTI
LAWRENCE R. CLUGGH
DAVID M. HIRSHOF
MARK G. FUREY
LEONARD W. LANGRISH
JOHN R. BASS, II
EDWARD S. MACCOLL
JANET C. MCCAIG
MARSHALL J. TINKLER**
YVONNE V. MILLER***

COUNSELORS AT LAW
85 EXCHANGE STREET
P O BOX 447
PORTLAND, MAINE 04112 0447

April 5, 1989

BENJAMIN THOMPSON
(1857 1918)
NATHAN W. THOMPSON
(1893 1929)

TELEPHONE (207) 774-7300
TELECOPIER (207) 772-1039
CABLE THOMPSON
TELEX 944410

*ALSO ADMITTED IN VA AND DC
**ALSO ADMITTED IN DC
***ALSO ADMITTED IN MA AND NY

*20 Custom
House Wharf*

Zoning Board of Appeals
389 Congress Street
Portland, ME 04101

Re: Port Hole Restaurant

Dear Board Members:

I am writing on behalf of my client, John S. Macgowan, Treasurer of The Proprietors of Custom House Wharf, owner/lessor of the property on which the Port Hole Restaurant is located. My client stands 100% behind Russell Hunnewell in his endeavor to modify the restaurant by incorporating the old Casco Bay Lines restroom facilities and up-grading the kitchen and preparation facilities. We are hopeful that the Board will view Mr. Hunnewell's request for what it is: a minimal expansion necessitated by health and safety considerations.

With the advent of the Port Hole's busy season nearly upon us, Mr. Macgowan is hopeful that the Board will grant Mr. Hunnewell's request and allow him to proceed as planned.

We shall remain available for any further information that the Board may need from us on this issue.

Yours very truly,

Ben Thompson

Clerk of The Proprietors of
Custom House Wharf

BT/f

HAND DELIVERED

KEARNS, SHEPARD & READ
ATTORNEYS AT LAW
LOWER VILLAGE CENTER
P. O. BOX 1092
KENNEBUNKPORT, MAINE 04046
(207) 967-3936

ALAN E. SHEPARD
BRUCE M. READ

MARK A. KEARNS
(OF COUNSEL)

March 20, 1989

William Giroux
Zoning Code Enforcement Officer
City of Portland
City Hall
389 Congress Street
Room 315
Portland, Maine 04101

*20 Custom
House
Wharf.*

RE: Miscellaneous Appeal of Russell Hunnewell for Port Hole
Restaurant

Dear Bill:

Pursuant to your request I am writing to briefly summarize the nature of this appeal. I have enclosed herein nine copies of a plan entitled "Extension/Modification of Port Hole Restaurant, Custom House Wharf, Portland, Maine." Because you have indicated that there are no technical code violations in the Port Hole kitchen area and prep room, I have filed this Miscellaneous Appeal pursuant to Portland City's Code, Section 13-382 as it has been recently amended. Although you have indicated to me that you would issue a building permit under this section for the redesigned bathroom because this construction is necessary to "bring the use under the compliance of health and safety codes," I have left this portion of the plan as is because it is part and parcel of the entire proposal.

The enclosed photographs demonstrate the extremely cramped conditions under which Mr. Hunnewell and his employees are currently operating with respect to cooking and food preparation. I will have additional, larger, photographs for the hearing, but I would encourage individual Board members to visit the Port Hole themselves to verify these facts. Under the current circumstances, Mr. Hunnewell must cook the food on stoves behind the eating counter and transport it through the patron seating area to prepare it. The bulk of the seating in the Port Hole is situated between the existing prep room and the stoves, grills, fryolators and dishwashing equipment. This is a significant health and safety concern for Port Hole patrons as well as Mr. Hunnewell and his employees. As the photographs demonstrate, the prep room is also extremely undersized.

William Giroux
March 20, 1989
Page Two

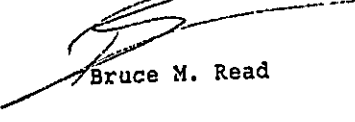
As redesigned, these health and safety concerns will be addressed by moving the entire storage, prep and dishwashing areas into the new area. We have kept the physical extension of the Port Hole's footprint to the absolute minimum necessary. The back partition is set just beyond an existing set of doors which will permit delivery of freight and produce directly into the prep area, thus avoiding the delivery of these items into the main part of the restaurant as is currently the case.

Please note that the seating capacity of the Port Hole will be reduced by at least three seats due to the removal of part of the existing counter. It is not Mr. Hunnewell's intent to accomplish anything except improvement of the existing health and safety conditions in the restaurant. The plan submitted proposes the minimum necessary expansion to achieve this end. We will, of course, be present at the April 6, 1989 meeting to answer any questions which the Board may have on any aspect of this application.

Please let me know if there are additional materials needed prior to the hearing.

Yours truly,

KEARNS, SHEPARD & READ


Bruce M. Read

BMR:lcw

HAND DELIVERED

cc - Russell Hunnewell

Charles McLaughlin, IV, Esquire

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Samuel Hoffses, Chief, Inspection Services

FROM: Warren J. Turner, Zoning Enforcement Inspector

DATE:
October 27, 1988

SUBJECT: Porthole Restaurant on Custom House Wharf
#20

The above existing restaurant is contemplating expansion into the restrooms formerly occupied by the Casco Bay Lines office and waiting room area. This is a pre-existing but nonconforming use in the W-1 Waterfront Zone.

Therefore, I would believe that this proposed expansion should be reviewed by the Board of Appeals. Am I right in this recommendation?

Shall we check with Joe, David, Charles or Bob?

Yes

WJ

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
CHRISTOPHER DINAH

20 Custom House Wharf

All persons interested either for or against this Interpretation Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine, on Thursday evening, December 1, 1988 at 7:00 P.M. This notice of required public hearing has been sent to the owners of property directly abutting and directly across a street or alley from the subject property as required by the Ordinance.

Mr. Russell Hunnewell, owner of the Porthole Restaurant and lessee of the property located at 20 Custom House Wharf is seeking permission to expand his restaurant by adding a new kitchen and incorporating two rest rooms which were formerly part of the waiting room for Casco Bay Lines for public use by his restaurant customers.

Mr. Hunnewell contends that the rest rooms are required to meet State Law requirements for a restaurant. The permit has been denied because the waterfront referendum requires only marine-related uses to be expanded or introduced in the W-1 Waterfront Zone. The restaurant use was a permitted use in the W-1 Zone prior to the Waterfront Referendum.

LEGAL BASIS OF APPEAL: The Board of Appeals may reverse said action of the Building Inspector only if it finds that said action is based on an erroneous interpretation of said Ordinance.

John C. Knox
Secretary

11/15/88
/el

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
CHRISTOPHER DINAN

20 Custom House Wharf

All persons interested either for or against this Miscellaneous Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, April 6, 1989 at 7:00 p.m. This notice of required public hearing has been sent to the owners of property directly abutting and directly across a street or alley from the property as required by the Ordinance.

Mr. Russell Hunnewell, lessee of the property at 20 Custom House Wharf, under the provisions of Section 14-473(c)1 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit expansion of the restaurant located at the above address to include new bathroom facilities and prep room not allowed in the Waterfront Zone unless authorized by the Board of Appeals. Section 14-382.c of the City Zoning Ordinance.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-473(c)1 of the Zoning Ordinance have been met.

John C. Knox
Secretary

/el
3/22/89

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
CHRISTOPHER DINAN

MISCELLANEOUS APPEAL

APPLICATION

Applicant's name and address: RUSSELL HUNNEWELL
20 CUSTOM HOUSE WARE PORTLAND ME 04101

Applicant's interest in property (e.g., owner, purchaser, etc.): _____

LESSEE

Owner's name and address (if different): Mc Gowan

Address of property (or Assessor's chart, block and lot number): _____

30-A-1-2

Zone: Waterfront Present use: RESTAURANT

Appeal pertains to: Section 14- 382.e

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a miscellaneous appeal as above described, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Dated: MARCH 20, 1987

[Signature]
Signature of Applicant



CITY OF PORTLAND

INTERPRETATION APPEAL

APPLICATION

Applicant's name and address: Russell Hunnewell
Colfax Rd. Orono Springs Me.

Applicant's interest in property (e.g., owner, purchaser, etc.):
Currently lease out to Post

Owner's name and address (if different): JOHN MCGOWAN
POING Rd Scarborough

Address of property (or Assessor's chart, block and lot number):
20 CUSTOM HOUSE WHARF

Zone: W 1 Present use: Restaurant

Order, decision, determination, or interpretation complained of:
City has told me I can not expand kitchen + add bathroom

Disputed provision: Section 14- Referendum

Type of relief requested: Permission to incorporate 2 bathrooms of the former Coors-Buy lines into public use for the Post. + Build a kitchen

The undersigned hereby makes application for the relief above-described, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Dated: Nov. 14, 19 88 Russell D. Hunnewell
Signature of Applicant



CITY OF PORTLAND

MISCELLANEOUS APPEAL

4/6/89

DECISION

20 Custom House Wharf

For The Record

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

<u>Bruce M. Read</u>	<u>Kathy Brown</u>
<u>Russell Hunnewell</u>	<u>Louis Kountz</u>

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

Findings of Fact

1. The Board finds as fact that: Health and safety problems not necessarily technical violations exist and the relief so limited to the plan presented on Exhibit A

2. The finding(s) of fact above-stated is (are) based on the following reasons:

Determination of Law

1. The Board concludes that:

2. The conclusion (s) above-stated is (are) based on the following reasons:

Conclusion

After public hearing on April 6, 1989, and for the reasons above-stated, the accompanying application is hereby (check one)

6 granted.

_____ granted subject to the following condition(s):

_____ denied.

Dated: 4/6, 1989

[Signature]
Secretary of the Board

Granted

Peter F. Morelli

Thomas Quinn

Christopher Allen

Merrill S. Katz

Franklin

Denied

[Signature]

HONEYWELL/PORTHOLE RESTAURANT

20 Custom House Wharf



CITY OF PORTLAND

INTERPRETATION APPEAL

DECISION

20 Custom House Wharf

For the Record

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

<u>Russell Hunnewell, owner</u>	<u>Karen Sanford</u>
<u>Bruce Reed, Atty.</u>	<u>Frank Vardy, Mr. AHS</u>
<u>Charles H. McLoughlin, Atty.</u>	<u>Nick Mavrodouros, CBL</u>

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

John Curry, monument etc.

Findings of Fact

View = NO
6 0

- The Board finds as fact that: The Building Inspector
was correct in his determination that
the use is not permitted under the Waterfront
Referendum.
- The finding(s) of fact above-stated is(are) based on the following reasons: _____

Determinations of Law

- The Board determines as a matter of law that: _____
- The determination(s) of law above-stated is(are) based on the following reasoning: _____

Conclusion

After public hearing on December 7, 1988, and for the reasons above-stated, the accompanying application is hereby (check one)

granted.

granted subject to the following condition(s):

denied.

