



Planning and Development Department
Zoning Board of Appeals
Conditional Use Appeal Application

Applicant Information:

DANA/FISHER, LLC
Name

Business Name

P.O. BOX 169
Address
PORTLAND, ME. 04112

207 671-5566
Telephone

207-775-0022
Fax

Applicant's Right, Title or Interest in Subject Property:

OWNER
(e.g. owner, purchaser, etc.):

Current Zoning Designation: B-1

Existing Use of Property:

VACANT / FORMER
DRINKING ESTABLISHMENT

Subject Property Information:

231 YORK STREET
Property Address

44-E-3
Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone

Fax

Conditional Use Authorized by Section 14 - 163

Type of Conditional Use Proposed:

Asking to extend the six month
limit of original approval on
November 13, 2008 meeting

Standards:

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- (a) There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- (b) There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- (c) Such impact differs substantially from the impact which would normally occur from such a use in that zone.

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

The undersigned hereby makes application for a conditional use permit as above described, and certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

[Signature]
Signature of Applicant

5/4/09
Date

MAY - 4 2009

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-chair
Deborah Rutter
Jill E. Hunter
Gordan Smith-secretary
William Getz
Sara Moppin

May 26, 2009

Tod Dana
Dana / Fisher LLC
PO Box 169
Portland, ME 04112

RE: 231 York Street
CBL: 044 E003
ZONE: B1

Dear Mr. Dana:

As you know, at the May 21, 2009 meeting, the Zoning Board voted 6-0 to grant your six month extension of the original Variance Appeal approval, on August 7, 2008.

Enclosed please find the billing for the Zoning Board Appeals legal ad and abutter's notification. Also enclosed is a copy of the board's decision. You are also required to submit a New Construction and Change of Use permit for your neighborhood restaurant. Enclosed is an application for your change of use and new construction. You have six months from the date of May 13, 2009, referenced under section 14-474 (f) to apply for the change of use, or your Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

CC: file

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1521	Applicant: Dana Fisher Llc
Project Name: 231 York St	Location: 231 YORK ST
CBL: 044 E003001	Application Type: Conditional Use Appeal
Invoice Date: 05/07/2009	

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

Previous Balance

\$0.00

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$46.00
Notices	175	\$131.25
Appeal Fee	1	\$100.00
		<u>\$277.25</u>
Total Current Fees:		+\$277.25
Total Current Payments:		-\$100.00
Amount Due Now:		\$177.25

Bill to: Dana Fisher Llc
Po Box 169
Portland , ME 04112

CBL 044 E003001
Application No: 0000-1521
Invoice Date: 05/07/2009
Invoice No: 34462
Total Amt Due: \$0.00
Payment Amount: \$100.00

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

Members Present: Philip Sancier (Chair), Gordon Smith (Sec), Peter Coyne, William Getz, Sara Moppin, Deborah Rutledge
CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS
members Absent: Jill Hurst

APPEAL AGENDA

Called to order at 6:30 pm

The Board of Appeals will hold a public hearing on Thursday, May 21, 2009 at 6:30 p.m. on the second floor in room 209 at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

1. New Business:

A. Conditional Use Appeal:

Granted
6-0
231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone:
The Zoning Board of Appeals granted a Conditional Use appeal on November 13, 2008 to Dana Fisher, LLC to have a restaurant at 231 York Street [section 14-163(a)]. The appellant is requesting a six month extension of the Conditional Use Appeal Approval that was granted while they continue to pursue their construction plans for the restaurant. Representing the appeal is the applicant, Tod Dana.

B. Variance Appeal:

Granted
6-0
231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone:
The Zoning Board of Appeals granted a Variance Appeal on August 7, 2008 to Dana Fisher, LLC to waive the required off street parking requirements for their restaurant [section 14-332(i)]. The appellant is requesting a six month extension of the Variance Appeal Approval that was granted while they pursue their construction plans for the restaurant. Representing the appeal is the applicant, Tod Dana.

2. Other Business:

3. Adjournment: 6:40 pm

Gagler
NO Tape - only a DVD

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: May 26, 2009
RE: Action taken by the Zoning Board of Appeals on May 21, 2009.

Members Present: Philip Saucier (chair), Gordon Smith (secretary), Peter Coyne, William Getz, Sara Moppin and Deborah Rutter.

Member Absent: Jill Hunter.

1. New Business:

A. Conditional Use Appeal:

231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone:

The Zoning Board of Appeals granted a Conditional Use appeal on November 13, 2008 to Dana Fisher, LLC to have a restaurant at 231 York Street [section 14-163(a)]. The appellant is now requesting a six month extension of the Conditional Use Appeal Approval that was granted while they continue to pursue their construction plans for the restaurant. Representing the appeal is the applicant, Tod Dana. **The Board voted 6-0 to grant the six month extension of the Conditional Use Appeal.**

B. Variance Appeal:

231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone:

The Zoning Board of Appeals granted a Variance Appeal on August 7, 2008 to Dana Fisher, LLC to waive the required off street parking requirements for their restaurant [section 14-332(i)]. The appellant is requesting a six month extension of the Variance Appeal Approval that was granted while they pursue their construction plans for the restaurant. Representing the appeal is the applicant, Tod Dana. **The Board voted 6-0 to grant the six month extension of the Variance Appeal.**

Enclosure:

Agenda of May 21, 2009
Original Zoning Board Decision
one dvd
CC: Joseph Gray, City Manager
Penny St. Louis Littell, Director, Planning & Urban Development
Alex Jaegerman, Planning Division
T.J. Martzial, Housing & Neighborhood Services Division

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

B-1 Neighborhood Business Zone (Restaurant):

Conditional Use Permit Extension

DECISION

Date of public hearing: May 21, 2009

Name and address of applicant: Dana/Fisher LLC
PO Box 169
Portland, ME 04112

Location of property under appeal: 231 York Street

For the Record:

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

Dana Fisher, Applicant

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

NONE

Findings of Fact and Conclusions of Law:

The applicant, Dana/Fisher LLC, is requesting a six month extension of the conditional use permit that was granted on November 13, 2008 for a property located within the B-1 zone that allows the property to be used as a restaurant. The applicant has requested an extension as they continue to pursue their construction plans, which include site plan review submittal in May and initiation of the building permit process in June. The conditional use permit granted was valid for six months and recently expired, after the property owner applied for the extension.

Standards for an extension granted pursuant to Portland City Code § 14-474(f):

1. The facts constituting the basis of the decision to grant the Conditional Use permit have not materially changed.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

testimony from Applicant that
conditions are unchanged

2. If the six month extension is granted, the total time period for the permit does not exceed two years.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

First Extension


Conclusion: (check one)

☒ Option 1: The Board finds that all of the standards described above have been satisfied, and therefore GRANTS the six month extension.

☐ Option 2: The Board finds that the all of the standards described above have been satisfied, and that certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the six month extension SUBJECT TO THE FOLLOWING CONDITIONS:

☐ Option 3: The Board finds that the standards described above have NOT all been satisfied, and therefore DENIES the extension.

Dated: 5/21/09



Board Chair

Dana/Fisher LLC

P.O. Box 169 * Portland, Maine 04112
Phone: 207-671-5566 * Fax: 207-775-0022
asiawest@aol.com

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

October 24, 2008

To The Members of The Zoning Board of Appeals:

We, Dana/Fisher LLC (a partnership between Tod Dana and Alex Fisher), have submitted an application for a "Conditional Use Appeal" to operate a restaurant at 231 York Street (formerly "The Icehouse Tavern"). We purchased this building in August, and pending the approval of our conditional use, we will submit to construct a new building on this site. Ideally, our restaurant would open in the summer of 2009.

Under Section 14-163 of the City Ordinances, a restaurant is considered a conditional use in the B-1 zone provided it meets the following requirements:

1. Maximum total floor area for use of the public shall be one thousand (1000) square feet;
2. The hours of operation shall be limited to between 6:00am and 11:00pm each day;
3. Food service and consumption are the primary function of the restaurant; and
4. There shall be no drive-through service.

Our proposed restaurant use does definitely meet the 4 requirements above. The following numbered comments relate directly to the numbered requirements above:

1. Our design for total floor area for use by the public (including bathrooms) is 996 square feet (see attached floor plan).
2. The hours of operation will be limited to between 6:00am and 11:00pm each day. We suspect that we will be open for lunch and dinner only.
3. Food service and consumption will be the primary function of the restaurant. We do intend to secure a license to serve alcohol, but our bar will be limited to 10 seats.
4. There will be no drive-through service.

