

930155

Permit # \_\_\_\_\_ City of Portland BUILDING PERMIT APPLICATION Fee \$15 Zone \_\_\_\_\_ Map # \_\_\_\_\_ Lot# \_\_\_\_\_  
Please fill out any part which applies to job. Proper plans must accompany form. (\$25 credit; per Wm Giroux)

Owner: EDWARD A. DiPhilippo Phone # 797-5165 *Ed DiPhilippo*

Address: 384 Blackstrap Rd- Falmouth ME 04105

LOCATION OF CONSTRUCTION 377 Auburn St. (Eddie's Variety)

Contractor: \_\_\_\_\_ Sub: \_\_\_\_\_

A: address: \_\_\_\_\_ Phone # \_\_\_\_\_

Est. Construction Cost: 4000 Proposed Use: variety store w add zoning

# of Existing Res. Units \_\_\_\_\_ # of New Res. Units \_\_\_\_\_

Building Dimensions L \_\_\_\_\_ W \_\_\_\_\_ Total Sq. Ft. \_\_\_\_\_

# Stories: \_\_\_\_\_ # Bedrooms \_\_\_\_\_ Lot Size: \_\_\_\_\_

Is Proposed Use: Seasonal \_\_\_\_\_ Condominium \_\_\_\_\_ Conversion \_\_\_\_\_

Explain: Conversion construct addition - for refrigeration/ storage

Date 2/26/93 Subdivision: \_\_\_\_\_

Inside Fire Limits: \_\_\_\_\_ Name: \_\_\_\_\_

Bldg Code: \_\_\_\_\_ Lot: 377

Time Limit: \_\_\_\_\_ Ownership: \_\_\_\_\_ Public \_\_\_\_\_

Estimated Cost: 4,000 \_\_\_\_\_

Street Frontage Provided: \_\_\_\_\_

Provided 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 \_\_\_\_\_

Shoreland Zoning Yes \_\_\_\_\_ No \_\_\_\_\_ Floodplain Yes \_\_\_\_\_ No \_\_\_\_\_

Special Exception \_\_\_\_\_

Other (Explain): W.P. 1-23-1-93

Foundation:

1. Type of Soil: \_\_\_\_\_

2. Set Backs - Front \_\_\_\_\_ Rear \_\_\_\_\_ Side(s) \_\_\_\_\_

3. Footings Size: \_\_\_\_\_

4. Foundation Size: \_\_\_\_\_

5. Other \_\_\_\_\_

Floor: - \$25 paid 7/28/92 - for building permit & appeal

1. Sills Size: \_\_\_\_\_ Sills must be anchored.

2. Girder Size: \_\_\_\_\_ (appeal withdrawn)

3. Lally Column Spacing: \_\_\_\_\_ Size: \_\_\_\_\_

4. Joists Size: \_\_\_\_\_ Spacing 16" O.C.

5. Bridging Type: \_\_\_\_\_ Size: \_\_\_\_\_

6. Floor Sheathing Type: \_\_\_\_\_ Size: \_\_\_\_\_

7. Other Material: \_\_\_\_\_

OWNER: EDWARD A. DiPHILIPPO

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 \_\_\_\_\_

Ceiling:

1. Ceiling Joists Size: \_\_\_\_\_ Spacing \_\_\_\_\_ Not in District nor Landmark.

2. Ceiling Strapping Size \_\_\_\_\_ Spacing \_\_\_\_\_

3. Type Ceilings: \_\_\_\_\_ do not require review

4. Insulation Type \_\_\_\_\_ Size \_\_\_\_\_ Requires Review

5. Ceiling Height: \_\_\_\_\_

Roof:

1. Truss or Rafter Size \_\_\_\_\_ Span \_\_\_\_\_ Action: Approved

2. Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_ Approved with Conditions

3. Roof Covering Type \_\_\_\_\_

Chimneys:

Type: \_\_\_\_\_ Number of Fire Places \_\_\_\_\_ Date: 3/1/93

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 \_\_\_\_\_

3. Must conform to National Electrical Code and State Law

PERMIT ISSUED WITH REQUIREMENTS

Received By Louise E. Chase \$ \_\_\_\_\_

Signature of Applicant Edward A. DiPhilippo Date 2/26/93

Signature of CEO \_\_\_\_\_ Date \_\_\_\_\_

Inspection Date: \_\_\_\_\_

930155

Permit # \_\_\_\_\_ City of Portland BUILDING PERMIT APPLICATION Fee \$15 Zone \_\_\_\_\_ Map # \_\_\_\_\_ Lot# \_\_\_\_\_  
Please fill out any part which applies to job. Proper plans must accompany form. (\$25 credit; per 4m Giroux)

Owner: Edward J. DePhilippo Phone # 797-5155

Address: 334 Blackstrap Rd- Falmouth ME 04105

LOCATION OF CONSTRUCTION 377 Auburn Str. (Eddie's Variety)

Contractor: Max Sub: \_\_\_\_\_

Address: \_\_\_\_\_ Phone # \_\_\_\_\_

Est. Construction Cost: 4000 Proposed Use: variety store w ad zoning

# of Existing Res. Units \_\_\_\_\_ # of New Res. Units \_\_\_\_\_

Building Dimensions L \_\_\_\_\_ W \_\_\_\_\_ Total Sq. Ft. \_\_\_\_\_

# Stories: \_\_\_\_\_ # Bedrooms \_\_\_\_\_ Lot Size: \_\_\_\_\_

Is Proposed Use: Seasonal \_\_\_\_\_ Condominium \_\_\_\_\_ Conversion \_\_\_\_\_

Explain Conversion construct addition - for refrigeration/ storage

Date: 2/26/93

Subdivision: \_\_\_\_\_

Name: MAR-3-1993

Lot: \_\_\_\_\_

Ownership: \_\_\_\_\_ Public \_\_\_\_\_ Private \_\_\_\_\_

Estimated Cost: 4,000

Street Frontage Provided: \_\_\_\_\_

Provided Setbacks: Front \_\_\_\_\_ Back \_\_\_\_\_ Side \_\_\_\_\_

Review Required:

Zoning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_

Planning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_

Conditional Use: \_\_\_\_\_ Variance \_\_\_\_\_ Site Plan \_\_\_\_\_ Subdivision \_\_\_\_\_

Shoreland Zoning Yes \_\_\_\_\_ No \_\_\_\_\_ Floodplain Yes \_\_\_\_\_ No \_\_\_\_\_

Special Exception \_\_\_\_\_

Other (Explain) 3-1-93

Foundation:

1. Type of Soil: \_\_\_\_\_

2. Set Backs - Front \_\_\_\_\_ Roar \_\_\_\_\_ Side(s) \_\_\_\_\_

3. Footings Size: \_\_\_\_\_

4. Foundation Size: \_\_\_\_\_

5. Other \_\_\_\_\_

Floor: - \$25 paid 7/28/92 - for building permit & appeal

1. Sills Size: \_\_\_\_\_ Sills must be anchored.

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4. Joists Size: \_\_\_\_\_ Spacing 16" O.C.

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6. Floor Sheathing Type: \_\_\_\_\_ Size: \_\_\_\_\_

7. Other Material: \_\_\_\_\_

OWNER: EDWARD J. DEPHILIPPO

Exterior Wall:

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 Tyje \_\_\_\_\_ 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

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 \_\_\_\_\_ Spacing \_\_\_\_\_

2. Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_

3. Roof Covering Type \_\_\_\_\_

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: \_\_\_\_\_ Square Footage \_\_\_\_\_