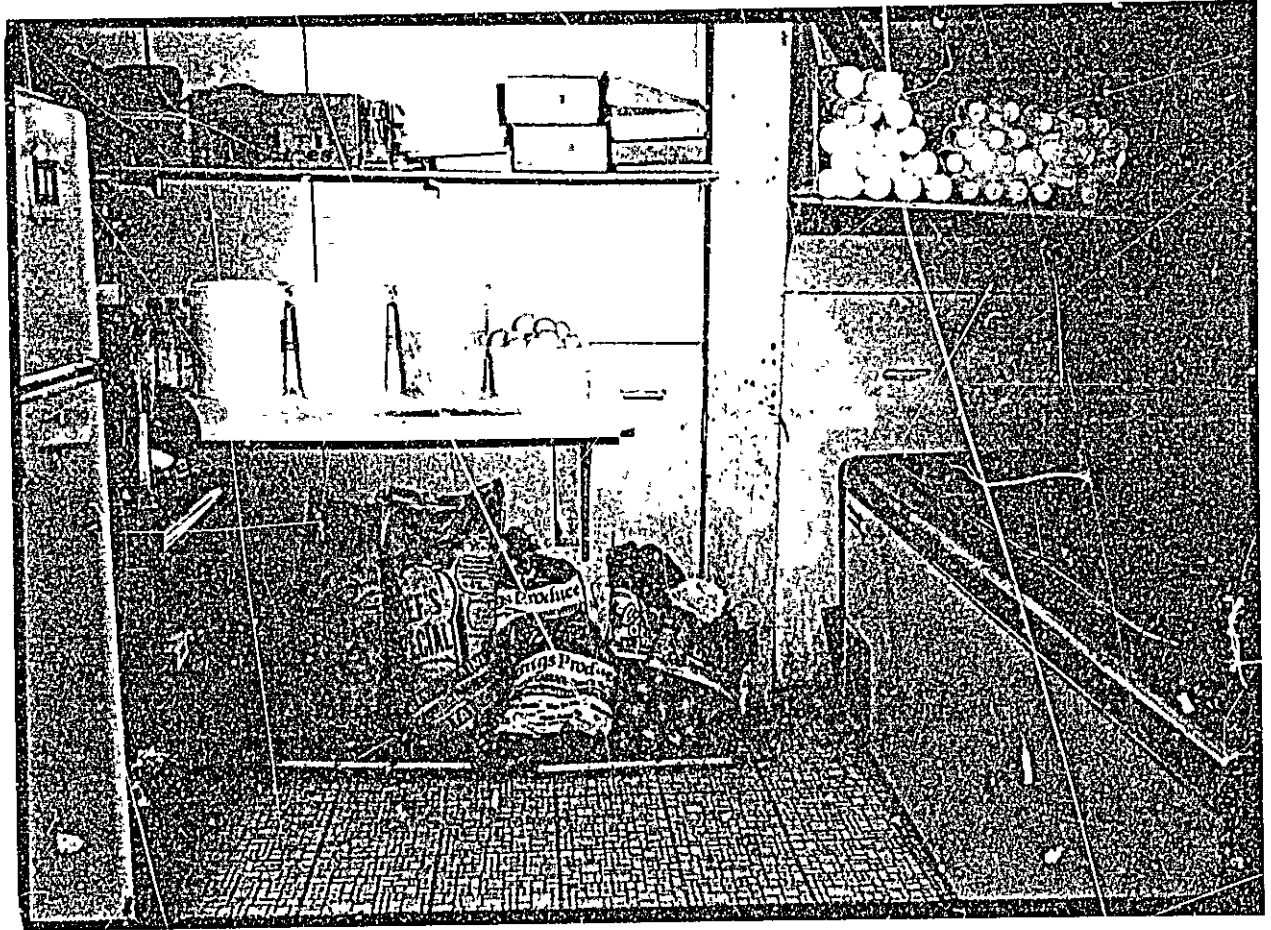
Dated: December 1, 1988

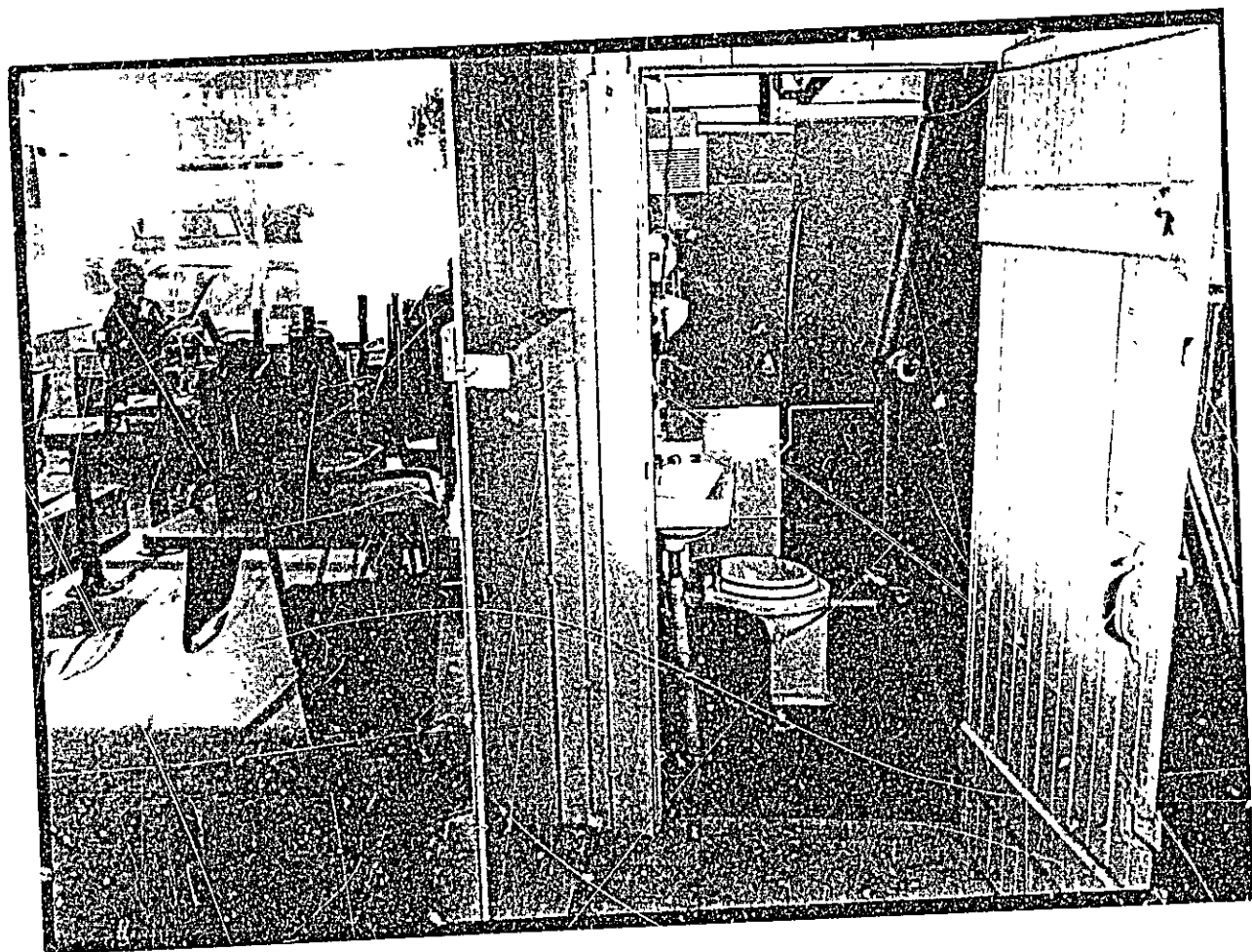
John C. Kuntz
Secretary of the Board

Yes - Uphold the decision of the building inspectors -

No - 0

Richard E. Winters
Thomas Jewell
Arthur F. Morelli
Maxwell [unclear]
John C. Kuntz
Donald [unclear]





Nov 29/88

This is a petition for the Zoning Board in relation to the type of people who eat here - we need your signature and occupation. This will aid us in getting our kitchen and rest rooms.

Thank you - The Bartolo. —
print sign rec. acc.

Alfred Jordan

Al Jordan

25 Kellogg St

Fish Dealer

MARC W. W. E.

215 High
50 Hancock St

Fish exchange

FISH CUTTER

Charles Beane

David Izattowood

36 PINE

MANAGER

Old Dover Portland
RD 11

Fish

Buyer

Bill Johnson

5355 John St.

Shipper P.F.E.

Joe P. ...

Port.
Secaton Ave
Reals Is Me.

Shipper P.F.E.

John Altiero

66 Vermont St
Portland

Fish

Buyer

Red ...

19 Wendy Way
Saeo

Fish worker

Kat Stevens

Port ...

75 Sherman St.

Portland

Fish

worker

Suzanne Hunt

53 Spruce St

Portland

Community

Organization

Suzanne Hunt

Robert F. [unclear] Fisherman Peaks Island

Ed Kaynar

contractor

Peaks Island

Joe Haver

electrician
city worker

Peaks Is
PEAKS ISLAND

Long [unclear]

MOTORIST

PEAKS ISLAND

W. W. [unclear]
[unclear]

DECK HAND

Custom Horse wharf

Valerie A. Orr

Sailmaker

Island Ave.
Peaks Island, Maine

Alan S. Albert

Contractor.

Peaks Island.

This is a petition for the
 Zoning Board in relation to the
 type of people who eat here. -
 We need your signature and occupation.
 This will aid us in getting our
 kitchen and rest room.
 Thank You - The Pathole. -

RS of 11/28/88

PRINT	SIGN	RES.	OCC.
SCOTT S. KITTREDGE	<i>Scott Kittredge</i>	78 SMITH ST. PORTLAND	FISHERMAN
Elizabeth Gordon	<i>Elizabeth Gordy</i>	22 Clifford St Portland	WIFE
Lester Dow	<i>Lester Dow</i>	366 EUONS ST. S. PORT	FISHERMAN
GERALDINE SUTTON	<i>Geraldine Sutton</i>	6 Horton Old Portland	Boat Refinishing
<i>James Kurt</i>	<i>James Kurt</i>	+ Custom House Wharf	Boat owner
<i>James Kurt</i>	<i>James Kurt</i>		Boat owner
JEFF AUMULLER	<i>Jeff Aumuller</i>	37 Customhouse Wharf, ME	Boat owner
M. S. FARMORA	<i>M. S. Farmora</i>	11 Pine St. Gorham	FISHERMAN
G. F. OLSEN	<i>G. F. OLSEN</i>	4 Meadow Way C.E.	Fisherman
Linda Doughty-Kelly	<i>Linda Doughty-Kelly</i>	65 Sherman St. Portland	Fisherman's daughter
Letty Wheeler	<i>Letty Wheeler</i>	Custom House Wharf	Charter Boat Captain's wife
Howard Brown	<i>Howard Brown</i>	Pradroad CN St. Depot Rd. Portland	Wife
Karen Collins	<i>Karen Collins</i>	Seacoast Ocean Services 439 Congress Portland	Admin. ASSIST.
Geraldine Chadwick	<i>Geraldine Chadwick</i>	3 mechanic St South Windham	ASSIST. manager
Catherine R. Brown	<i>Catherine R. Brown</i>	485 Cumb. Ave	Wife
FREDERIC P. LAUSHLIN	<i>Frederic P. Laushlin</i>	68 PROSPECT ST. PORTLAND	FISHERMAN
ROY HILTS	<i>ROY HILTS</i>	915 WASHINGTON AVE. PORTLAND	BIU PORTLAND

TIMOTHY I. MANSON	Timothy I. Manson	LISBON FALLS	BIW
Allan C. White	Alvin C. Cochran Alvin C. Cochran	REF 1 7/20 70 Leads me: 04263	BIW
RAYMOND ST. PIERRE	Raymond St. Pierre	TOPSHAM, ME.	BATH IRON WORKS
STEVE ROBERTS	Steve Roberts	WESTBROOK, ME	BIW
DENNIS DEPT	Dennis Dept	HOLLIS CTR ME	BIW
Doug GRAFT	Douglas W Graft	Bowdoinham, ME	BIW
DANIEL SURETTE	Daniel Surette	PORTLAND	BIW
Shawn SEAMAN	Shawn Seaman	39 PINE ST, PORTLAND	EXXON TANKS
Richard [unclear]	[unclear]	KURNER	BIW
Antonio P. Gagne	Antonio P. Gagne	Lumberton	BIW
Norm POULIN	DAN POULIN	WESTBROOK	BIW
Del Chadbourne	Del Chadbourne	So. Portland	BIW
Raymond Dulle (AKA ALICE COOPER)	Raymond Dulle	NORTHEAST	PORT. ME.
Richard C. Joyce	Richard C. Joyce	42 NORTH ST	PORTLAND ME.
Julius Chamberlain	Julius Chamberlain	Longway	Portland
Darius Thomas	Darius Thomas	Short wharf	Port.
Walter [unclear]	Walter [unclear]	BARBER	Portland
Mike Dick	Mike Dick	Port	E.S. Assn. Inc
Robert DUMAIS	Robert DUMAIS	Lisbon, ME	D.L.C. ME
ALCID R DUMAIS	ALCID R DUMAIS	Lisbon, ME	E.T. Assn. Inc
Julie K. Shaw	Julie K. Shaw	91A St Lawrence St.	E.T. Assn. Inc
Stephen P. Hodgkins	Stephen P. Hodgkins	Portland	Seafood Workers
Thomas J. Murphy	Thomas J. Murphy	91A St Lawrence St.	Interport seafoods
	Seawest Ocean Services	Portland	fisherman
	Customhouse	Port	Capt. Rose + Jane Walker

Joe Winston custom Home Wharf (res) Boatowner

Michael Curtin Gowen INC MAINE WHARF

Kevin J. Poole - GOWEN INC MECHANIC

Alliah Doughty 1st Northern Properties INC. (Secretary)
HCR 70 Steep Falls Me. Standard Sewer

Clifford Pennison

Jane & Frederick 5 Beckwith St. Yarmouth Produce Grower

Craig Johnson Thedy Rd. No. Yarmouth Lottery dealer

Ed Harrigan 411 Kidder St. Portland Me. Forklift Driver

Amy Ray 180 Bradley St Portland bartender

Sunday Richards 28 Gilman St. waitress

Terre G. Lawless 18 Lewis St. Apt 4 Sales Clerk

Michael O'Connor #2 Custom House wht. The Coasting Naturalist

Ralph W. Ashmore 94 Commercial St. Island Realtor

Fred Pyons Peaks Island - Fisherman

Mark Kirschn Peaks Island - Blacksmith

Alan Griffin So Casco Me.