The conditional use application also references three standards that the Zoning Board of Appeals considers grounds for denying an application. These are as follows:

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

In reference to the first point, we don't believe that our restaurant will differ from any other well run neighborhood restaurant in terms of "distinctive characteristics" or in its effect on the community. We whole-heartedly believe that this West End neighborhood will be significantly improved by the addition of our restaurant, much the way "The Blue Spoon" and "The Front Room" were a positive contribution to the Munjoy Hill neighborhood.

In reference to the second and third point, we can see no reason why our restaurant will have an adverse impact on the health, safety, or welfare of the community. Our restaurant team (Cheryl Lewis, Norine Kotts, Tod Dana, and Alex Fisher) has a proven track record of being conscientious and professional operators in our other business ventures (Café Always, Aurora Provisions, Portland Lobster Co., Asia West, Planet Dog). We intend to bring this same level of professionalism to this exciting restaurant project.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Tod Dana", with a stylized flourish at the end.

Tod Dana
671-5566

Dana/Fisher LLC

P.O. Box 169 * Portland, Maine 04112
Phone: 207-671-5566 * Fax: 207-775-0022
asiawest@aol.com

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

May 4, 2009

To The Members of The Zoning Board of Appeals:

We, Dana/Fisher LLC (a partnership between Tod Dana and Alex Fisher) appeared before your Board on November 13, 2008, for a Conditional Use Appeal. The Board voted 5-0 to grant our Conditional Use of the property as a restaurant. We are requesting that this decision be extended for an additional 6 months while we continue to pursue our construction plans at 231 York Street.

Our plan is to submit for Site Plan review later this month and initiate the building permit process in June.

Thank you for your consideration.

Sincerely,



Tod Dana
671-5566

Restaurant Overview:

Our restaurant plan is to partner with Cheryl Lewis and Norine Kotts, our former partners at Portland Lobster Co. and two of Maine's most respected restaurateurs. We plan to open a "fresh" Mexican restaurant (fresh ingredients, no preservatives, etc.) with approximately 35-40 seats that served lunch and dinner. We would also pursue a liquor license.

Although we would keep the original structure in tact, our plan would include an addition to the existing structure, allowing for a bright and sunny dining area on the space that is currently an outdoor patio. The décor would be traditional Mexican with bright colors, terra cotta tile, and accents of wrought iron.

Our Chef and business partner, Cheryl Lewis has been studying Mexican Cuisine for years and has developed an authentic "fresh" menu that is both healthy and delicious. The atmosphere of our restaurant will be casual and the price point will be affordable, further supporting our interest in a neighborhood restaurant that welcomes families.

Cheryl, Norine, and Tod are all residents of this West End neighborhood and have been told by several excited neighbors that the proposed restaurant will be a welcomed arrival, given the history and problems with the former establishment.

Below are brief bios of the 4 partners:

Tod Dana: Current owner/founder of Asia West; Former owner/founder of Portland Lobster Company; Former Board President of Rippleffect.

Alex Fisher: Current owner/founder of Planet Dog; Former owner/founder of Portland Lobster Company; Founder of Planet Dog Philanthropy.

Cheryl Lewis: Former owner/founder of Café Always; Former owner/founder of Aurora Provisions; Executive Chef and Consultant for Stonewall Kitchen; Executive Chef and Consultant for Black Point Inn. Executive Food/Management Consultant for various businesses, including Portland Lobster Company.

Norine Kotts: Former owner/founder of Café Always; Former owner/founder of Aurora Provisions; Executive Consultant for Stonewall Kitchen; Executive Consultant for Black Point Inn; Executive Food/Management Consultant for various businesses, including Portland Lobster Company.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-sec
Deborah Rutter
Jill E. Hunter
Gordan Smith
William Getz

November 17, 2008

Tod Dana
Dana / Fisher LLC
PO Box 169
Portland, ME 04112

RE: 231 York Street
CBL: 044 E003
ZONE: B1

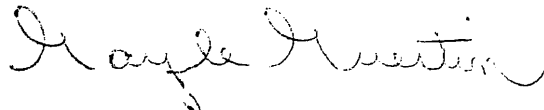
Dear Mr. Dana:

As you know, at the November 13, 2008 meeting, the Zoning Board voted 5-0 to grant your Conditional Use Appeal.

Enclosed please find the billing for the Zoning Board Appeals legal ad and abutter's notification; also a copy of the board's decision. You are also required to submit a Change of Use permit for your neighborhood restaurant. Enclosed is an application for your change of use. You have six months from the date of this letter, referenced under section 14-474 (f) to apply for the change of use, or your Zoning Board approval will expire.

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

CC: file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA DECISION

The Board of Appeals will hold a public hearing on Thursday, November 13, 2008 at 6:30 p.m. on the second floor, Room 209, City Hall, 389 Congress Street, Portland, Maine to hear the following appeals:

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: October 3, 2008

RE: Action taken by the Zoning Board of Appeals on October 2, 2008.

The meeting was called to order at 6:35pm.

Roll call as follows: **Members Present:** Philip Saucier, Gordon Smith, Deborah Rutter, William Getz, Peter Coyne and Jill Hunter.

Members Absent: None

1. Old Business

A. Conditional Use Appeal:

231 York Street, Dana Fisher, LLC, owners, Tax Map #044, Block E, Lot #3 in the B-1 Business Zone: The appellant is seeking a Conditional Use Appeal under Section 14-163 of the City of Portland Zoning Ordinance. The appellant is requesting a change of use from a drinking establishment to a neighborhood restaurant. The Board continued this request on August 7, 2008 allowing the appellant to complete drawings of the new establishment. Representing the appeal for the owner is Tod Dana, a principal of the LLC. **The Board voted 5-0 to grant the Conditional Use Appeal. Gordon Smith recused himself – his law firm represented the appellant in the purchase of this property.**

2. New Business:

A. Conditional Use Appeal:

45-47 Maplewood Street, Konrad and Brigitte Gilardi, owners, Tax Map # 344, Block B, Lot #002, in the R-5 Residential Zone: The appellant is seeking a Conditional Use Appeal under Section 14-118 (c) 3 of the City of Portland Zoning Ordinance. The appellant is requesting a change the use from two (2) family dwelling units to one (1) family dwelling unit with a daycare for up to 12 children. Representing the appeal is the owner. **The Board voted 6-0 to grant the Conditional Use Appeal.**

B. Interpretation Appeal:

38 Torrington Avenue, Peaks Island, Richard and Patricia Ashton, owners, Tax Map #084 Block S Lot 006 in the IR-2 Island Residential Zone: The appellants are abutters and neighbors who are seeking an Interpretation Appeal concerning the issuance of a recent building permit (#08-1166) for 38 Torrington Avenue allowing an expansion of an existing single family, disputing sections 14-436, 14-449 and 14-47 of the Land Use Zoning Ordinance. Representing the appeal for the applicants is Jonathan L. Goldberg, Esq. **The Board voted 6-0 to deny the Interpretation Appeal.**

in Getz
Hunt
Sullivan - chair
Smith
Gordon

Robert Turner
Peter Coyne - acting secretary

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

B-1 Neighborhood Business Zone (Restaurant):

Conditional Use Appeal

DECISION

Date of public hearing: November 13, 2008

Name and address of applicant: Dana/Fisher LLC
PO Box 169
Portland, ME 04112

Location of property under appeal: 231 York Street

For the Record:

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

Todd Denz
PO Box 169
Portland, ME 04112

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

Findings of Fact and Conclusions of Law:

The applicant, Dana/Fisher LLC, is requesting a conditional use permit for a property located within the B-1 zone, in order to use the property as a restaurant. The applicant is under contract to purchase the property, which currently contains a drinking establishment, which is a legal non-conforming use of the property.

A. Conditional Use Standards pursuant to Portland City Code §14-163(a):

1. The use applied for is a restaurant, i.e., a food service establishment with indoor seating capacity for ten (10) or more patrons.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts: Testimony by applicant

2. Maximum total floor area for use of the public shall be one thousand (1,000) square feet.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts: Architect's plans stated in testimony

3. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts: Testimony by applicant

4. Food service and consumption are the primary function of the restaurant.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts: 15 seats @ bar vs 49 sit-down
seats

5. There shall be no drive-through service.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts: Testimony

6. The use will generate no more than 100 peak hour vehicle trips per 2000 sq. ft. of space. (Note: the city traffic engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 peak hour vehicle trips.)