3. Must conform to National \_\_\_\_\_

PERMIT ISSUED WITH REQUIREMENTS

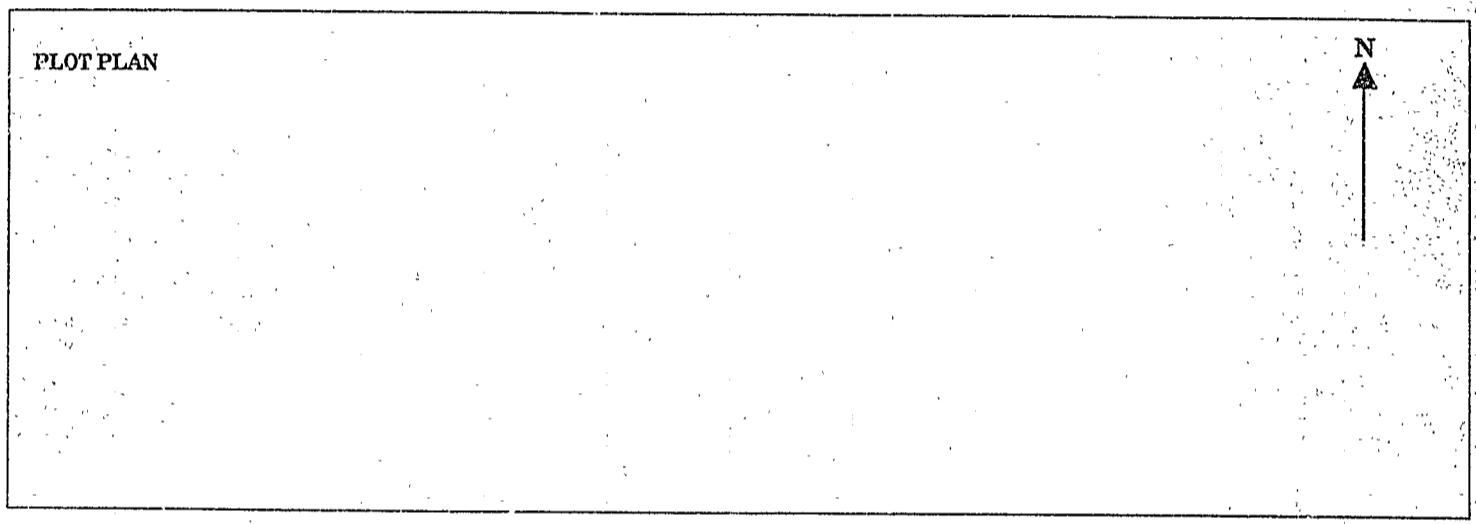
Received By Louise E. Chase

Signature of Applicant Edward J. DePhilippo Date 2/26/93

Signature of CEO James Edward J. DePhilippo Date \_\_\_\_\_

Inspection Dates \_\_\_\_\_

PLOT PLAN



FEES (Breakdown From Front)

Base Fee \$ 15

Subdivision Fee \$ \_\_\_\_\_

Site Plan Review Fee \$ \_\_\_\_\_

Other Fees \$ \_\_\_\_\_

(Explain) \_\_\_\_\_

Late Fee \$ \_\_\_\_\_

Type	Inspection Record	Date
<u>Measurements</u>		<u>11 22 93</u>
<u>Handy cap ramp does not meet Code / top steep, Building finished</u>		<u>11 18 93</u>
		<u>2 10 94</u>
<u>Close X</u>		<u>1 1</u>

COMMENTS (Told manager to cover lights in Food Prep area 2-10-94)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Applicant James A. DePhillips Date 2/26/93

BUILDING PERMIT REPORT

ADDRESS: 377 Auburn St. DATE: 3/3/93

REASON FOR PERMIT: To construct addition for refrigeration system

BUILDING OWNER: James A. Di Philippo

CONTRACTOR: " "

PERMIT APPLICANT: " "

APPROVED: \*1\*2 \*15

CONDITION OF APPROVAL:

- \* 1.) Before concrete for foundation is placed, approvals from ~~Public Works~~ and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection.)
- \* 2.) Precaution must be taken to protect concrete from freezing.
- 3.) All vertical openings shall be enclosed with construction having a fire rating of at least one(1) hour, including fire doors with self-closers.
- 4.) Each apartment shall have access to two(2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units.
- 5.) The boiler shall be protected by enclosing with one(1) hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. Sprinkler piping serving not more than six sprinklers may be connected to a domestic water supply system having a capacity sufficient to provide 0.15 gallons per minute, per square foot of floor throughout the entire area. An INDICATING shut-off valve shall be installed in an accessible location between the sprinkler and the connection to the domestic water supply. Minimum pipe size shall be 3/4 inch copper or 1 inch steel. Maximum coverage area of a residential sprinkler is 144 square feet per sprinkler.
- 6.) Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside opening without the use of separate tools. Where windows are provided as a means of egress or rescue, they shall have a sill height not more than 44 inches (1118 mm) above the floor. All egress or rescue windows from sleeping rooms must have minimum net clear openings of 5.7 square feet (0.53m<sup>2</sup>). The minimum net clear opening height dimension shall be 24 inches (610 mm). The minimum net clear opening width dimension shall be 20 inches (508 mm).
- 7.) All single and multiple-station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the building code (BOCA National Building Code 1990, and N.F.P.A. 101 Chapter 13 & 19.

(over)

8.) Private garages located beneath rooms in buildings of Use Groups R-1, R-2, R-3 or I-1 shall have walls, partitions, floors and ceilings separating the garage space from the adjacent interior spaces constructed of not less than 1-hour fireresistance rating. Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by means of 1/2-inch gypsum board or equivalent applied to the garage side. The sills of all door openings between the garage and adjacent interior spaces shall be raised not less than 4 inches (102 mm) above the garage floor. The door opening protectives shall be 1 3/4-inch solid core wood doors or approved equivalent.

9.) A guardrail system located near the open side of deck or elevated walking surfaces shall be constructed. Guards in buildings of Use Group R-3 shall be not less than 35 inches in height. Open guards shall have intermediate rails, balusters or other construction such that a sphere with a diameter of 4 inches cannot pass through any opening. Handrails on stairs shall be no less than 34 inches nor more than 38 inches. Handrails within individual dwelling units shall not be less than 30 inches nor more than 38 inches. For more detail on guards & handrails see Article 8 section 824.0 and 825.0 of the BOCA National Building Code.

10.) Section 25-135 of the Municipal Code for the City of Portland states: "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year.

11.) The builder of a facility to which Section 45f4-C of the Maine State Human Rights Act, Title 5 M.R.S.A. refers, shall obtain a certification from a design professional that the plans of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.

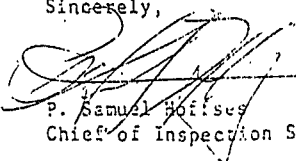
~~12.)~~ Stair construction in Use Group R-3, R-4, is a minimum of 9" tread and 8-1/4" maximum rise.

13.) Headroom in habitable spaces is a minimum of 7'6".

14.) The minimum headroom in all parts of a stairway shall not be less than 6 feet 8 inches.

\*15.) All construction and demolition debris must be disposed at the AWS by a licensed carrier or solid waste at the City's authorized reclamation site. The fee rate is attached. Proof of such disposal must be furnished to the office of Inspection Services before final certificate of occupancy is issued or demolition permit is granted.

Sincerely,

  
P. Samuel Hoopes  
Chief of Inspection Services

/el  
11/16/85-11/27/90-8/14/91-9/2/92-10/14/92

PETRUCCELLI & MARTIN

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PORTLAND, MAINE 04104-5033

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(207) 775-2300

HAND DELIVERED

February 26, 1993

Mr. William Giroux  
CITY OF PORTLAND  
Department of Building Inspection  
City Hall  
389 Congress Street  
Portland, ME

RECEIVED  
FEB 26 1993  
DEPT. OF BUILDING INSPECTION  
CITY OF PORTLAND, ME

Re: Eddie's Variety Store, 379-383 Auburn Street, Portland

Dear Mr. Giroux:

Edward DiPhilippo purchased the variety store located at 379-383 Auburn Street, Portland (corner of Jackson Street and Auburn Street) in 1950 and the DiPhilippo family ran Eddie's Variety Store from that time until the early 1970s. In 1963 the store was rebuilt from the ground up. In the mid 1970s the DiPhilippo family leased the store to another operator who has been running it since that time. During that time period, James DiPhilippo, Edward's son, has operated DiPhilippo's Olde Pancake Shoppe on Congress Street in Portland. James sold the restaurant in 1992. In the fall of this year, the Eddie's Variety lease expires and James DiPhilippo, along with his three sons, the third generation of DiPhilippos involved with Eddie's, will once again take over the day to day operation of Eddie's Variety.