James Horvath CUMBERLAND WHARF

Michael Sealady South Portland fisherman

Lewis O. Hatt Falmouth Long Shoreman

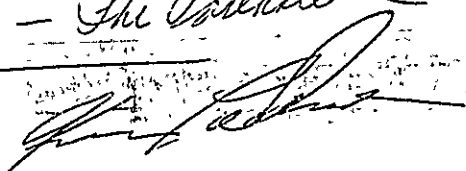
Don Thayer Portland 9906

Jeffrey W. Nordstrom	Jeffrey Nordstrom 83 Fessenden St	Mechanic
Harold M. Conley III	Harold M. Conley III	Peaks Island Deckhand.
Cecil A. Dougherty		Cumberland Caledonia
Robert A. Griffin	Robert Griffin 56 Pleasant St	Fisherman
Alfred Jean Christ	Dougherty ^{PHD, ME}	Heaven
John Mice	Westbrook ME	Deckhand
Roger Hammarill	Poland Springs ME	COOK
Bruce W. MacVane	Bruce W. MacVane	Peaks Island (Fisherman)
Henry Benner	HENRY BENNER	FISHERMAN
Charles Martin	Charles Martin	Driver
Lou Staples	Poland Spring ME	waitress
Keith Lane	S. PORTLAND, ME	lobsterman
Joseph Petchfield	Glenwood Ave. Portland	Fisherman
Christine Wickman	PORTLAND ME	Painter
Allen W. Bringsall	CK. ISL	lobsterman
Wayne Wood	310 Spring St.	Painter
Phemos Woodhuff	Box 383 Cheb. Isl	Deputy
	PO Box 9715, Portland, ME 04104	Captain

This is a petition for the zoning board
of Portland. They want to know what
type of people eat at the Posthole. - This
petition will assist us in having a kitchen
and able to use our bath room.

Thank you for your help - The Posthole

Madeline H. Kenney (student)



~~Benjamin~~ Maxwell (BIKE COURIER)

David Barthley (TURNIP FARMER)

Carylyn Stephens self employed baker

John Pearson Casco Bay Lines Capt.

Dallas Carter DECK HAND

Lawrence E. Legere President Eagle Tours INC

Howard Woodcock CBLITD

Shirley Richards Casco Bay Lines Sales Director

William Owsly, CASCO BAY LINES OPERATIONS MANAGER

John J. Wallace Casco Bay Lines

Barbara Sawtelle CBL

Patricia Christian CASCO Bay Lines

Donna Tyler Gumminga Adm. Ass't. / Casco Bay Lines

Elizabeth A. Brown, officemanager, Cliff Island, Me.

Robert [unclear] [unclear]

Cliff Island Me

Thomas Balzano	40 St Lawrence St.	Fisherman
William J. Doane	38 Halst S.P.	Fisherman
Wayne Dow	67 ATLANTIC	SUPPORT
Glenn Jacobs	23 Quady Av Westbrook	Fisherman
For Ryan	61 Montreal St	Fisherman
Eric [unclear]	New Castle, ME	Fisherman
James O'Hagan	176 UNGHAM ST PORTLAND, ME	STUDENT
David Koplow	Streets of Portland	Sign Painter
Dianna Buxen	South Portland	Painter
Franklin Bufno	40 St Lawrence St	Welder
Richard Balzano	Coastline	mechanic
Thomas J. Balzano	winter Harbor	Boat Carpenter
Juvent Balzano	40 St Lawrence St	Fisherman
[unclear]	Portland	
[unclear]	62 [unclear] St	(Bal)
[unclear]	Portland	fisherman
Sammy L. Gerald	24 Rave ave Port.	Boatman
[unclear]	River Rd. Bowdoinham Me.	Mallory St.
[unclear]	BA 41	USCG
[unclear]	Bath	USCG
[unclear]	P.O. Box 10321, PORTLAND	paint.

Anna Dyer postal clerk cliff Island ME
 Deborah R. McKane housewife Cliff Island Maine
 Ruth N. Mistake Retired cliff Island, ME
 Betty Egan Long Island
 Lorraine T. Hass ? Long Island
 Mary E Justice Long Island ME
 Patricia A. Pennington P.O. Box 295 Long Island, ME.
 Jennifer Floyd Long Island, ME.
 Kathy Shaw greenhouse worker Cliff Island, ME
 Robert Sumner Long Capt. Long Island ME.
 Norman Lee Sargent Merchant Seaman - EXXON
 Mrs C. Clark CBL employee Peaks Island, ME.
 Portland ME
 Portland, ME
 Michael Thapa CBL employee Portland, ME
 Nick MADONNES CBL CAPTAIN PORTLAND, ME.
 Fay E Garman Teakes President Teakes Isl.
 Jeanne B. Weaver Peaks Res. Peaks Isl.
 James Brown Retired PEAKS ISL.
 Amelia M. Brown retired Peaks Isl.
 Robert J. Foley Antiques Dealer Peaks IS.

Barbara Jackson	105 North St. #2	Jesuit Volunteer
Patricia Wilson	53 Spruce St.	PWNPC
Chuck Doyle	47 Tyng St.	PWNPC
William L. Willette	122 Brackett	PWNPC
Barny J. Daniels	76 Monument St. Portland, ME 04101	
Albert A. Bisset	3 Hall Ct.	fish cutter
Pick Neeters	3 Hall Ct	Roof Roofer
Glenn Bisset	1 Jay Place	Ho Horsewaff
Robert Bisset	1 Jay Place	Pump Pump
Richard Mason	152 Grant St	fish cutter
Oris Bissette	1 Jay Place	Label Label
Burrie Mason	17 Salem St.	Student
Bernadette Chadwick	3 Hall Court	Cleaner

30-A-

20 Custom House
Wharf
Honeywell / Porthole Rest.

30-A-1) Proprietors of Custom House Wharf.
27 c/o G E Mc Gowan Jr
5 Cal Cromenade 04101

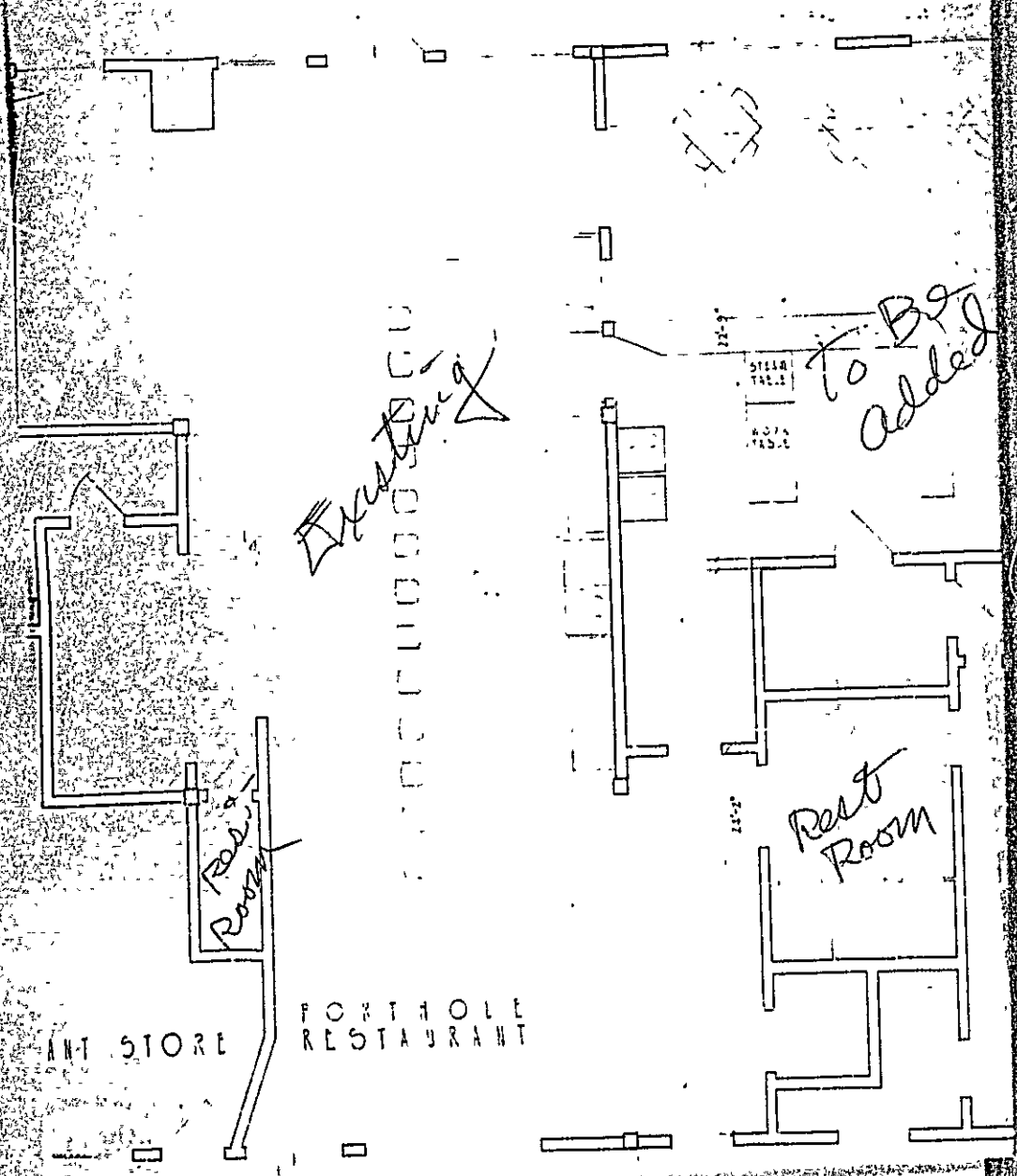
30-A-5 Richard M Creighton
c/o R Creighton
123 Washington Ave
Port 04101

30-B-1) Forty Portland Pier Inc
67 Unit #3 Forty Port Pier Condo
Portland 04101
Unit #4
Unit #5-6-7-8
etc