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts: Testimony, type of restaurant

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

Yes ☐

No ☒

Reason and supporting facts: Similar to any similar use

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes ☐

No ☒

Reason and supporting facts: Testimony, limited traffic, size of restaurant

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes ☐

No ☒

Reason and supporting facts: Similar to any similar use

Conclusion: (check one)

☒ Option 1: The Board finds that all of the standards (1 through 6) described in section A above have been satisfied and that not all of the conditions (1 through 3) described in section B above are present, and therefore GRANTS the application.

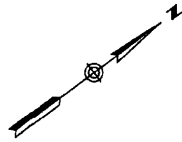
☐ Option 2: The Board finds that the all of the standards (1 through 6) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

☐ Option 3: The Board finds that the standards (1 through 6) described in section A above have NOT all been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Dated:

11/13/08


Board Chair



DANFORTH STREET

SALEM STREET

DPW GPS CONTROL POINT
T124-27-1287
N 297086.519
E 2927405.726

TM 44 LOT E6
N/F
MARY RITA NOONAN
4038/6



LOCATION MAP N.T.S.

PLAN REFERENCE

1. SURVEY FOR ELIAS THOMAS ON APRIL 1913 BY E.C. JORDAN & CO.
2. PLAN OF BRACKETT STREET SHEET NO. 1 OF 3, E.C. JORDAN FILE # 294.

BRACKETT STREET
PAVED - PUBLIC 50' WIDE

DPW GPS CONTROL POINT
T124-27-1284
N 296925.493
E 2927705.887

GRANITE VAULT

TBM
PKS UP #27
EL=75.27

YORK STREET
PAVED - PUBLIC 66' WIDE

TM 44 LOT E2
N/F
STEPHEN OLIVER
24553/302

NOTES

1. OWNER OF RECORD: BERNARD L. ORNE
TM 44 LOT E3
14547/161
2. BEARINGS ARE BASED ON MAINE STATE PLANE WEST ZONE, NAD 83.
3. ELEVATIONS ARE BASED ON NGVD 29.
4. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION.

LEGEND:

- IRON PIPE OR ROD FOUND
- GAS VALVE
- WATER VALVE
- UTILITY POLE
- MANHOLE
- SIGN
- FENCE
- CURB
- OVERHEAD UTILITIES
- 1' CONTOUR

GRAPHIC SCALE



CERTIFICATION:

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

10/2/08
DATE

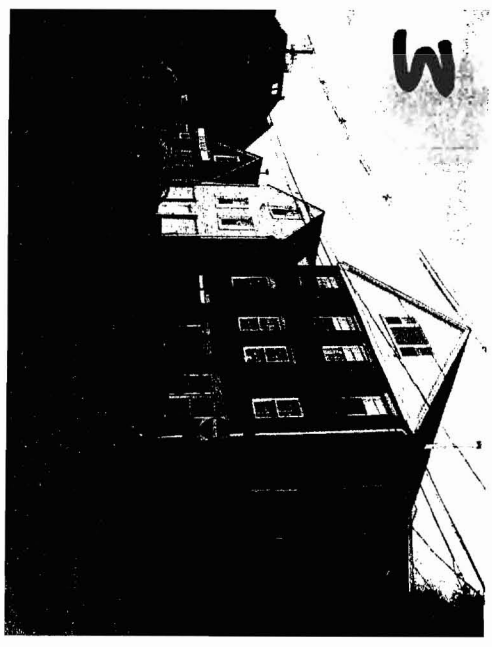
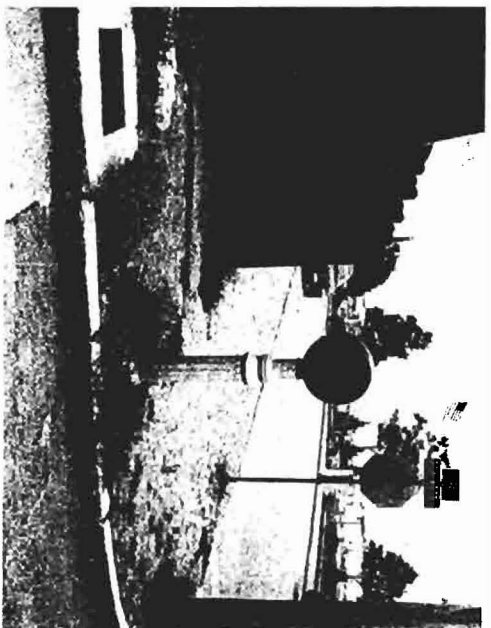
BOUNDARY & TOPOGRAPHIC SURVEY

ON
YORK AND BRACKETT ST. PORTLAND, MAINE
MADE FOR
DANA FISHER LLC
P.O. BOX 169 PORTLAND, MAINE 04112

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS

Drawn By	RRL	Date	SEPTEMBER 15, 2008	Job No.	2008-158 P
Trace By	RWC	Scale	1" = 10'	Drawn No.	1
Check By	JWS				
Book No.	1081				





WARRANTY DEED

3

4

KNOW ALL MEN BY THESE PRESENTS, that I, Bernard L. Orne, now of Windham, County of Cumberland, State of Maine,

in consideration of one dollar (\$1.00) and other valuable considerations

paid by Dana Fisher, LLC, a Maine limited liability company, with principal place of business at Portland, County of Cumberland, State of Maine, whose mailing address is P.O. Box 169, Portland, Maine 04112,

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the aforesaid Dana Fisher, LLC, its successors and assigns forever,

that realty located 231 York Street in Portland, County of Cumberland, State of Maine, more particularly described and set forth in Exhibit A, which is attached hereto and made a part hereof.

Being the same premises as those described in a deed recorded in the Cumberland County Registry of Deeds at Book 14547, Page 161.

And I, the aforesaid Bernard L. Orne, do covenant with the aforesaid Grantee, its successors and assigns, that I am lawfully seised in fee of the premises; that they are free of all encumbrances; that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to the aforesaid Grantee, its heirs and assigns forever, against the lawful claims and demands of all persons.

To have and to hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Dana Fisher, LLC, its successors and assigns, to their own use and behoof forever.

IN WITNESS WHEREOF, I, the aforesaid Bernard L. Orne, relinquishing and conveying all rights by descent and all other rights to the above described premises, have hereunto set my hand and seal this 13th day of August, 2008.

Signed, Sealed and Delivered
in the presence of

David S. Turley

Bernard L. Orne
Bernard L. Orne

STATE OF MAINE
COUNTY OF CUMBERLAND

August 13, 2008

Personally appeared before me the above-named Bernard L. Orne and acknowledged
the foregoing instrument to be his free act and deed.

David S. Turley Esq
Notary Public/Attorney at Law
David S. Turley, Esq
Bar Reg # 1926

CITY OF PORTLAND, MAINE
Zoning Board of Appeals

Zoning Board of Appeals Committee

DATE: 5/21/2009
TIME: 6:30:00 PM
LOCATION: 389 Congress Street

AGENDA

- 1 A. Conditional Use Appeal: 231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone: The Zoning Board of Appeals granted a Conditional Use appeal on November 13, 2008 to Dana Fishman, LLC to have a restaurant at 231 York Street [section 14-163(a)]. The appellant is requesting a six month extension of the Conditional Use Appeal Approval that was granted while they continue to pursue their construction plans for the restaurant. Representing the appeal is the applicant, Tod Dana.
- 1 B. Variance Appeal: 231 York Street, Dana Fisher, LLC, owner, Tax Map 044 , Block E, Lot 003, B-1 Zone: The Zoning Board of Appeals granted a Variance Appeal on August 7, 2008 to Dana Fishman, LLC to waive the required off street parking requirements for their restaurant [section 14-332(i)]. The appellant is requesting a six month extension of the Variance Appeal Approval that was granted while they pursue their construction plans for the restaurant. Representing the appeal is the applicant, Tod Dana.



City of Portland Zoning Board of Appeals

May 13, 2009

Todd Dana
Dana / Fisher, LLC
PO Box 169
Portland, Maine 04112

Dear Appellant,

Your Conditional Use Appeal has been scheduled to appear before the Zoning Board of Appeals on **Thursday, May 21, 2009 at 6:30 p.m.** on the second floor room #209 of City Hall.