Even though the Auburn Street corridor (Route Nos. 100 and 26) is peppered with commercial and business establishments in all directions and is extremely heavily travelled, Eddie's Variety is technically a non-conforming use in an R3 zone. The DiPhilippos seek a building permit to construct a wheelchair ramp at the store's entrance and to construct a 35 foot addition on the north side of the building. The addition will be just 6 feet wide at the front of the store and will gradually increase to 12 feet at the rear.

Section 14-382(c) of the Portland Code of Ordinances specifically authorizes the granting of a building permit for an

PETRUCELLI & MARTIN

Mr. William Giroux  
Page 2  
February 26, 1993

extension of a non-conforming use "for the purpose of bringing the use into compliance with the health and safety codes." The DiPhilippo family seeks to make these modifications in order to conform with the legal mandates of the Americans with Disabilities Act, Title 42 U.S.C. § 12101 et seq. (hereinafter the "ADA") and Title VII of the Civil Rights Act of 1964 as amended.

The ADA became effective January 26, 1992. Section 12182(a) provides that:

No individual shall be discriminated against on the basis of disability and the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.

Section 12182(b)(2)(A)(iv) provides that "a failure to remove architectural barriers" constitutes discrimination within the meaning of the ADA. Eddie's Variety Store is clearly a place of "public accommodation" within the definition of 42 U.S.C. § 12181(7). The ADA prohibits discrimination in public accommodations based upon a disability. In other words, individuals with one or more disabilities must be accommodated to allow them equal participation in all public accommodations. The law requires that physical facilities must be made "accessible" and physical "barriers" must be removed by January 26, 1992. The undeniably admirable goal of the Americans with Disabilities Act is to allow disabled individuals to obtain the goods and services offered to the public without the need for special assistance.

In addition, Title VII of the Civil Rights Act of 1964 was recently amended to allow disabled individuals to sue under the Civil Rights Act for job discrimination. Therefore, the owner or operator of a business can be held liable for employment discrimination if the facilities do not allow the disabled an equal opportunity for employment.

Eddie's Variety Store, as it is presently designed and laid out, simply does not afford access into, or reasonable movement in and about, for disabled or handicapped individuals including those in wheelchairs. Under the Americans with Disabilities Act and Title VII of the Civil Rights Act of 1964 as amended, the DiPhilippos, as owners and operators of Eddie's Variety, have a legal obligation to remove all physical barriers necessary to

PETRUCELLI & MARTIN

Mr. William Giroux  
Page 3  
February 26, 1993

allow the disabled equal access to the goods and services Eddie's Variety offers to the public and to give disabled individuals an equal opportunity to be employed by Eddie's Variety.

Eddie's presently has several significant physical barriers which would impede or even prohibit a handicapped individual from entering, moving about or working at the store. As an initial matter, the steps leading into the entrance of the store create a barrier. As part of the DiPhilippos' building permit application, Eddie's seeks to construct a ramp allowing accessibility to handicapped and disabled individuals including those wheelchair bound. The interior of Eddie's Variety Store is currently very small and cramped in comparison to other similar variety stores. In particular, the aisles are extremely narrow. In point of fact, some aisles are only 30 inches wide, with no aisle being more than 36 inches wide. In addition, at some corners and turning points, there is less than two feet of usable space.

By granting the building permit sought by Eddie's Variety, the DiPhilippos will be able to construct a walk-in cooler not unlike that used in most variety stores in the City of Portland. At the present time there are 13 individual coolers at various locations throughout the store. These protrude several feet into the store thus causing cramping and a shortage of space for the aisles. Simply constructing this addition would alleviate that problem by eliminating the need for these cumbersome and obtrusive individual coolers. That would free up a significant amount of additional space which would allow the store's interior to be redesigned to provide clear aisle widths of 42 inches (See regulations and guidelines promulgated under the ADA). In addition, this would free up additional space to enlarge the preparation area, thus enabling Eddie's to offer employment opportunities to disabled individuals.