30-D-1) Maine Wharf Assoc
27 20 Bdr 3542
Port 04104

30-D-5 Macreal Inc
88 Carleton St #2
Port 04102

Mr Russell Honeywell
The Porthole Restaurant
20 Custom House Walk
Portland 04101



~~Dusting~~

To Be added

Rest Room

Rest Room

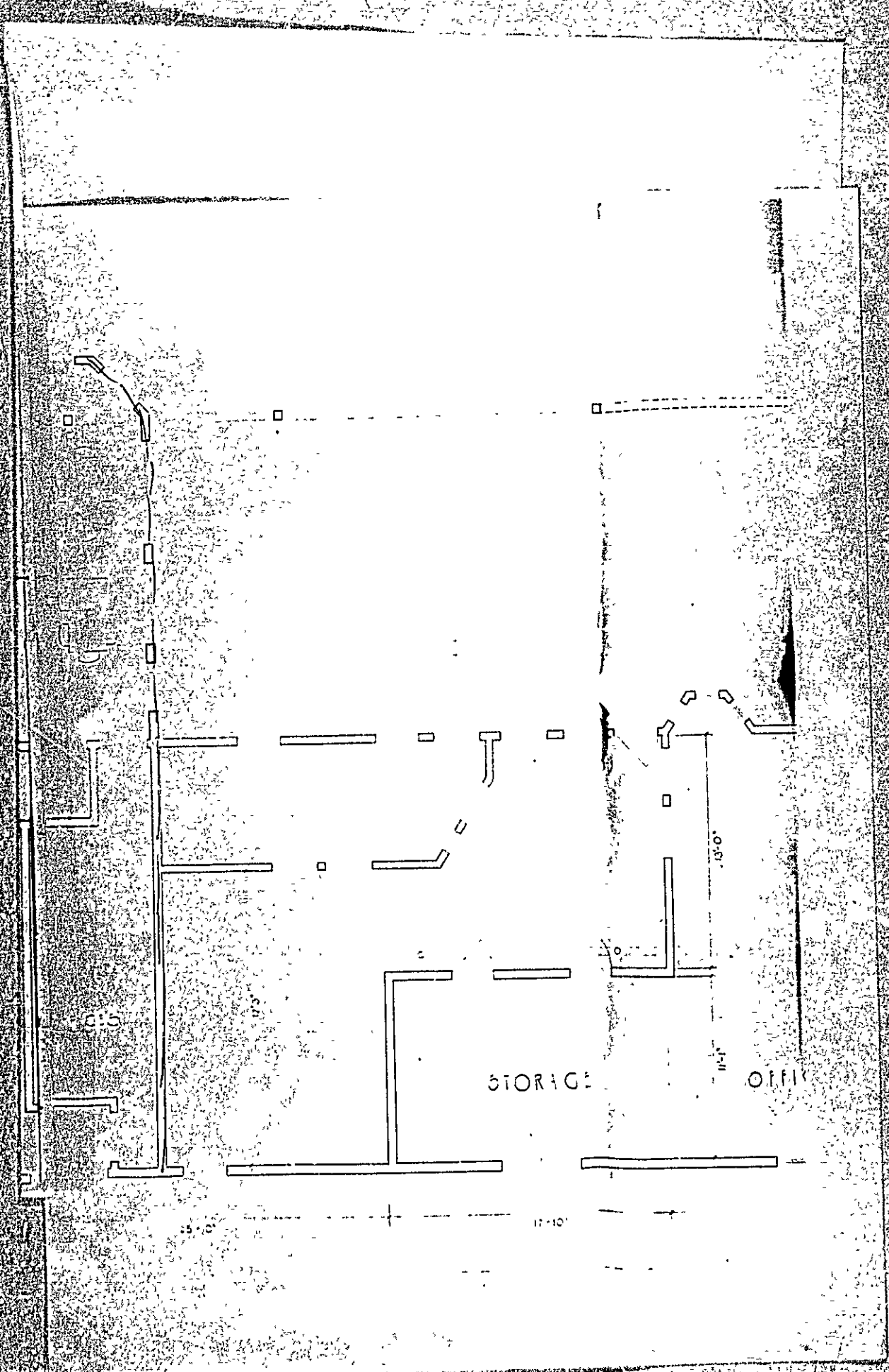
ANT STORE

PORTHOLE RESTAURANT

STEAM TABLE
HOT RES.

22'-3"

24'-3"



DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read
Application And
Notes, if Any,
Attached

BUILDING INSPECTION

No. _____

PERMIT

This is to certify that Russell Honeywell/The Porthole Restaurant
has permission to Close in Section and make interior renovations
AT 20 Custom House Walk

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification for inspection must be given and written permission procured before this building or part thereof is lathed or otherwise closed-in.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. _____
Health Dept. _____
Appeal Board _____
Other _____

Director - Building & Inspection Services

Department No. 10

PENALTY FOR REMOVING THIS CARD

CITY OF PORTLAND

30
Custom House
Wharf.

MAY 5, 1987

SPECIMEN REFERENDUM BALLOT

SHALL THE FOLLOWING ORDINANCE ENTITLED: "LAND USE CODE AMENDMENT TO BE ENACTED BY INITIATIVE" BE ADOPTED?

Purpose: To Secure the Portland waterfront for marine uses.

In order to secure the Portland waterfront for marine uses, no uses shall be permitted within the area bounded by the Tukeys Bridge and the Veteran's Memorial Bridge lying between and including the waters of the Fore River, Portland Harbor and Casco Bay, excluding the Casco Bay Islands, and the water side of a line running down the middle of Commercial Street, India Street, Fore Street and the Eastern Promenade other than those accessory to fishing activities, maritime activities, functionally water-dependent activities or authorized public uses as these terms are defined below.

Without limitation and not withstanding the provisions of the Portland Land Use Code, particularly Division 4, R-3 Residential Zone; Division 8.5, R-OS Recreational and Open Space Zone; Division 14, I-2 and I-2b Industrial Zones; Division 15, I-3 and I-3b Industrial Zones, Division 18, W-1 Waterfront Zone; Division 18.5, W-2 Waterfront Zone, and any other Division, Zone, or Section of the Code purporting to authorize pier and/or land uses of any kind, there shall not be permitted in the area described in the first paragraph:

- 1) Hotels, motels, boatels and residential uses.
- 2) Office, industrial, commercial, research and institutional uses and facilities which are not accessory to the activities defined below.

Definitions.

(1) FISHING ACTIVITIES means activities required for, supportive of or commonly associated with fishing, such as fin fish and shell fish processing, storage, marketing and handling, the manufacturing and sale of bait, nets and other fishing supplies, and the manufacture, sale, installation and repair of fishing boats, engines and equipment, and ground level parking incidental to any such uses.

(2) MARITIME ACTIVITIES means activities required for, supportive of or commonly associated with the construction, repair, operation, storage, loading and unloading of boats, waterfront dock and port facilities, marinas, navigation aids, boat fuel and equipment supply, ground level parking incidental to such uses and other activities the primary purpose of which is to facilitate maritime trade.

(3) FUNCTIONALLY WATER DEPENDENT ACTIVITIES means activities that require for their primary purpose, a location on the waterfront or that require direct access to the water and which cannot relocate away from the water.

(4) AUTHORIZED PUBLIC USES means uses of facilities which are publicly owned and designed for a public purpose, together with public utility facilities, and equipment storage and other facilities necessary for public safety.

Because of the significance of this amendment to development activities within the defined waterfront area and the potential for long-run harm which development inconsistent with this amendment will have for all of the citizens of the City of Portland, the provisions hereof, if subsequently accepted by the voters of the City of Portland, shall be applicable to all pending proceedings, applications and petitions commenced after December 22, 1986, which is the date of the filing of this initiative in the City Clerk's office of the City of Portland.

Each and every provision of this amendment is severable. If any provision is determined to be invalid by a court of competent jurisdiction, or the application of any provision to any person or circumstance is determined to be invalid by such a court, such invalidity shall not affect any other provisions or the application to any other person or circumstance.

Place a cross (x) or check mark (v) in the square showing whether you are in favor of enacting the Ordinance or opposed to it.

FOR THE ORDINANCE

AGAINST THE ORDINANCE

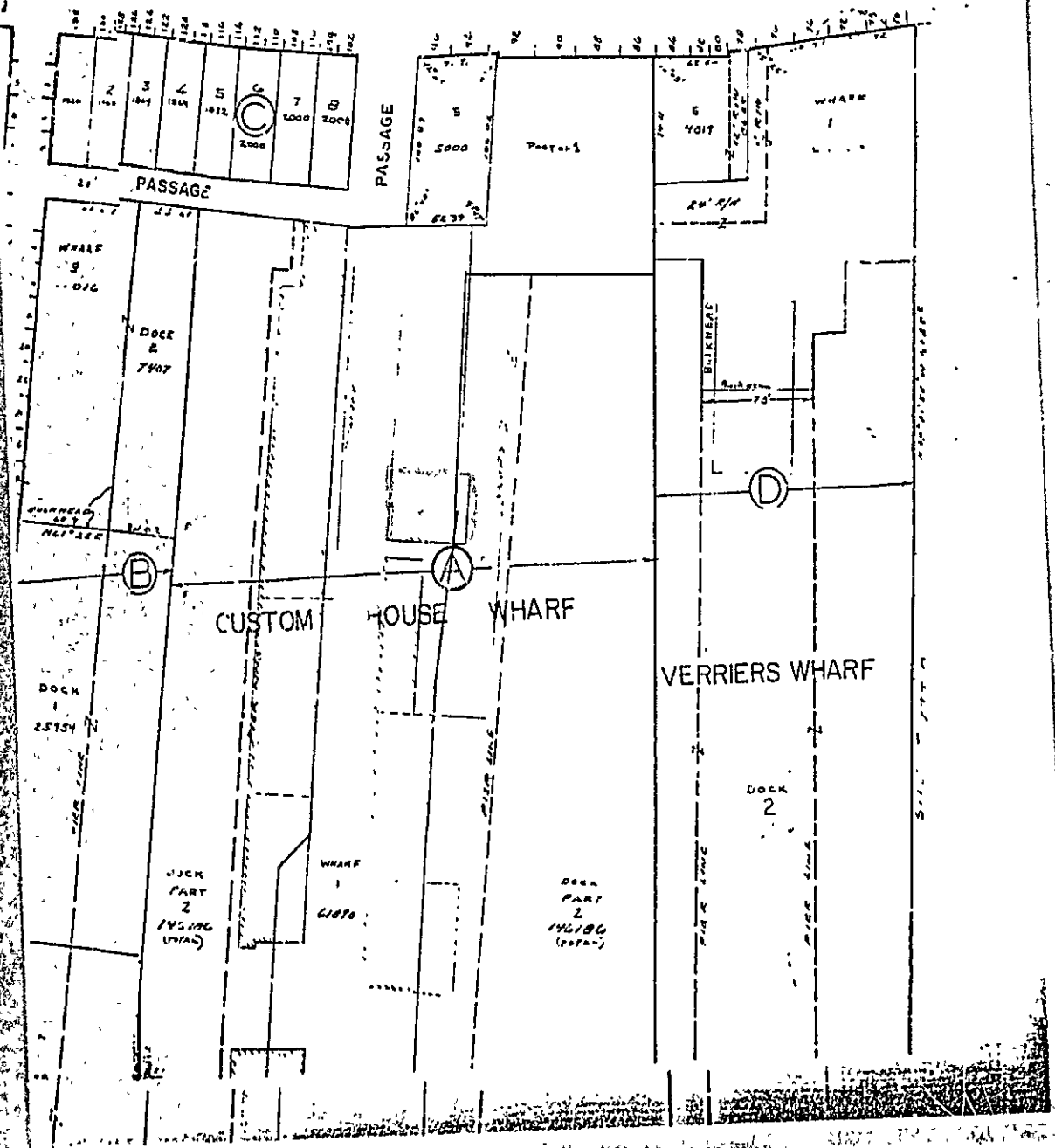
PEARL ST.