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

I have included an agenda with your appeal highlighted, as well as the procedures of the meeting for you to familiarize yourself.

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

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

Please feel free to contact me at 207-874-8701 if you have any questions.

Sincerely,

Gayle Guertin
Office Assistant

Cc: File

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

INVOICE FOR FEES

Application No:	0000-1521	Applicant:	Dana Fisher Llc
Project Name:	231 York St	Location:	231 YORK ST
CBL:	044 E003001	Application Type:	Conditional Use Appeal
Invoice Date:	05/07/2009		

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

Previous Balance

\$0.00

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$46.00
Notices	175	\$131.25
Appeal Fee	1	\$100.00
		<u>\$277.25</u>
Total Current Fees:		+ \$277.25
Total Current Payments:		- \$100.00
Amount Due Now:		\$177.25

Bill to: Dana Fisher Llc
Po Box 169
Portland , ME 04112

CBL 044 E003001
Application No: 0000-1521
Invoice Date: 05/07/2009
Invoice No: 34462
Total Amt Due: \$0.00
Payment Amount: \$100.00

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

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, May 21, 2009 at 6:30 p.m. on the second floor in room 209 at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

1. New Business:

A. Conditional Use Appeal:

231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone:

The Zoning Board of Appeals granted a Conditional Use appeal on November 13, 2008 to Dana Fishman, LLC to have a restaurant at 231 York Street [section 14-163(a)]. The appellant is requesting a six month extension of the Conditional Use Appeal Approval that was granted while they continue to pursue their construction plans for the restaurant. Representing the appeal is the applicant, Tod Dana.

B. Variance Appeal:

231 York Street, Dana Fisher, LLC, owner, Tax Map 044 , Block E, Lot 003, B-1 Zone:

The Zoning Board of Appeals granted a Variance Appeal on August 7, 2008 to Dana Fishman, LLC to waive the required off street parking requirements for their restaurant [section 14-332(i)]. The appellant is requesting a six month extension of the Variance Appeal Approval that was granted while they pursue their construction plans for the restaurant. Representing the appeal is the applicant, Tod Dana.

2. Other Business:

3. Adjournment:

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
043 B003001	CARDONA MARY KATHERINE	25 TATE ST PORTLAND , ME 04102	194 YORK ST	1
043 B004001	STATE OF MAINE STATE HOUSE STATION 16	AUGUSTA, ME 04333	192 YORK ST	1
043 B005001	STATE	AUGUSTA, ME 04333	182 YORK ST	1
043 D006001	MAINE CENTRAL RAILROAD CO % GUILFORD TRANSPORTATION	402 AMHERST ST STE 300 NASHUA, NH 03063	466 COMMERCIAL ST	1
043 E001001	PORTLAND TERMINAL CO	IRON HORSE PARK NORTH BILLERICA, MA 01862	513 COMMERCIAL ST	1
043 E002001	PORTLAND TERMINAL CO	IRON HORSE PARK NORTH BILLERICA, MA 01862	501 COMMERCIAL ST	1
043 E003001	STATE OF MAINE STATE HOUSE STATION 16	AUGUSTA, ME 04333	481 COMMERCIAL ST	1
043 E005001	STATE	AUGUSTA, ME 04333	14 STATE ST	1
043 E007001	STATE	AUGUSTA, ME 04333	523 COMMERCIAL ST	1
043 E008001	PORTLAND TERMINAL CO	IRON HORSE PARK NORTH BILLERICA, MA 01862	469 COMMERCIAL ST	1
043 E010001	STATE OF MAINE DEPT OF TRANS.ATTN F	2 CHILD ST AUGUSTA, ME 04333	493 COMMERCIAL ST	1
044 C001001	BAYE AYESHA	45 BURNHAM ST PORTLAND , ME 04102	22 STATE ST	2
044 C002001	GRUBE COLLETTE C	1210 HOOKSTON RD CONCORD , CA 94518	24 STATE ST	3
044 C003001	BAYE AYESHA	45 BURNHAM ST PORTLAND , ME 04102	YORK ST	1
044 C004001	LEAPING FISH LLC	377 CUMBERLAND AVE PORTLAND , ME 04101	193 YORK ST	5
044 C006001	FRESH FISH LLC	377 CUMBERLAND AVE PORTLAND , ME 04101	25 TYNG ST	1
044 C006025	FRESH FISH LLC	377 CUMBERLAND AVE PORTLAND , ME 04101	25 TYNG ST	1
044 C006027	FRESH FISH LLC	377 CUMBERLAND AVE PORTLAND , ME 04101	27 TYNG ST	1
044 C006029	FRESH FISH LLC	377 CUMBERLAND AVE PORTLAND , ME 04101	29 TYNG ST	1
044 C007001	TOWLE GEORGE F	52 CONTINENTAL DR PORTLAND, ME 04103	26 STATE ST	4
044 C008001	PRICE JAMES H	5279 ISLA KEY BLVD S # 309 ST PETERSBURG , FL 33715	32 STATE ST	8
044 C009001	HULL LINDA B	31 TYNG ST # 1 PORTLAND , ME 04102	31 TYNG ST	1
044 C009002	SPINELLA RONALD J & CHRISTINE L SPINELLA JTS	377 CUMBERLAND AVE PORTLAND , ME 04101	31 TYNG ST	1
044 C009003	SAWYER DANA & STEPHANI BRIGGS	31 TYNG ST # 3 PORTLAND , ME 04102	31 TYNG ST	1
044 C012001	PROMENADE PROPERTIES LLC	PMB 384 PO BOX 9715 PORTLAND, ME 04102	TYNG ST	1
044 C013001	LOW INCOME PROPERTIES LLC & MGO PROPERTIES LLC	50 MARKET ST # 299 SOUTH PORTLAND , ME 04106	36 STATE ST	21
044 C015001	PROMENADE PROPERTIES LLC	PMB 144 PO BOX 9715 PORTLAND, ME 04104	39 TYNG ST	7
044 C016001	CROSS GILBERT M WWII VET & PATRICIA A JTS	42 STATE ST #1 PORTLAND, ME 04101	42 STATE ST	1
044 C016002	SCHERTZ DAVID L & AMBER J SCHERTZ JTS	42 STATE ST # 2 PORTLAND, ME 04101	42 STATE ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
044 C016003	CARUSO DAVID A	42 STATE ST # 3 PORTLAND , ME 04101	42 STATE ST	1
044 C017001	CARDONE LORRAINE L & DOROTHY T JTS	45 TYNG ST PORTLAND, ME 04102	45 TYNG ST	2
044 C019001	HELLER NICHOLAS & JOSEPHINE CONTE JTS	47 TYNG ST PORTLAND, ME 04102	47 TYNG ST	1
044 C020001	PENFIELD NICHOLAS H	48 STATE ST # 1 PORTLAND , ME 04101	48 STATE ST	1
044 C020002	MCNEIL DONNA M	48 STATE ST # 2 PORTLAND , ME 04101	48 STATE ST	1
044 C020003	WOOD WENDY W	48 STATE ST # 3 PORTLAND , ME 04101	48 STATE ST	1
044 C020004	ADOLPHSON LUCY C	48 STATE ST # 4 PORTLAND , ME 04101	48 STATE ST	1
044 C020021	PRICE ANDREW R & MAURA M PRICE	29 JUNE ST PORTLAND , ME 04102	48 STATE ST	1
044 C020022	TARTRE ANN P	614 A ST ENCINITAS , CA 92024	48 STATE ST	1
044 C020023	FOX ISADORE	48 STATE ST # 23 PORTLAND , ME 04101	48 STATE ST	1
044 C020024	CUTTER MARK W	48 STATE ST # 24 PORTLAND , ME 04101	48 STATE ST	1
044 C020031	MAUSHART DONNA M & BRADFORD S MAUSHART JTS	P.O.BOX 3042 KENNEBUNKPORT, ME 04046	48 STATE ST	1
044 C020032	HOFFMAN DONALD J & JACQUELINE L HOFFMAN JTS	531 LAHM CIR DAYTON , OH 45433	48 STATE ST	1
044 C020033	CARR RANDAL L & DEBORAH MEIER CARR JTS	CMR 480 BOX 1450 APO , AE 09128	48 STATE ST	1
044 C020034	TALSMA JOEL & STACEY PIERCE TALSMA JTS	48 STATE ST # 34 PORTLAND , ME 04101	48 STATE ST	1
044 C021001	BIGELOW GEORGE E	51 TYNG ST PORTLAND , ME 04102	51 TYNG ST	2
044 C022001	TAMIR S SHAWN	PO BOX 15391 PORTLAND , ME 04112	52 STATE ST	1
044 C022002	TAMIR SHAWN	PO BOX 15391 PORTLAND , ME 04112	52 STATE ST	1
044 C022003	POITRAS JENNIFER	52 STATE ST # 3 PORTLAND , ME 04101	52 STATE ST	1
044 C023001	FORTIER JAMIE T	53 TYNG ST PORTLAND, ME 04102	53 TYNG ST	3
044 C024001	FORESTATE ASSOCIATES LLC	ONE CITY CENTER PORTLAND , ME 04101	54 STATE ST	7
044 C025001	VALORIANI ROBERT J	57 TYNG ST PORTLAND, ME 04102	57 TYNG ST	1
044 C027001	MORRISON PROPERTIES LLC	PO BOX 25 A CUMBERLAND CENTER , ME 04021	156 DANFORTH ST	5
044 C028001	MORRISON PROPERTIES LLC	PO BOX 25 A CUMBERLAND CENTER , ME 04021	158 DANFORTH ST	1
044 C030001	CARDONE DOROTHY T & LORRAINE L CARDONE JTS	45 TYNG ST PORTLAND, ME 04102	43 TYNG ST	1
044 D006001	GUTGSELL MICHAEL S & NANETTE D GUTGSELL JTS	32 TYNG ST # 2 PORTLAND , ME 04102	32 TYNG ST	1
044 D008001	GUTGSELL MICHAEL S & NANETT D GUTGSELL JTS	32 TYNG ST # 2 PORTLAND , ME 04102	34 TYNG ST	1
044 D009001	MATTOZZI DOMENICO & BONNIE	PO BOX 486 NEW HARBOR , ME 04554	9 TATE ST	2
044 D010001	FAY MARTHA	8 MARINE AVE CAMDEN , ME 04843	36 TYNG ST	2