The North Deering neighborhood has become increasingly populous over the last several years and there are several handicapped individuals residing in the neighborhood. The DiPhilippos and Eddie's Variety are eager to comply with the Americans with Disabilities Act and feel that they can do so with the relatively insignificant and unobtrusive modifications described above.

Eddie's Variety is bounded by Jackson Street to the northwest, Auburn Street to the west, property owned by James' father, Edward DiPhilipppo, to the south and property owned by L. Sellers to the northeast. The lot that Eddie's Variety sits on



PETRUCCELLI & MARTIN

Mr. William Giroux  
Page 4  
February 26, 1993

contains over 20,000 square feet and the abutting property owned by Edward DiPhilippo contains an additional 35,000 square feet. Combined, the two lots have 280 feet of frontage on Auburn Street, one of Portland's most heavily travelled thoroughfares, and over 145 feet of frontage on Jackson Street. Along Jackson Street there is a wall of tall hemlock trees separating the street from the variety store parking lot. The proposed addition will be in conformity with all applicable set back, density and building dimension requirements. See Portland Code of Ordinances, Section 14-90 (3-7).

The DiPhilippos and Eddie's Variety seek only to construct a ramp at the entrance of the store and to add a 35 foot long addition along the Jackson Street side of Eddie's Variety so as to allow the redesign of the store's interior to comply with federal law. As can be seen from the detailed blueprints submitted herewith, the modifications shall be constructed with the highest degree of care and quality and the appearance will be made to blend in with its surroundings. These minor changes will not interfere with any neighbor in any way. Clearly Eddie's has ample parking. Currently there is a wide variety of businesses catering to the public in all directions. Directly across Auburn Street from Eddie's Variety is a dentist's office. Directly behind the store is a day care facility.

Mr. DiPhilippo has been in touch with the only abutter and a great many people living in the neighborhood. After describing his plans, not one person has voiced a single objection or had any reservation whatsoever. In fact all have given their enthusiastic support for his efforts. James DiPhilippo has also spoken with several handicapped individuals residing in the area and each has expressed gratitude and applauded his efforts at making Eddie's Variety accessible to all people -- disabled and nondisabled. To that extent, please find attached letters of support from John DiBiase, Jeff Johnson, Pam Branfuhr, Margaret and Albert DiBiase, and Mrs. James DiPhilippo.

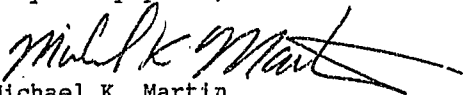
The North Deering neighborhood is one of the fastest growing neighborhoods in Portland and Eddie's Variety has been, and remains, an integral part of that neighborhood. These proposed changes will enable Eddie's Variety to offer its services to all people regardless of any physical limitations they may have. That is precisely the purpose of the Americans with Disabilities Act and Title VII of the Civil Rights Act of 1964 as amended. The DiPhilippos and Eddie's Variety welcome the opportunity to

PETRUCELLI & MARTIN

Mr. William Giroux  
Page 5  
February 26, 1993

show by example that Portland's small business community can and should comply with the mandates of federal law.

Very truly yours,



Michael K. Martin

MKM/da  
Enclosures

To Whom It May Concern:

I have just found out that Jim DiPhilippo going to be taking over Eddie's Variety on Auburn Street and is looking to expand that store and add a few amenities to bring back the old neighborhood store feeling.

One of these amenities is making the store handicapped accessible. This is a major plus for my family, as we have a wheelchair handicapped brother. The place where he stays is trying to main stream him and one of the ways they do this is by taking him to shops that are handicapped accessible and letting him make his own purchases.

Our brother remembers this store before he was confined to a wheelchair. We all have very fond memories of stopping there. The personal touch and easy accessibility will make our brother's transition to main streaming a lot easier because when he goes to a large grocery store he gets very confused and refuses to go in.