20 Custom House Wharf.

COMMERCIAL

SHEET 29-C

STREET



WHERE THE Fishermen Eat

One of the best ways to find restaurants serving fresh seafood at affordable prices is to follow the men who catch the fish.

by Sharon Zacchini

Joseph Litchfield has cocked aboard his 70-foot offshore dragger, the *Sarah C.* and now captains his *American Eagle* out of Portland Harbor. He sautées catfish livers, stirs up a super fish chowder, and knows how to turn out a perfect halibut. Litchfield eats plenty of fish on board, but when he dines out, he still orders seafood: When you eat where the fishermen eat, you are guaranteed fresh, plentiful, reasonably priced local seafood. I found these spots easily enough by wandering along the waterfront and asking. The restaurants concentrated on simple fare — chowders, crabmeat rolls, fried or broiled fish. None of the restaurants bothered with linens. Many had ketchup and squeeze bottles of tartar sauce on the table. Styrofoam and paper were more popular than crystal and china. Rarely did I wait longer than five minutes for my order.



KITTERY

A line has usually formed before noon in the entryway of the Weatherlane, a huge seafood spot marked by a gold lobster sign on Route 1. Families feel comfortable in this easygoing restaurant where \$2.45 buys a crabmeat roll, \$1.65 a fish sandwich, \$2.99 a fried-smelt luncheon, \$4.99 golden fried Maine shrimp. (Daily hours: 11-9:30; no credit cards; 207-439-0330) A Belfast branch 157 miles north is right on the ocean at the town dock.

PHOTOGRAPHY BY
STEPHEN O. MUSKIE

KITTERY POINT

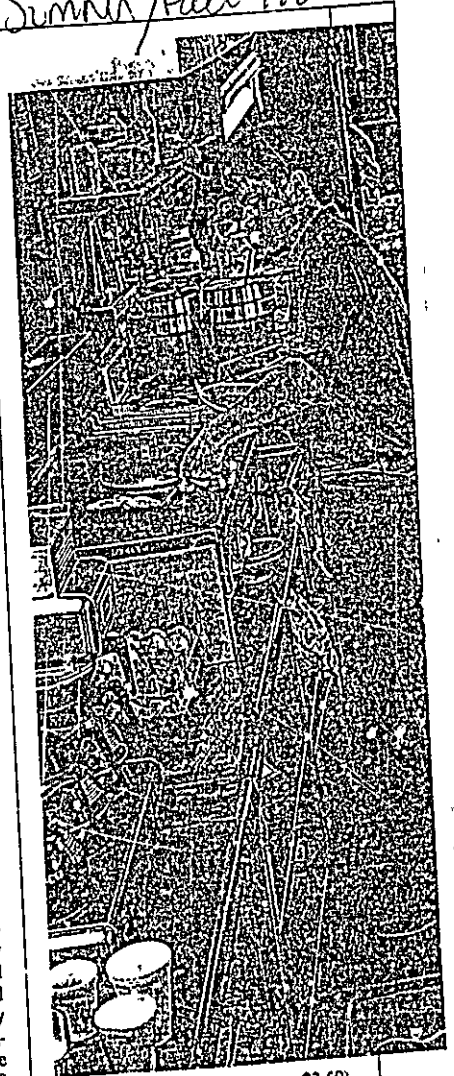
Pictureque Route 103 traces the waterfront to Kittery Point. Here behind 1828 Frisbee's Supermarket (the oldest still-operating family store in North America) is Cap'n Simeon's Galley, once a small sandwich shop, now a two-story restaurant with six bay windows overlooking the wharf and distant Whaleback Lighthouse. Its casual dining offers local boiled lobster (priced daily), broiled scallops (\$6.95), or broiled haddock (\$6.45), all with french fries and cole slaw, homemade pies and strawberry shortcake. (Daily hours: 11-10; closed Tues.; MC/AMEX, 207-439-3655)

KENNEBUNKPORT

Alisson's in Dock Square (follow signs off Route 1 in Kennebunk down Route 35 to the Port) is both pub and restaurant. Wood tables, stenciled fern and flower border, and plants in the windows provide an airy setting. Window-side tables look out on busy Dock Square. The menu includes fried shrimp or scallops (\$9.95), house special sautéed shrimp and mushrooms in honey garlic butter (\$10.95), crabmeat on longer-than-usual rolls well filled with pure crabmeat (\$5.95). (Daily hours: 6 A.M.-10 P.M.; credit cards; 207-967-4841)

CAPE PORPOISE

Two miles east of Kennebunkport on Route 9 is the quiet fishing community of Cape Porpoise. Where the road makes a sharp left-hand turn heading north, keep straight, and the Wayfarer will be on the left at 1 Pier Road. A sign on the door — "Brown eggs are local eggs, and local eggs are fresh. We serve brown eggs." — alerts customers to native pride. Those eggs might be scrambled and shared a plate with fresh codfish cakes and homemade toast (\$3.75). At lunch, mix and match fish chowder and half a sandwich (\$4.35), or indulge in an incredibly good lobster stew with a fragrant, milky broth, buttery top, and



chunks of shellfish (bowl \$7, cup \$3.50). At dinnertime the seafood specials change, depending on the day's catch. (Hours: breakfast 6-11 Wed.-Fri., 6-1 Sat. and Sun.; lunch 11:30-1:30 Wed.-Fri.; dinner 5-8:30 Wed.-Sun.; closed Mon. and Tues; no credit cards; 207-967-8961)

PORTLAND

The minute I walked into the Porthole Restaurant (20 Custom House Wharf) with its faded aqua walls, fluorescent lights, and pinball machines, a waitress asked, "Two fries?" Translation. "Do you want the special, fried sole with french fries and cole slaw for \$3?" Answer: "Yes." The fish comes piled on a Lig platter to tables already set with big

ANY DAY OF THE WEEK from six o'clock on, fishermen, tourists, wharf rats, and yuppies hunch over the lunch counter of the Porthole, gobbling home fries and hot dogs, eggs and coffee. The sizzling of the grill plays harmony to conversations. There are three sizes of coffee cups.

The pinball machine by the bathroom announces its presence with electronic beeps and shrill giggles. You can find the lobsterman who rents the shack at the end of the Casco Bay Lines offices playing when he is not at work. The walls are sky blue with murals of whale's tails and dolphins flirting with the waves.

Russ, the man who runs the show, stands at the antiquated cash register, arms across his ample tee shirted chest and belly. He closes one eye, squints the other and looks toward the ceiling, calculating change. "There you go," he says handing change to a customer. The only modern appliance in the place is a slick refrigerated cooler emblazoned with the Pepsi logo.

The day cruisers dock at the wharf and crowds of vacationers push into the Porthole to buy candy bars and soda. When they leave, things return to normal at the long counter.

John Macgowan ran the Porthole for twenty years, up until the late fifties. "I gave up the Porthole because the Health Department would come down and they would say, 'There is grime on the floor.' Well, what are you going to do everytime someone comes in with rubber boots on? Go around behind him?" John pantomimes bending over and sweeping along the ground with every step of the boot.

"Well, you should be able to eat off the floors," the health officials would say. "Look, you can eat off the floor if you want to," he says he replied. "It is kind of ridiculous to expect that kind of environment under the conditions that are prevalent."

John secures his glasses on top of his head, "I know Russ real well and I don't envy him. It is tough. Of course it is going to be better when the Casco Bay Lines leaves, because then you are only dealing with fishermen that know the area instead of tourists that are coming down to go down the bay."

The people John Macgowan finds oddest to see in the restaurant he used to run are Portland's

young executives, the yuppies. "Nothing surprises me more than seeing them in the Porthole. I mean, if I was a yuppie I don't think I'd go anywhere near the place, but that is just me and not any reflection on the Porthole.

"It doesn't seem to fit their character to me. I can't figure it out. But I don't argue I just observe."

Just beyond the Porthole is Boone's Restaurant. In her three decades as a waitress at Boone's, Margie Profenno has met many customers, waitresses, waiters and cooks.

"They are all nice people. Talkative, you know. There is a bunch of businessmen that come in at least twice a week. They are really nice people. They talk and tell you what they're doing to keep out of mischief and what they're doing to get into mischief."

Margie has known Dianne, another waitress at the restaurant, for a long time. "She works nights and I work days, but we both been here thirty years. She is really nice. We get along good. She works nights, so I don't see her unless I'm here at four when she gets in, but we talk on the phone.

"You know, get all the dirt and tell each other what we don't like and what we do like. Not that it does any good, but at least we complain to one another. At least you get it off your chest." Margie returns four days a week for her shift.

Casco Bay Line's first berthing space faces the out door cafe of Boone's seafood restaurant.

"They keep talking about moving Casco Bay Lines over to the other wharf, but I don't know when the heck they are going to do it and I don't know if a lot of people will like it.

"We have a lot of islanders that come in here and have a drink on their way home, waiting for the boat. We have a lot of people in at lunch time that live on the islands.

"I had a woman come in, this was a long time ago, before they painted the outside. She said, 'Oh, I didn't know. I've heard about this place for years and years and I had to come down here.' She said, 'I looked at the outside of the building and said I'm not going in that dirty hole.' And when she came in she said, 'Oh, this is lovely.'

"And I said, 'Never judge a book by its cover, honey.'"

Tourists go sailing the bounding Maine for Portland treasures

By STEVE SILK

PORTLAND, Maine—This is the city the sea built. Perched on a thumb of land jutting into Casco Bay, Portland is nearly surrounded by water. The ocean permeates this city's very soul. Seagulls wheel between the piers, sailors stroll the streets and the sights and sounds of a working waterfront are never far away.

Though its importance as a harbor has diminished since the early 1800s, when Capt. Lemuel Moody crowned Munjoy Hill with an observatory to spot cargo-laden windjammers headed for the harbor, the city still owes, thanks to its connection to the sea.

Visitors can get a sense of Portland's buzzing energy by climbing the 104 steps to the summit of Moody's old octagonal lookout. On a clear day, a commanding view stretches from New Hampshire's White Mountains to the tangled reefs dotting Casco Bay. Due south lies Portland Head Light, one of the oldest lighthouses still in operation along the coast.

Down along the docks, the very air crackles with excitement as ships both big and small chug into the harbor. Fishing boats tie up at ramshackle docks. High above, nylon nets and lobster pots. An immense, baby-blue drydock dominates the scene, an oversized service station for ocean-going craft. Here, there, a few spiffy condos have sprouted on the docks, but otherwise this is an old-fashioned world.

On Custom House Wharf, old cobblestones peek through holes in the asphalt lane separating a warren of fish markets from the Porthole, a seafood restaurant favored by locals, and Boone's, a favorite dining spot for tourists. For years, these old buildings have slowly settled toward the underlying ground, as their waxy clapboard siding attests.

Portland's waterfront welcomes tourists, and putting out to sea for an hour or so a day couldn't be easier. There are whale-watching cruises, seal-tugging trips, charter boats, for deep-sea fishing and voyages narrated by naturalists or historians. Island lobster bakes can be arranged, as can tours of some of the old forts in Casco Bay.

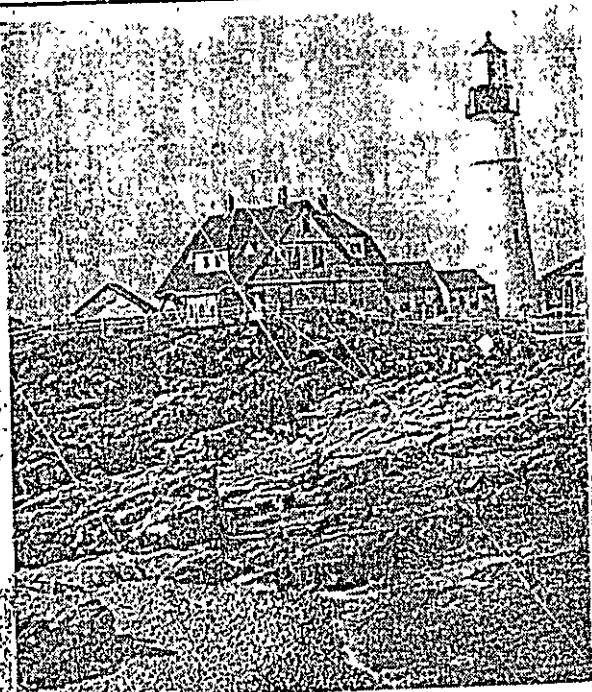
Ferries zip back and forth to the Calendar Islands. At DiMillo's marina, a permanently moored ferryboat has been converted to a restaurant where clubbers can keep an eye on harbor activities. If an international trip sounds appealing, Nova Scotia-bound ferries depart from Portland daily.