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
044 D011001	MARLOWE DANIEL P	13 TATE ST PORTLAND, ME 04102	13 TATE ST	2
044 D012001	VITALIUS SHANE R	42 TYNG ST PORTLAND, ME 04102	42 TYNG ST	2
044 D013001	CARDONA MARY K	25 TATE ST #1 PORTLAND, ME 04102	25 TATE ST	1
044 D013002	KOWTKO BRIAN A & JENNIFER L KOWTKO JTS	23 TATE ST # 2 PORTLAND, ME 04102	23 TATE ST	1
044 D013003	MACGREGOR JENNIFER A & LEWIS ROBERT RICHARDS JTS	19 TATE ST # 3 PORTLAND, ME 04102	19 TATE ST	1
044 D013004	WADSWORTH ROBERT L & DONNA M JTS	17 TATE ST #4 PORTLAND, ME 04102	17 TATE ST	1
044 D016001	PALEY DEBORAH C & DAVID H HULBERT JTS	48 TYNG ST PORTLAND, ME 04102	48 TYNG ST	1
044 D019001	WILDER BETTY ANN	54 TYNG ST PORTLAND, ME 04102	54 TYNG ST	1
044 D020001	HABITAT FOR HUMANITY PORTLAND INC	PO BOX 10505 PORTLAND, ME 04104	TATE ST	1
044 D022001	MORRISON PROPERTIES LLC	PO BOX 25 A CUMBERLAND CENTER, ME 04021	56 TYNG ST	1
044 D023001	ORRIS PROPERTIES LLC	7 HIGHMEADOW DR GORHAM, ME 04038	31 TATE ST	1
044 D024001	ORRIS PROPERTIES LLC	7 HIGHMEADOW DR GORHAM, ME 04038	33 TATE ST	1
044 D025001	MORRISON PROPERTIES LLC	PO BOX 25 A CUMBERLAND CENTER, ME 04021	58 TYNG ST	1
044 D026001	O'DONNELL DAVID M	178 CONGRESS ST PORTLAND, ME 04101	35 TATE ST	3
044 D027001	MORRISON PROPERTIES LLC	PO BOX 25 A CUMBERLAND CENTER, ME 04021	62 TYNG ST	1
044 D029001	HONAN WILLIAM E	164 DANFORTH ST PORTLAND, ME 04102	164 DANFORTH ST	4
044 D031001	LEVANDOWSKI MICHAEL T & ANDREW A FLAKE	PO BOX 398 VINEYARD HAVEN, MA 02568	168 DANFORTH ST	3
044 D032001	REDLON REBECCA J	172 DANFORTH ST PORTLAND, ME 04102	172 DANFORTH ST	3
044 D033001	BEECHER KATHLEEN H & ELIZABETH A BEECHER	272 SEASHORE AVE PEAKS ISLAND, ME 04108	50 TYNG ST	3
044 E001001	SHELTON PAMELA WAKEFIELD	225 YORK ST # 1 PORTLAND, ME 04102	225 YORK ST	1
044 E001002	THORNTON PATRICK D	225 YORK ST # 2 PORTLAND, ME 04102	225 YORK ST	1
044 E001003	GAYDOS TIMOTHY J	PO BOX 9108 PATTERSON, NJ 07509	225 YORK ST	1
044 E001004	FILIPPONE MICHELLE M & ANTHONY V FILIPPONE JTS	225 YORK ST # 4 PORTLAND, ME 04102	225 YORK ST	1
044 E002001	OLIVER STEPHEN	227 YORK ST PORTLAND, ME 04102	227 YORK ST	1
044 E003001	DANA FISHER LLC	PO BOX 169 PORTLAND, ME 04112	231 YORK ST	2
044 E004001	MEUSE-HAYDEN BARBARA & ALICE M MEUSE LIFE INTEREST	12 TATE ST PORTLAND, ME 04102	12 TATE ST	2
044 E006001	NOONAN MARY RITA	31 BRACKETT ST PORTLAND, ME 04102	31 BRACKETT ST	2
044 E008001	SILVERS STUART J & DOROTHY SILVERS JTS	35 BRACKETT ST PORTLAND, ME 04102	35 BRACKETT ST	1
044 E009001	MACLEOD ALEXANDER B	14 TATE ST PORTLAND, ME 04102	14 TATE ST	2