I would also like to point out that the growing elderly population in our area will also benefit from this accessibility. Going to Shaw's for just a few things is a big chore, lots of walking and noise. And most of them remember when Eddie's was Eddie's, ran by the DiPhilippos.

Please take these points into consideration when making your decisions. The old neighborhood needs Eddie's.

Sincerely,

Pam Branfar  
25 Autumn Lane  
Portland 04103  
(207) 797-9178

RECEIVED  
FEB 26 1993  
DEPT. OF BUILDING INSPECTION  
CITY OF PORTLAND, ME

To Whom It May Concern:

I am writing this letter in support of Jim Diphillippo and the revamping of Eddie's Variety on outer Auburn Street.

I remember when Jim and his Dad, Eddie, ran the store and how nice it was to go in and be recognized and given the personal touch with our purchases.

Jim mentioned that he was going to try to make the store handicapped accessible. This will be of great importance to our family as we have a wheelchair confined person in our family.

The place where our brother stays is doing everything to try to make him more independent and one of the ways they do this is by letting him go to small stores and eateries and purchase things for himself with minimal help. I know how hard it is to find these places for him and I know how confused he gets when he is exposed to large numbers of people and big spaces. Because he remembers Jim and Eddie's Variety it will be very easy to get him to practice his independence in an already familiar atmosphere.

Please consider your decisions very carefully. Bringing the sense of "Neighborhood" back to North Deering and including ALL of the neighbors is a smart decision.

Sincerely,

*Jeff Johnson*

To Whom It May Concern:

We are so glad to hear the the DiPhilippo family is going to be back at Eddle's Variety on Auburn Street. What a major plus for our area.

I remember when they did the new store front in the early seventies and what a boost it was for the neighborhood. I can almost bet that the same thing will happen when Jim DiPhilippo's addition is put through. Making the store handicapped accessible will bring a lot of elderly and people who have accessibility needs in touch with a very warm and personable family. It will bring back the confidences of those who chose to stay away from crowds but need the contact of a familiar face and an easy way to get to that contact thus keeping them in touch with the world around them.

Going to and from work down Routes 100 and 26 can be very taxing some days. Being able to stop and talk a while in a friendly little Mom and Pop store will make these days a lot brighter. But the present store needs more room to be able to create this atmosphere.

Please allow Jim DiPhilippo to expand the store. This is a progressive, healthy decision on your part and that of the DiPhilippo's. Let's show a little foresite with a yes decision.

Sincerely,

*John DiGiase*

February 11, 1993

To Whom It May Concern

My husband and I have been living in the North Deering section of Portland for approximately fifteen years. We like the idea of living in a neighborhood. We enjoy being able to bank, shop for groceries, have library facilities, dentists, service stations, bookstores, etc. within walking distance. We have been patronizing Eddie's Market on Auburn Street for many years and enjoy being able to stop in for milk, videos, Italian sandwiches and other things which we happen to need.

At the present time my husband is unable to hop at Eddie's as it is not handicapped accessible.

My husband has muscular dystrophy and now needs a wheelchair outside the house. We are making good progress in our country regarding the rights of handicapped people, and we feel it should extend to neighborhood stores where all people should have easy accessibility.

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We further feel that the enlarged store would make it easier for wheel-chair customers to move about the store. For this reason, we heartily feel that Ed-lies Market should keep up with the times and have the entrance handicapped accessible.

Margaret D. Gears  
Albert D. Gears

82 Frost Hill Rd  
Portland, ME 04103

2/25/93

To Whom It May Concern,

I am very pleased to hear of the possibility of Eddie's Variety Store becoming handicap accessible.