Portland is a city that has had its share of ups and downs. Its motto—*Urgam* (Latin for "I shall rise again")—is startlingly appropriate. The city was wiped out twice by raiding Indians during the 1600s, flattened by British bombardment during the Revolution and razed by fire in 1836. But each time, this feisty city fought its way back onto the map.

In the course of repeatedly renewing itself, Portland has proved that nature makes perfect. The city's latest incarnation may be the best yet. Warm and friendly, its compact, human scale is instantly accessible. There's a homey feel to the old brick buildings, and a grab bag of Gilded Age architectural styles delights the eye at every turn. Few cities are more easily navigable for newcomers trying to find their way about.

Portland boasts a thriving mix of art, music and dance. Local craftsmen produce works of exquisite beauty. A booming restaurant scene features the millir — French, Italian, Chinese and Mexican—and the foreign—Afghan, Indian, Thai, Japanese and Vietnamese. And of course, there's the seafood. All in all, it's a nice place to visit—but you might want to live there.

The Old Port Exchange neighborhood, hard by the waterfront, is as trendy and chic a spot as you'll find anywhere. It's hard to believe now, but just 20



Portland Head Light is one of the oldest lighthouses still in operation along the Maine coast. The view is from the White Mountains to Portland.

a place of their own.

That initial effort spawned an unstoppable juggernaut. The renovation fever that gripped those urban pioneers is still spreading like wildfire, and as Portland gradually resurrects itself yet again, the scaffolds go up and the ruddy old bricks are blasted clean.

What the workers leave behind is a reconstituted neighborhood recolent of a sort of New Age Victorian charm, a place of undeniable allure where all roads lead to the sea. Restaurants and chic shops pop up like wildflowers after a spring rain. On narrow Exchange Street, brick sidewalks dotted with trees, benches and old-fashioned street lights make strolling a pleasure, while on some of the other Old Port lanes and alleyways, mounted police clatter over ancient cobblestones.

This is the place to go gallery-hopping, listen to jazz or dance to rock, to eat imported chocolates or Vermont ice cream, to shop for rare, out-of-print books or the latest best-sellers. Self-styled Banana Republic knock-offs sell army surplus clothing from around the world, and little boutiques purvey the latest in international designer duds. Even relics from Portland's seagoing past are on sale here. Shops such as the Shipwreck and Cargo Company sell nautical knickknacks and salvaged brass things: bobs.

The old brick buildings here, erected in a post-1866 fire passion for flame-proof structures, are a special delight. Many fine examples of that stolid old architecture can be found in the Old Port area.

The venerable Seamen's Club, now a popular seafood restaurant, boasts a set of beautifully ornate stone windows overlooking the granite Mariner's Church, a marvel of solidity. One of the most intriguing edifices doesn't even exist. Tommy's Park Mural, on the corner of Exchange and Middle streets, is a multi-story trompe l'oeil design based on several old Portland buildings that have been torn down.

In a sense, the mural is like Portland itself, where the past is renewed and reinterpreted to make the present.

Steve Silk is a travel writer for the Hartford Courant

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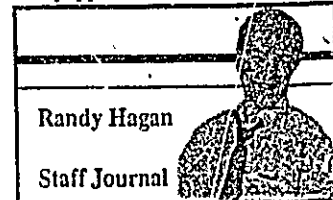
Defending Dives for the Perfect Business Lunch

Portlanders spend tons of money on restaurants.

According to *Restaurant Business Magazine's 20th Annual Restaurant Guide*, Portland is second only to San Francisco in most money spent per capita on eateries, at \$573 a head. That's \$220 million, in overall terms. Third place isn't even close.

No doubt a large part of that comes from Portlanders looking for the perfect place to conduct a business lunch.

With tons of those fern/wood/brass restaurants that are so popular with the yuppie set countless sub and



Randy Hagan

Staff Journal

pizza shops and scads of Italian eateries, the choices are mind-boggling.

But the cost of exploring those choices is astronomical. When *Restaurant Business* did its last report, there were 252 restaurants in Portland. The staffers expect more to be dishing it out when the next report is published in late September.

Not to say that Portland has its fill of eateries, but of 317 markets *Restaurant Business* researched across the U.S. only 12 of them have lower figures for total population divided by the number of eating establishments. From sushi bars to African

cuisine, you can find just about anything edible that's available, across a wide range of prices and quality.

But if you ask me, none of these spots are worth considering for a real business lunch. Whenever I really need to do business over a meal, I pick some hole-in-the-wall restaurant every time.

Doing a business lunch in a dive offers a lot of advantages.

Inviting someone to join you for a lunch in some low-rent diner immediately convinces them that you are an original thinker. You get more of a meal in a good dive than you get in those uppity *nouvelle cuisine* joints. You never have to worry about the cuisine or the ambiance being a distraction to the business at hand.

But best of all, you know you can do business in peace in a low-rent restaurant because your competitors wouldn't be caught dead in such a joint -- especially if you're in a high-profile, image-conscious field. A good dive is perfect for taking care of business without interference.

Don't get me wrong. All those fancy fern/wood/brass restaurants have their place.

We at the *PBJ* have been known to frequent such hangouts during business hours, but generally only when we've been asked to meet someone else there or we're going to a business reception/conference/networking type of event. We've even been known to go to fancy places when we're just out socializing.

But that's different. In those kinds

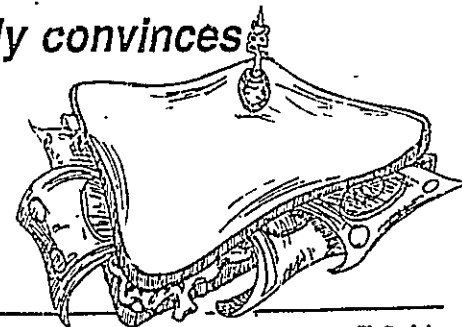
of situations, you're going there because you want to be seen. At networking functions, either on a professional or (to use a generic term) personal basis, the entire assemblage is in effect your audience.

Similarly, the best affairs -- both business and personal -- are handled discreetly. So, I almost subtly ask, why should business be done in the middle of a crowd of people trying to do the same thing?

(That's why I feel that Friday lunch at The Porthole can do more for you than a meal at DiMillo's. The waterfront view may be different -- you see warehouses and working boats at The Porthole; while the windows of DiMillo's are Chock Full 'O Sea Rays and empty condos -- somehow it seems a lot clearer, if less pretty at first glance.)

But then I have my biases. Maybe lunch at a genuine dive doesn't offer

Inviting someone to join you for a lunch in some low-rent diner immediately convinces them that you are an original thinker.



For all the grief yuppies get, perhaps one of the most deserved raps they receive is that they tend to flock together at the same places, do the same thing, and try to succeed in the same exact way. It's hard to get ahead when you're determined to run with the pack.

the same ego strokes you'll find in your classic fern/wood/brass kind of restaurant, but for the Average Joe it does offer one definite advantage:

It's never too hard to be a nice guy, because at the average dive's prices it never hurts to pick up the check.

PBJ

The Captain of the Wharf

MAINE



bowls of cole slaw. Among many other choices are hamburgers and hot dogs. (Daily hours: 6:30 A.M.-2:30 P.M.; Fri. until 8:30 P.M.; May-Labor Day; no credit cards; 207-773-9348)

SOUTH HARPSWELL

A 45-minute drive from Portland leads to The Dolphin Manna and Restaurant at Basin Point where the Saxtons serve some of the best fish chowder around, à la carte or with dinner for \$10.95 — fried shrimp, scallops, or broiled haddock; plump, fresh muffins; coffee; ice cream. The raspberry pie is tops, and a fried-haddock sandwich is \$3.25. Diners at the eight tables see the harbor. The back of the menu completes the list of services: "moorings, hauling,

Fisherman Joseph Litchfield (with black cap and white beard) chows down at the Porthole Restaurant in Portland while chatting with owner Russ Hunnewell. Russ's son Roger deftly works the grill.

gas and oil, and repairs." (Daily 8-8; Visa; 207-833-6000)

CUNDY'S HARBOR

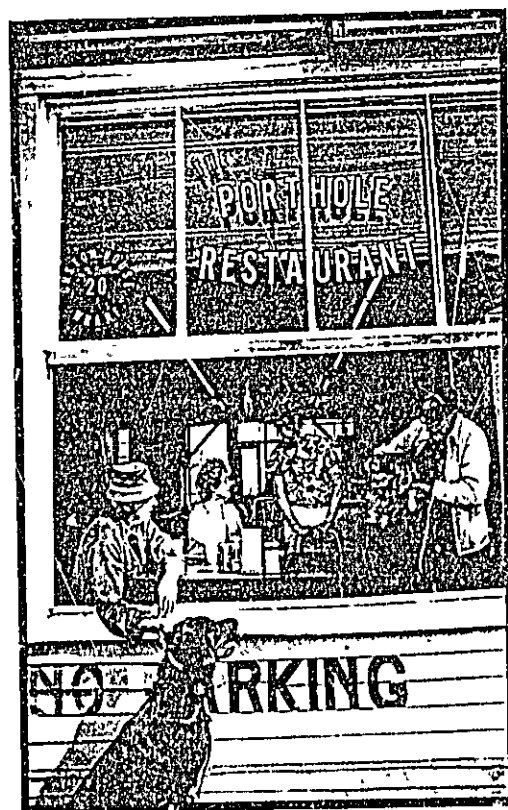
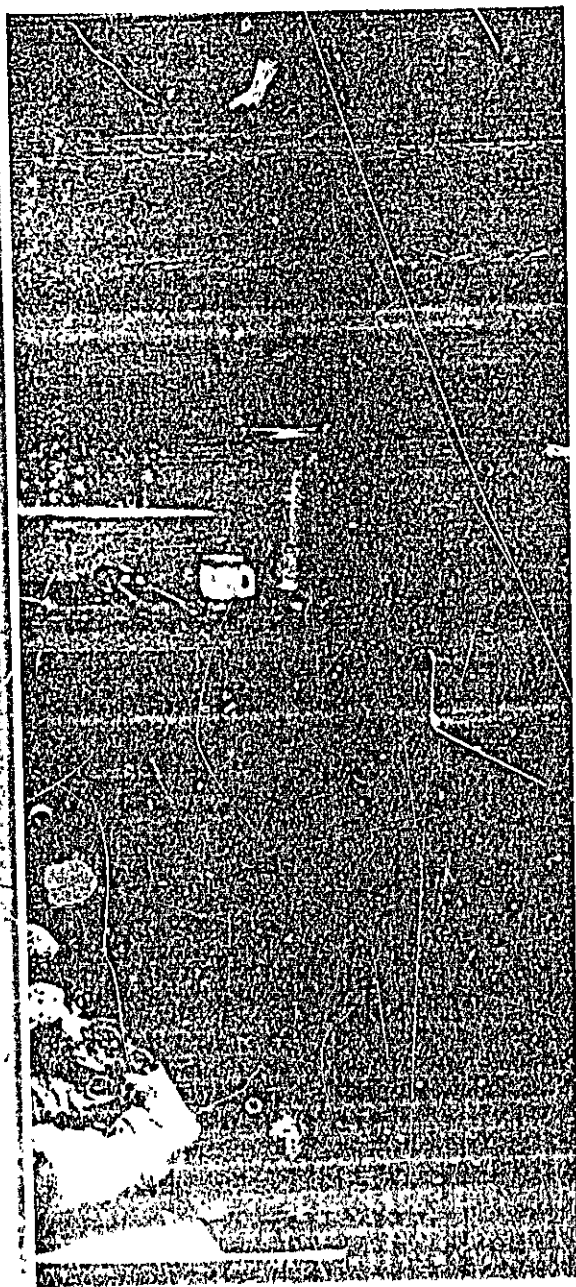
Two peninsulas north, Dawn Bichrest runs the Block and Tackle off Route 24. She gets help from her husband and her five sons, all draggersmen and lobstermen. Some of their catch ends up at this very informal restaurant that advertises nightly specials for \$3.95. Friday night you can't sit down because Dawn serves

corned hake (salted overnight, boiled with salt-pork scraps, served with potatoes). (Daily hours: breakfast 4:30-11, dinner until 8; May 15-October 15, no credit cards; 207-725-5690)

PORT CLYDE

At tiny dockside Dip Net the specialty is Port Clyde sardines layered with onions, tomatoes, lettuce, and mayonnaise on rye for a mere \$1.60. Takeouts allow you to dine on the pier. Follow Route 131 off Route 1 in Thomaston for 12 miles until end. (Daily hours: 7-6; MC/Visa; 207-372-8941)

Save the Black Harpoon for a dinner of bouillabaisse (\$11.95), pan-blackened swordfish (\$11.95), halibut (\$9.95), or tuna (\$11.95) Weekends a raw bar is set



FROM COMMERCIAL STREET, two long rows of wooden and metal shacks face each other across the wharf's narrow sagging road. Eighteen wheelers, like monolithic bulls, rumble in and stop to pick up lobster from the Harbor Fish Market, unload mattresses, box springs and groceries at the Casco Bay Line terminal, and collect fish at Old Port Fillet.