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
044 E010001	WHITE SHOSHANNAH	39 BRACKETT ST PORTLAND, ME 04102	39 BRACKETT ST	2
044 E011001	MAGANA TRANSITO	16 TATE ST PORTLAND, ME 04102	16 TATE ST	2
044 E012001	CLARK JOHN M	41 BRACKETT ST PORTLAND, ME 04102	41 BRACKETT ST	2
044 E013001	VINEY FRANKLIN W VN VET TD	20 TATE ST PORTLAND, ME 04102	18 TATE ST	2
044 E014001	POHL LESLIE N & ROBERT R FISKE JTS	45 BRACKETT ST APT 2 PORTLAND, ME 04102	45 BRACKETT ST	3
044 E015001	SCOTT MEREALD E & SANDRA L JTS	22 TATE ST PORTLAND, ME 04102	22 TATE ST	1
044 E016001	YANKOWSKY RICHARD A KW VET	47 BRACKETT ST PORTLAND, ME 04102	47 BRACKETT ST	2
044 E017001	SCOTT MEREALD E SR & SANDRA L JTS	22 TATE ST PORTLAND, ME 04102	TATE ST	1
044 E018001	NILES STEPHEN M & HOLLY J SHEEHAN JTS	231 MAINE AVE PORTLAND, ME 04103	49 BRACKETT ST	2
044 E019001	SCOTT MEREALD E SR & SANDRA L JTS	22 TATE ST PORTLAND, ME 04102	TATE ST	1
044 E020001	HARDEN SUSANNAH	51 BRACKETT ST PORTLAND, ME 04102	51 BRACKETT ST	1
044 E021001	PORTER J FREEMAN	15 BALLARD ST SOUTH PORTLAND, ME 04106	55 BRACKETT ST	6
044 E023001	PORTER J FREEMAN	15 BALLARD ST SOUTH PORTLAND, ME 04106	59 BRACKETT ST	6
044 E024001	HOBLER EDWARD A & DAVID GARRITY JTS	174 DANFORTH ST PORTLAND, ME 04102	174 DANFORTH ST	2
044 E025001	HOBLER EDWARD A & DAVID J GARRITY JTS	174 DANFORTH ST PORTLAND, ME 04102	176 DANFORTH ST	4
044 E026001	NAPOLITANO TIMOTHY A	PO BOX 2301 SOUTH PORTLAND, ME 04116	180 DANFORTH ST	10
044 E027001	DUEST DAVID W JR	53 BRACKETT ST PORTLAND, ME 04102	53 BRACKETT ST	1
057 K004001	CARROLL CHRISTOPHER S & ROBIN BOWMAN	PO BOX 5 BAR MILLS, ME 04004	198 DANFORTH ST	1
057 K005001	ROSENTHAL VICTORIA A	PO BOX 11 CUMBERLAND CENTER, ME 04021	196 DANFORTH ST	3
057 K006001	CHANDLER GRETE L	194 DANFORTH ST PORTLAND, ME 04102	194 DANFORTH ST	4
057 K007001	HAWKES PETER B & ELIZABETH B JTS	192 DANFORTH ST PORTLAND, ME 04102	192 DANFORTH ST	2
057 K008001	FINK ARTHUR J	10 NEW ISLAND AVE PEAKS ISLAND, ME 04108	190 DANFORTH ST	3
057 K009001	THOMSEN THOMAS W	188 DANFORTH ST PORTLAND, ME 04102	188 DANFORTH ST	4
057 K011001	MCPHEETERS ANNE M & MEREDITH L JOHNSON JTS	62 BRACKETT ST PORTLAND, ME 04102	14 HAMLIN CT	2
057 K012001	WILEY PHYLLIS M	62 BRACKETT ST PORTLAND, ME 04102	64 BRACKETT ST	3
057 K013001	DAVIS KEVIN H & MARK C MICHAEL	81 LEGRAND DR CAMDEN, ME 04843	57 CLARK ST	3
057 K014001	MILLER ROSEMARY	27 SALEM ST PORTLAND, ME 04102	27 SALEM ST	1
057 K015001	MULQUEENEY DAVID	31 NEW RD SCARBOROUGH, ME 04074	19 SALEM ST	3
057 K016001	SOBEL SHARI R	17 SALEM ST PORTLAND, ME 04102	17 SALEM ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
057 K017001	COYNE PETER M TRUSTEE	11 SALEM ST PORTLAND, ME 04102	11 SALEM ST	2
057 K018001	MARPLE KEITH B & YIN T TUNG AU JTS	7 SALEM ST PORTLAND, ME 04102	7 SALEM ST	3
057 K019001	CLOWES ELIZABETH DABROSKY	5 SALEM ST PORTLAND, ME 04102	5 SALEM ST	1
057 K020001	FOX STEPHEN H	20 SCHOOL ST PORTLAND, ME 04102	60 BRACKETT ST	3
057 K021001	KIDDER HOLLY M	56A BRACKETT ST PORTLAND, ME 04102	3 SALEM ST	3
057 K023001	FOLEY MICHAEL B	15 SALEM ST PORTLAND, ME 04102	15 SALEM ST	1
057 K024001	PAREKH RAHUL	184 D ADA AVE MOUNTAIN VIEW, CA 94043	21 SALEM ST	3
057 K025001	MILOSE RUTH HEIRS	64 1/2 BRACKETT ST R PORTLAND, ME 04102	10 HAMLIN CT	2
058 A024001	COYNE JO ELLEN	36 SALEM ST PORTLAND, ME 04102	36 SALEM ST	1
058 A026001	ELLIS STEVEN	PO BOX 201 GORHAM, ME 04038	44 CLARK ST	1
058 A027001	RICHARD BRENDA D & DAVID M RICHARD JTS	42 CLARK ST # 1 PORTLAND, ME 04102	42 CLARK ST	1
058 A027002	MACVANE HEATH R & CASEY Z MACVANE JTS	42 CLARK ST # 2 PORTLAND, ME 04102	42 CLARK ST	1
058 A027003	ALLEN DONALD D JR	42 CLARK ST # 3 PORTLAND, ME 04102	42 CLARK ST	1
058 A027004	MURPHY JEAN M & RICHARD W MURPHY JTS	164 N HIGH ST BRIGHTON, ME 04009	42 CLARK ST	1
058 A028001	MUSHIAL ERIK & CAITLIN J MUSHIAL JTS	36 CLARK ST PORTLAND, ME 04102	36 CLARK ST	1
058 A029001	GRAHAM LANI TRUSTEE	PO BOX 10368 PORTLAND, ME 04104	32 CLARK ST	3
058 A031001	DALE ELIZABETH GIESE C/O W NORRIS DALE JR	40 SALEM ST PORTLAND, ME 04102	39 SUMMER ST	1
058 B001001	GRAEF ROSANNE H	30 SALEM ST PORTLAND, ME 04102	30 SALEM ST	2
058 B002001	WOLTERSTORFF ROBERT P & MARI M JONES JTS	24 SALEM ST PORTLAND, ME 04102	24 SALEM ST	1
058 B003001	BESSIRE MARK H C & AIMEE H C BESSIRE JTS	20 SALEM ST PORTLAND, ME 04102	20 SALEM ST	1
058 B004001	MORAN CATHERINE E	18 SALEM ST PORTLAND, ME 04102	16 SALEM ST	1
058 B005001	PORTER J FREEMAN	15 BALLARD ST SOUTH PORTLAND, ME 04106	12 SALEM ST	3
058 B006001	PORTER J FREEMAN	15 BALLARD ST SOUTH PORTLAND, ME 04106	8 SALEM ST	9
058 B007001	PEOPLES REGIONAL OPPORTUNITY PROGRAM	510 CUMBERLAND AVE PORTLAND, ME 04101	46 BRACKETT ST	5
058 B008001	SHALOM HOUSE	1 PLEASANT ST PORTLAND, ME 04101	42 BRACKETT ST	16
058 B010001	VILLANI ALLISON M	43 CLARK ST PORTLAND, ME 04102	43 CLARK ST	1
058 B011001	RAMSAY JANE W	5 MAIN ST NOBLEBORO, ME 04555	39 CLARK ST	2
058 B012001	GRANT JUSTIN M	33 CLARK ST PORTLAND, ME 04102	33 CLARK ST	3
058 B013001	WEYAND RACHAEL E & SETH S HARKNESS JTS	25 SUMMER ST PORTLAND, ME 04102	25 SUMMER ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
058 B014001	EVANS PETER W	21 SUMMER ST PORTLAND , ME 04102	21 SUMMER ST	2
058 B015001	HARRIS BRIAN & ALISON HAWKES JTS	39 CLARK ST PORTLAND , ME 04102	39 CLARK ST	1
058 B016001	SMALL STEPHEN R & KATHLEEN M KEANE JTS	15 SUMMER ST PORTLAND, ME 04102	15 SUMMER ST	1
058 B018001	PRICE CHRISTOPHER B & WENDY POOLE JTS	146 NEAL ST PORTLAND , ME 04102	40 BRACKETT ST	3
058 B019001	PRICE CHRISTOPHER B & WENDY POOLE JTS	146 NEAL ST PORTLAND , ME 04102	36 BRACKETT ST	1
058 B020001	JENKINS SARAH BULLEY	32 BRACKETT ST # 1 PORTLAND , ME 04102	32 BRACKETT ST	1
058 B020002	DAWSON WILLIAM H & DONNA M NAPPI JTS	34 BRACKETT ST PORTLAND , ME 04102	32 BRACKETT ST	1
058 B022001	GREEN PETER	11 SUMMER ST PORTLAND, ME 04102	11 SUMMER ST	1
058 C007001	PORTLAND TERMINAL CO	IRON HORSE PARK NORTH BILLERICA, MA 01862	34 SUMMER ST	1
058 D001001	GOODE MARK E & JENNIFER L GOODE JTS	28 SUMMER ST PORTLAND , ME 04102	28 SUMMER ST	2
058 D002001	CEKUTIS STEVEN L & LAURENCE D CEKUTIS JTS	20 SUMMER ST # 1 PORTLAND , ME 04102	24 SUMMER ST	1
058 D003001	CEKUTIS STEVEN L & LAURENCE D CEKUTIS JTS	20 SUMMER ST # 1 PORTLAND , ME 04102	20 SUMMER ST	4
058 D004001	MOORE JONETHAN P & SUSAN L RIVARD JTS	265 YORK ST PORTLAND, ME 04102	265 YORK ST	4
058 D005001	FISKE CAROL J	263 YORK ST PORTLAND, ME 04102	263 YORK ST	2
058 D006001	SNELL MICHAEL D	259 YORK ST # 1 PORTLAND , ME 04102	259 YORK ST	1
058 D006002	SCLOVE CHAD W	259 YORK ST # 2 PORTLAND , ME 04102	259 YORK ST	1
058 D007001	RENWICK ROBERT R & IVAN P JENNY JTS	18 SUMMER ST PORTLAND, ME 04102	18 SUMMER ST	1
058 D009001	255 YORK STREET LLC	PO BOX 25A CUMBERLAND , ME 04021	251 YORK ST	2
058 D011001	BLAKE GEORGE E & PAULYNE C	26A BRACKETT ST PORTLAND, ME 04101	26 BRACKETT ST	1
058 E002001	BRIDGEPORT ASSOCIATES	PO BOX 350 PORTLAND, ME 04112	555 COMMERCIAL ST	1
058 F003001	BRIDGEPORT ASSOCIATES	PO BOX 350 PORTLAND , ME 04112	531 COMMERCIAL ST	1
058 F006001	PORTLAND TERMINAL CO	IRON HORSE PARK NORTH BILLERICA, MA 01862	533 COMMERCIAL ST	1
058 F009001	STATE	AUGUSTA, ME 04333	529 COMMERCIAL ST	1
058 F012001	PORTLAND TERMINAL CO	IRON HORSE PARK NORTH BILLERICA, MA 01862	16 BRACKETT ST	1
058 F013001	SAWYER RANDOLPH B	24 BRACKETT ST # 1 PORTLAND , ME 04102	24 BRACKETT ST	1
058 F013002	TURGEON STEPHEN	11 SOUTH ORLEANS ST MEMPHIS , TN 38103	24 BRACKETT ST	1
058 F013003	SOLA CHRISTOPHER L & ELIZABETH A SOLA JTS	615 7TH AVE SW ROCHESTER , MN 55902	24 BRACKETT ST	1
058 F013004	WILLIAMSON B FRANK	24 BRACKETT ST # 4 PORTLAND , ME 04102	24 BRACKETT ST	1
059 A001001	MAINE CENTRAL RAILROAD CO	IRON HORSE PARK NORTH BILLERICA, MA 01862	232 COMMERCIAL ST	1