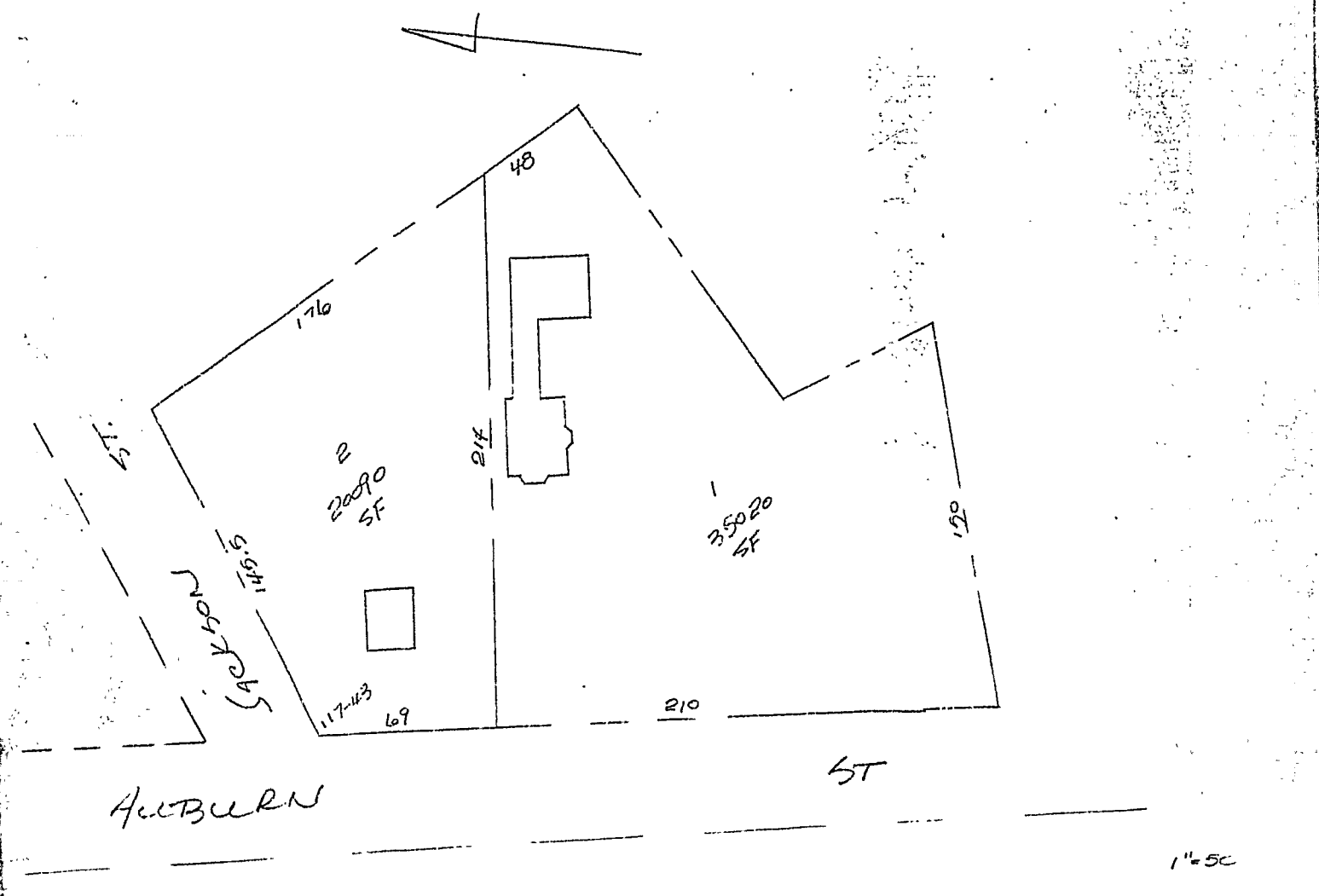
My personal experience with the disabled lies with my brother of 34 years, who is in a wheelchair. It is very, very important to him to be able to enter a store, shop around in his chair, & pay for his groceries himself. He likes feeling independent & it is great for his self-esteem. This simple, everyday event may seem unimportant to us, but it means a great deal to the disabled person.

Also, my father-in-law is handicapped, with a leg disorder. It is impossible for him to walk any distance without assistance or the aid of a crutch. It gives him the needed support & also the chance to pause & rest, if need be.

Therefore, I strongly urge you to support us in making Eddie's Variety Store handicap accessible & larger, so that the many, many, disabled people out there can patronize their friendly neighborhood store.

Mrs. Heidi McPhillips





1" = 50'