The fishing boats unload, the cutting floor brims with haddock, hake and dogfish, and then is empty. The Casco Bay Line ferry chugs in and out, horn blowing, as captains make announcements to passengers. "You might want to cover your ears. This horn is the loudest in the fleet."

Nearby multi-million dollar condominiums rise on neighboring wharves. Neatly manicured shops and brass and glass restaurants populate the tree shaded streets of Portland's revitalized Old Port commercial district, where shoppers stroll and street musicians fill the air with banjo and guitar.

Commercial Street is the Maginot Line between work and leisure, grime and glass, trucks and Peugots. That is until last year when the almost overnight conversion to condominiums of two wharves brought protest, a referendum and a five year moratorium on the waterfront for non marine uses.

It is no trick of fate that Custom House Wharf has held its own against gentrification. The biggest single reason is gruff John Macgowan, now 66, who controls ownership. His contempt for condominium use of the waterfront is unprintable. John Macgowan keeps the rents on Custom House Wharf low enough so its regular users can afford to stay.

Longtime users of the wharf are another reason for its resistance to change. People who work on the wharf have their own way of doing things. They know what to expect of each other and they abide by their own unwritten rules.

Custom House Wharf is a small, intact community that continues to exist as it has long existed, taking its energy and livelihood from the sea.

The wharf is never empty. The new day comes unremittingly and it all starts over again. Fishermen inaugurate the days. Days that last long into the evening, until the clinking of glasses and silverware ceases at Boone's Restaurant. At night, bolsterous,

drunken voices drift down from the trendy neon-lit fern bars of the Old Port, rippling a rare silence on Custom House.

A young man promenades by the wharf, wearing a pair of eighty dollar sunglasses. His linen suit is wrinkled in the back, knees and elbows from sitting at a desk. He talks to a woman in grey flannel.

As they pass the entrance to Custom House, a phrase floats down the wharf, "It's the Vanderbilt thing, if you can't buy it, what's the point?"—The bustle of the wharf ignores this haughty comment.

Spray painted on the corrugated metal and wooden shacks of the wharf are messages to motorists: "NO PARKEN."

A blonde in a gleaming Saab with Massachusetts plates honks her horn impatiently. She is pinned in by the Dodge pickup whose spot she took. A bare chested man emerges from a dilapidated wooden building and says with a snarl, "Want to get out, eh? Shouldn't park where you don't belong."

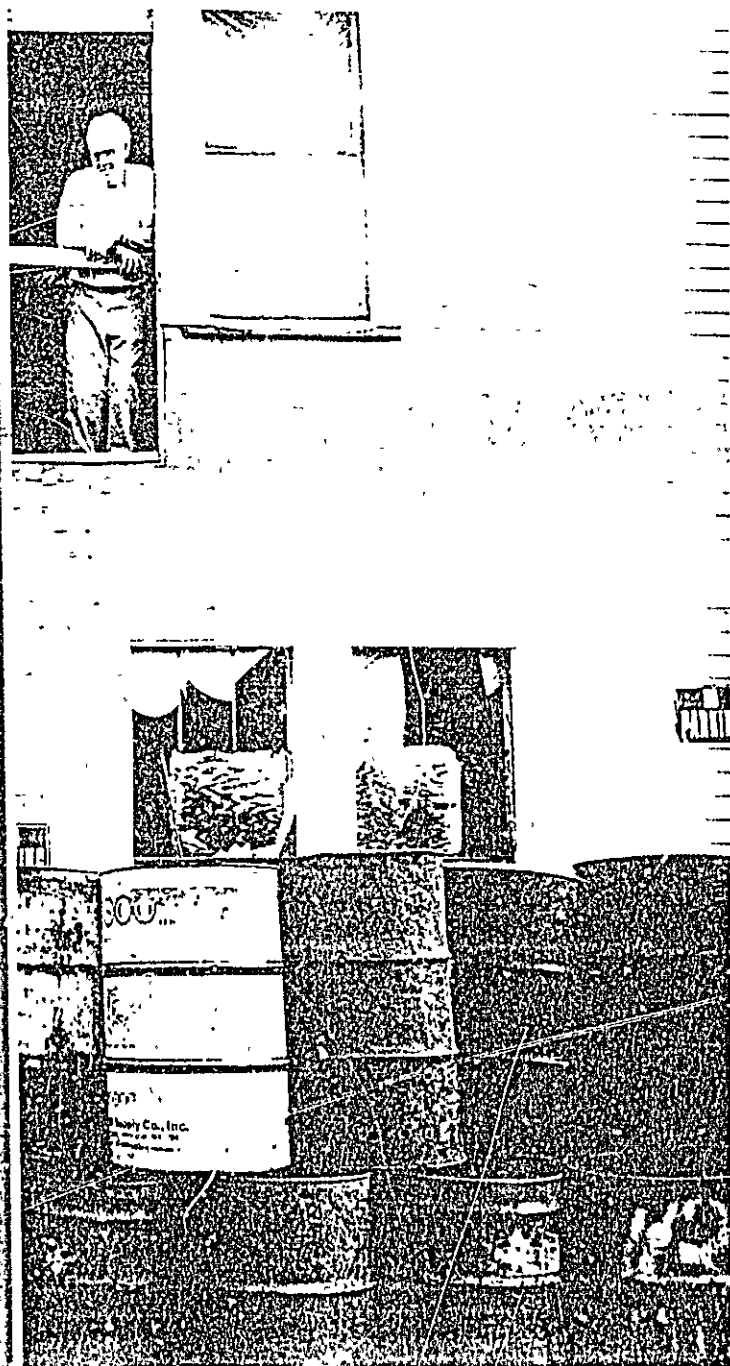
The blonde leers behind her tinted windshield, checks her earrings and waits for him to climb slowly into the cab of his truck and pull out of her way. When she has disappeared around the corner onto Commercial Street, he moves into his spot and goes back to work.

As Dana Neuts, retail manager of Harbor Fish Market puts it, the wharf handles its own traffic problems. When the traffic clogs up too much, "usually one of us will go out and you direct traffic a little bit and help them out. And that is the end of it.

"It never gets really heated, never becomes a problem unless the person coming into the wharf is having a problem themselves. Anybody can come in and create a problem."

On Custom House the fish cutters, retailers and fishermen know each other. The waitresses know the commuters. The people who clean up toxic spills know the winos. The rats and seagulls know each other.

Custom House Wharf is a developer's nightmare. It is an example of the efficiency and community that development cannot achieve, despite comprehensive planning. The wharf has what condominiums, malls, and sites of urban renewal do not have; history and tradition. It has its own unique and time tested way of doing its job.



Custom House Wharf on Portland's embattled waterfront is rife with the stench of fish, the grime of a city and the hustle of heavy work.

Mud flats exhale decay. Haddock from the cutting floors mingle in the air with diesel smoke from boats and 18 wheelers. Fumes of frying burgers drift from the Porthole Restaurant.

It is the pulsing, unprettified remnant of the old working waterfront, doing business as usual by the sweat of its brow.

By Peter Millard
Photography by Pam Berry

at Work

1 Ways f Portland s. the New

By MATTHEW L. WALD
Special to The New York Times

PORTLAND, Me. — On Friday nights the Porthole Restaurant, a well-worn luncheonette whose windows advertise "Wonderful Food," "Good Prices" and "Coca-Cola," serves its neighbors on Custom House Wharf an all-you-can-eat fish fry for \$2.50.

The event is something of a community festival for the "working waterfront," the term used here for wholesale fish companies, fish processing houses and the places where fishing boats tie up from the nautical gift shops, trendy restaurants and rehabilitated offices and apartments that dominate the "Old Port" area just above the docks.

But lately, according to Ross Lane, a lobsterman who works with his brother Keith at a wholesale seafood company across the wharf, the Friday night crowd is heavy with "lawyers and people in suits," representatives of the newer, more fashionable and well-to-do city that has emerged in the last decade.

Being Discovered Has Drawbacks

"This has always been a great vacation area for people from New York and Massachusetts," said Mr. Lane. "Probably a lot of them are sick of life in the fast-lane, and they've discovered us, more or less."

But Mr. Lane has regrets about being discovered, he said his brother are convinced that their business will eventually be displaced by shops, offices or condominiums, as some marine businesses have been.

"In truth," he said, "what they're seeking, they're kind of destroying."

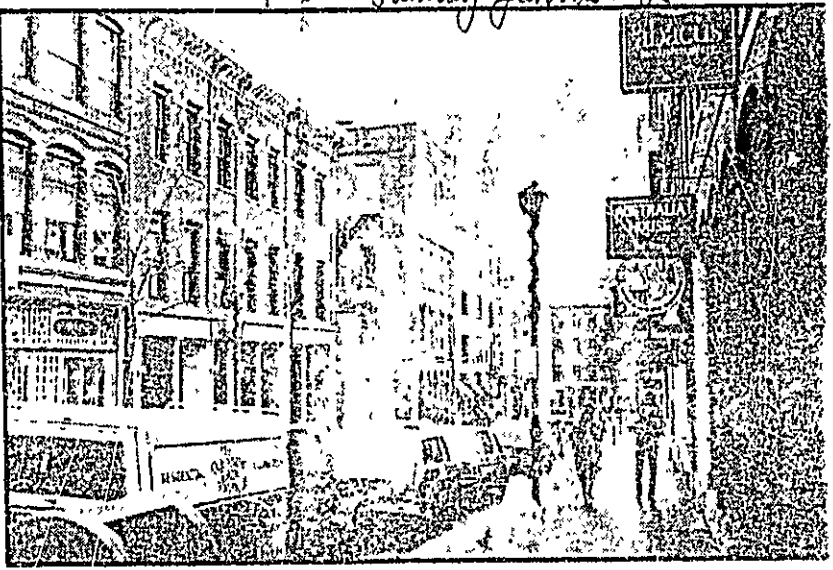
For months the city debated zoning protection for the working waterfront, but the problem has been confused by a slump in the fishing business and waterfront landlords who see lean times and want what they call "residential" facilities.

Rapid Rise in Wharf Price

A group of fishermen tried two and a half years ago to buy a wharf, but their offer of \$300,000 was turned down. Recently the fishermen settled for about three-quarters of the property, at a cost of \$500,000, a reflection of the price it could bring if turned to some other use.

Portland is 104 miles north of Boston on a peninsula in Casco Bay, a site that the Chamber of Commerce is quick to point out averages less than 4 degrees cooler than Hartford, Conn. And Portland is booming, but that boom means bust for some longtime residents and bittersweet changes for others.

The district of late Victorian brick buildings here, some abandoned and most decaying, became the "Old Port" in the mid-1970's when developers cast an eye on the narrow streets and quaint architecture and made moves to rehabilitate the area.



The New York Times/Dean Abramson

Old and new: Working waterfront of Portland, Me., right, and trendy, renovated "Old Port" area, above.