05/07/2009

SITE PLAN APPLICATION ID: 1521 231 YORK ST

11:34 AM

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
059 A008001	PORTLAND TERMINAL CO	IRON HORSE PARK NORTH BILLERICA, MA 01862	528 COMMERCIAL ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
Total Listed	175	UNITS	357	

**IMPORTANT NOTICE FROM CITY OF PORTLAND
INSPECTIONS DIVISION
TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 231 YORK STREET**

WHAT A. Conditional Use Appeal:
231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1
Zone: The Zoning Board of Appeals granted a Conditional Use appeal on
November 13, 2008 to Dana Fishman, LLC to have a restaurant at 231 York
Street [section 14-163(a)]. The appellant is requesting a six month extension of
the Conditional Use Appeal Approval that was granted while they continue to
pursue their construction plans for the restaurant. Representing the appeal is the
applicant, Tod Dana.

WHEN The Zoning Board of Appeals meeting will be held on Thursday, May 21, 2009 at
6:30 pm at Portland City Hall, located at 389 Congress Street. The meeting will
take place on the second floor in Room 209, 2nd Floor, City Hall.

FOR MORE INFORMATION

For more information you may contact Marge Schmuckal, Zoning Administrator, at 207-874-
8695.

**IMPORTANT NOTICE FROM CITY OF PORTLAND
INSPECTIONS DIVISION
TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 231 YORK STREET**

WHAT A. Conditional Use Appeal:
231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1
Zone: The Zoning Board of Appeals granted a Conditional Use appeal on
November 13, 2008 to Dana Fishman, LLC to have a restaurant at 231 York
Street [section 14-163(a)]. The appellant is requesting a six month extension of
the Conditional Use Appeal Approval that was granted while they continue to
pursue their construction plans for the restaurant. Representing the appeal is the
applicant, Tod Dana.

WHEN The Zoning Board of Appeals meeting will be held on Thursday, May 21, 2009 at
6:30 pm at Portland City Hall, located at 389 Congress Street. The meeting will
take place on the second floor in Room 209, 2nd Floor, City Hall.

FOR MORE INFORMATION

For more information you may contact Marge Schmuckal, Zoning Administrator, at 207-874-
8695.

**IMPORTANT NOTICE FROM CITY OF PORTLAND
INSPECTIONS DIVISION
TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 231 YORK STREET**