"It's almost like watching the evolution of a forest," said Susan Love, whose concern, the Chroma Artist Supply Company, is in a desirable site. "First there were the pottery shops; then a higher class moves in and fixes up the stores, like Benetton, and all of a sudden, the lawyers, doctors and dentists move in."

Along with this development came some sophistication, according to residents. "Portland is really a different sort of place than the rest of Maine," said Alice Spencer, a painter, who moved here from New York 16 years ago. The city's art colony has gone beyond "the weathered row-boats with the tide coming in that the tourists are apt to buy," she said, to a more progressive type of art.

There is also money. Rents have risen from \$3.50 a square foot in 1974 to \$15 or \$18 for rehabilitated space, or \$18 to \$22 for new space, according to Howard Goldenfarb, a developer who has rehabilitated 20 buildings with a partner, Joseph C. DeFranco.

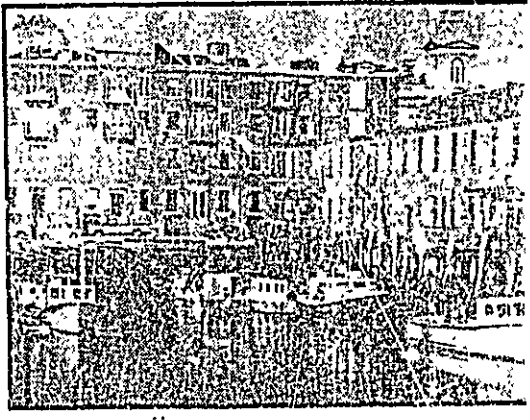
The twosay that if they could acquire the land, they could sell dozens of two-bedroom waterfront condominiums for \$200,000 to \$300,000. Last summer a development of 88 condominiums individually priced up to \$360,000 sold in three days while still literally a hole in the ground. Many of the buyers were apparently speculators.

3 Stages of Redevelopment

Mr. Goldenfarb describes three stages in the area's new popularity: "Step one, in the late 1960's, a couple of investors bought buildings on Exchange Street, renovated them with a little paint and rented them out to boutiques."

"Step two, we redid buildings. Step 3, Women's Wear Daily wrote an article that said L. L. Bear was chic, and now all of a sudden Maine is acceptable."

In addition to commercial development, the city also has three art galleries, an art museum, an art school, a symphony orchestra and a professional



hockey team, an unusual combination for a community of 62,000, down 4 percent since 1970.

But it has a burgeoning class of lawyers, bankers and accountants, and the unemployment rate for the Portland

metropolitan area — at one point last summer was the lowest in the country. In November, the unemployment rate for the metropolitan area was 2.7 percent while the state's was 4.6 percent and the national unemployment rate was 6.7.

Maine's employment is notoriously seasonal, but even in January the Portland papers carry substantial "help wanted" advertisements, in an economy balanced between service and industrial jobs. The Bath Iron Works opened a drydock employing up to 1,000 people, with a destroyer and a frigate in port.

17 Recent Projects Reported

The Maine State Development Office counts 17 projects completed or under way in the Portland waterfront, with a total value of \$205 million, including a 20-acre, \$24 million fish pier that will offer an unusual "display auction" at which buyers will inspect the catch on the dock rather than buying it while the boat and the cargo are still at sea.

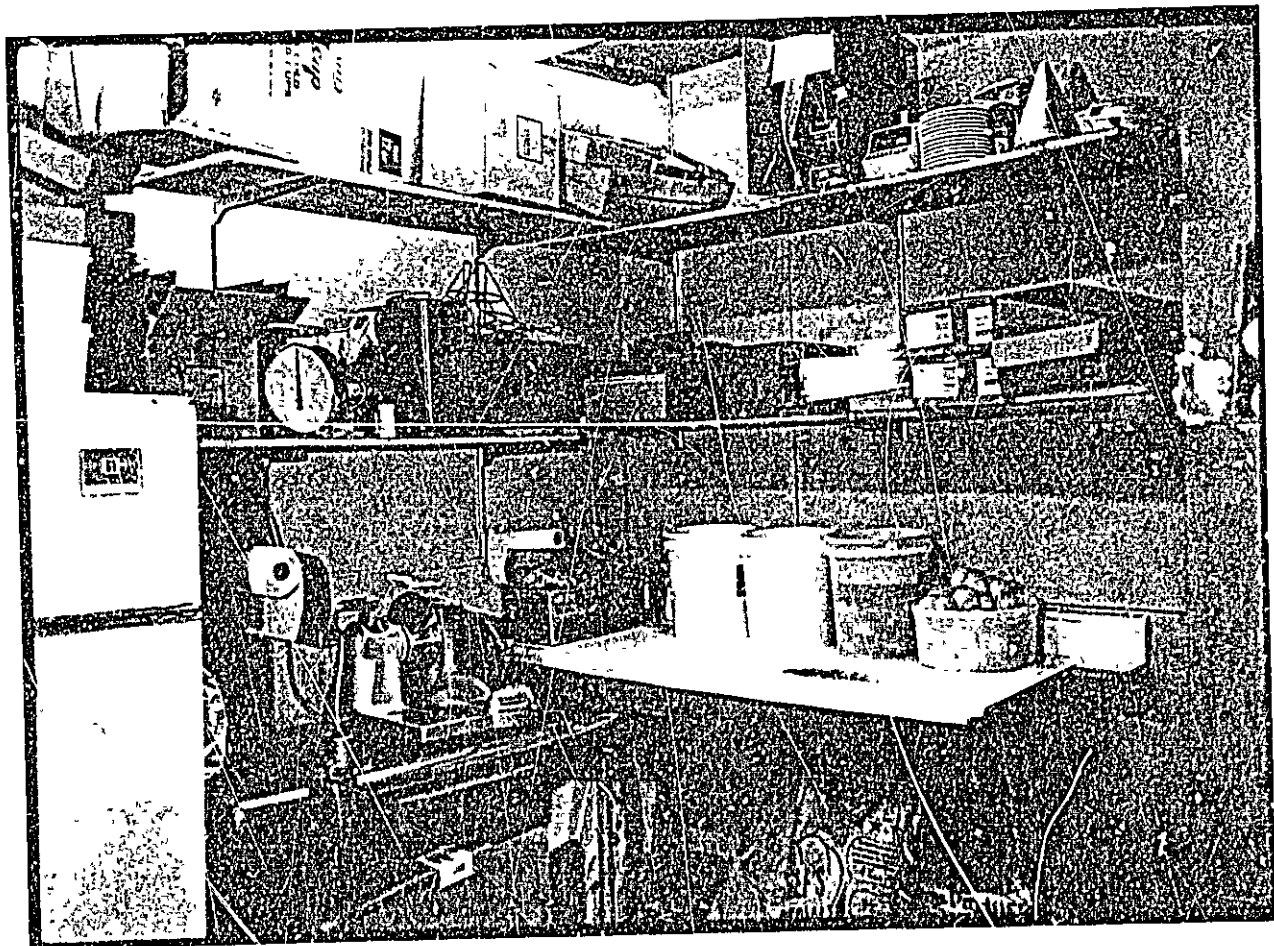
Retailing also thrives in the area; the Maine Mall, whose tenants include Jordan Marsh, J. C. Penney, Filene's, Service Merchandise, Sears, Roebuck & Company and Porteous, is the larg-

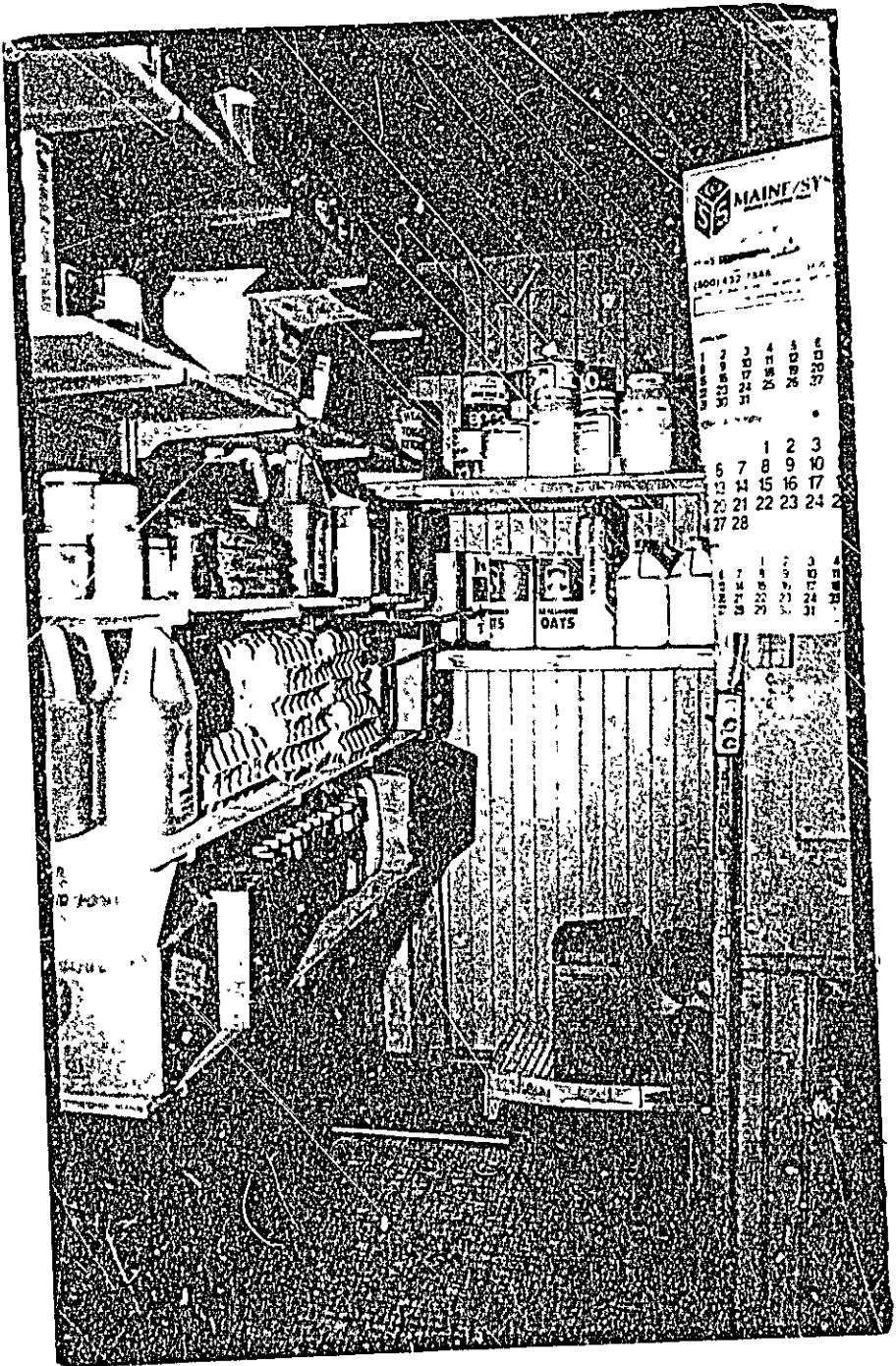
est in northern New England. S arrive by the busload from art state. In nearby Frosport, L. and outlet stores thrive. In metropolitan area ranked second in sales per household in \$22,300.

The nature of what is sold is interesting, too. Timothy Conn used most of the leather jackets and sold fishermen. Now he carries briefcases and \$120 pocketbo-

Playing cribbage on a quiet with Dennis S. Jewett, the machines sales manager at a yardery across the street, Chase, Company, Mr. Conn recalled started 15 years ago with a room. He said had to move lease expired because his asking \$1,500 monthly for the wanted a more chic store. He another site in the Old Port. Mr. fears his company will face a problem: an offer on its built cannot be refused.

"Money's good but it isn't drive the little guy away," he displace one business because in a money class is not right. "But Mr. Conn, teasing his fr the 159-year-old company he v said it would fit right in with Portland. Referring to the gines, he said, "Volvos, a' They're Yuppified."





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