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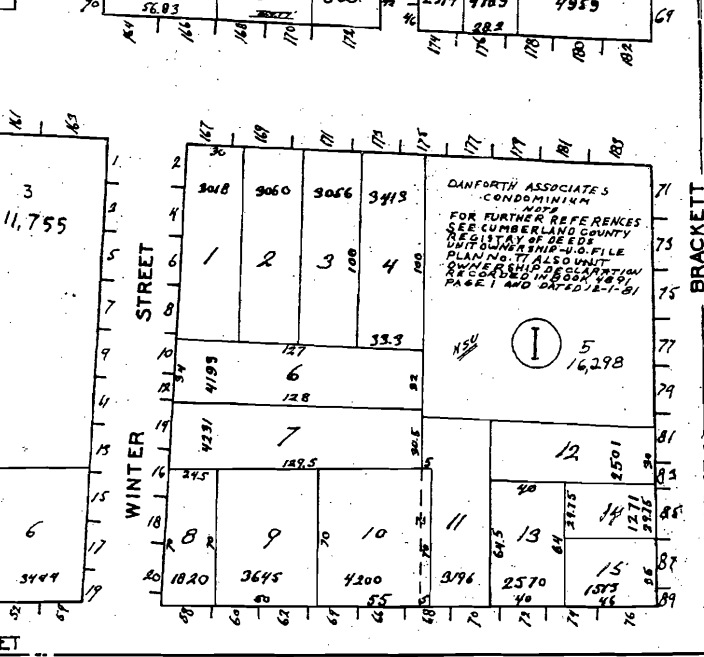
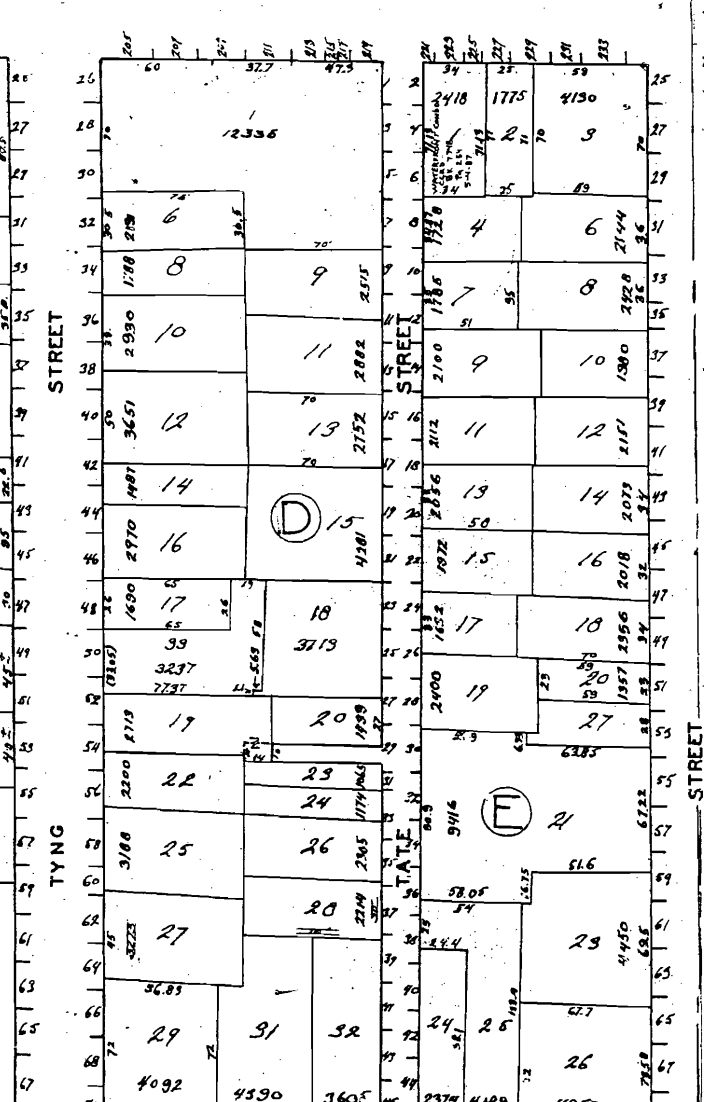
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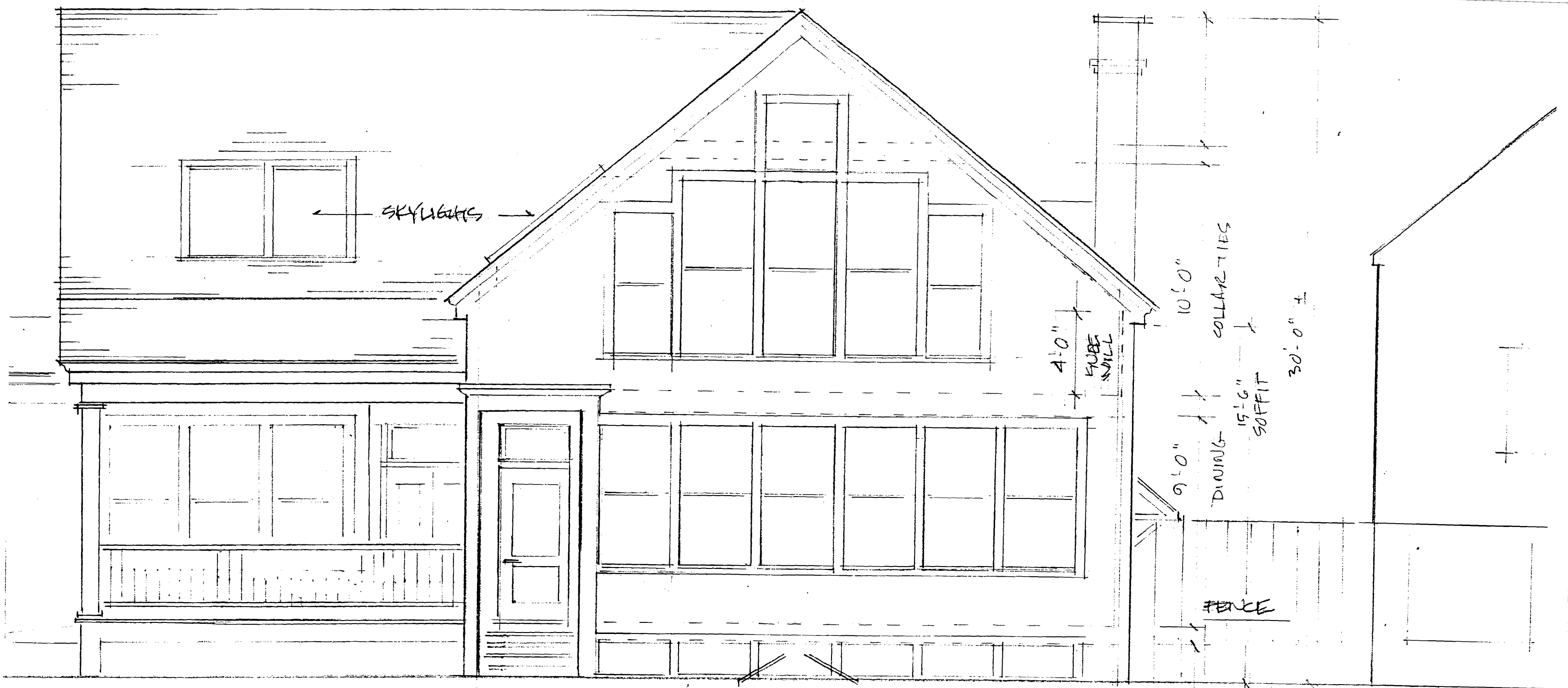
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231 YORK STREET PORTLAND, MAINE

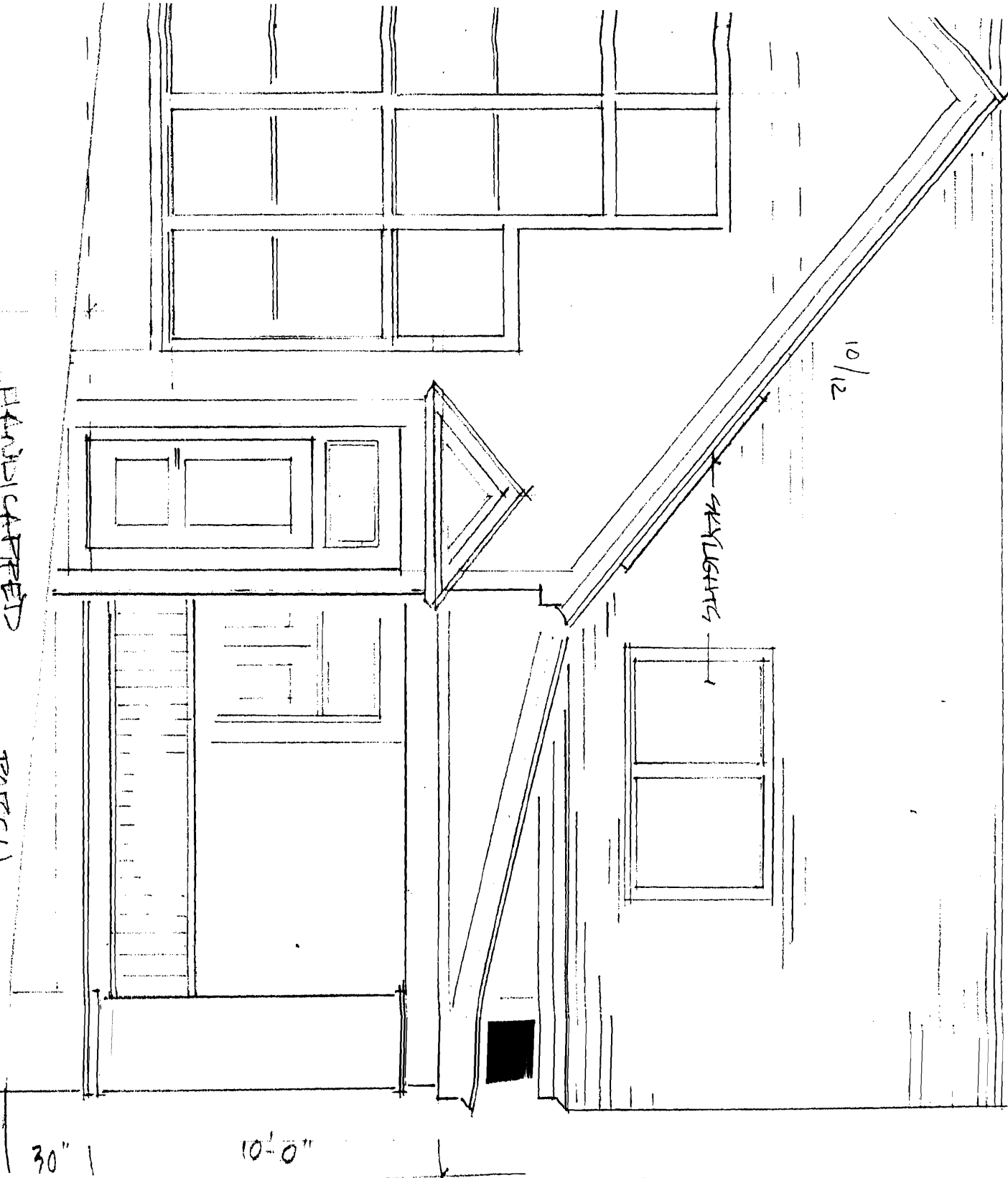
SOUTH ELEVATION PROPOSAL

1/4" = 1'-0"

10/10/08

LELAND HULST
ARCHITECTURAL SERVICES

278 Spring Street / Portland, Maine 04102 / (207) 773-2843



10/12

SKYLIGHTS

RT ST.

10'-0"
BRICK

HANDICAPPED
ENTRANCE

PORCH

10'-0"

30"

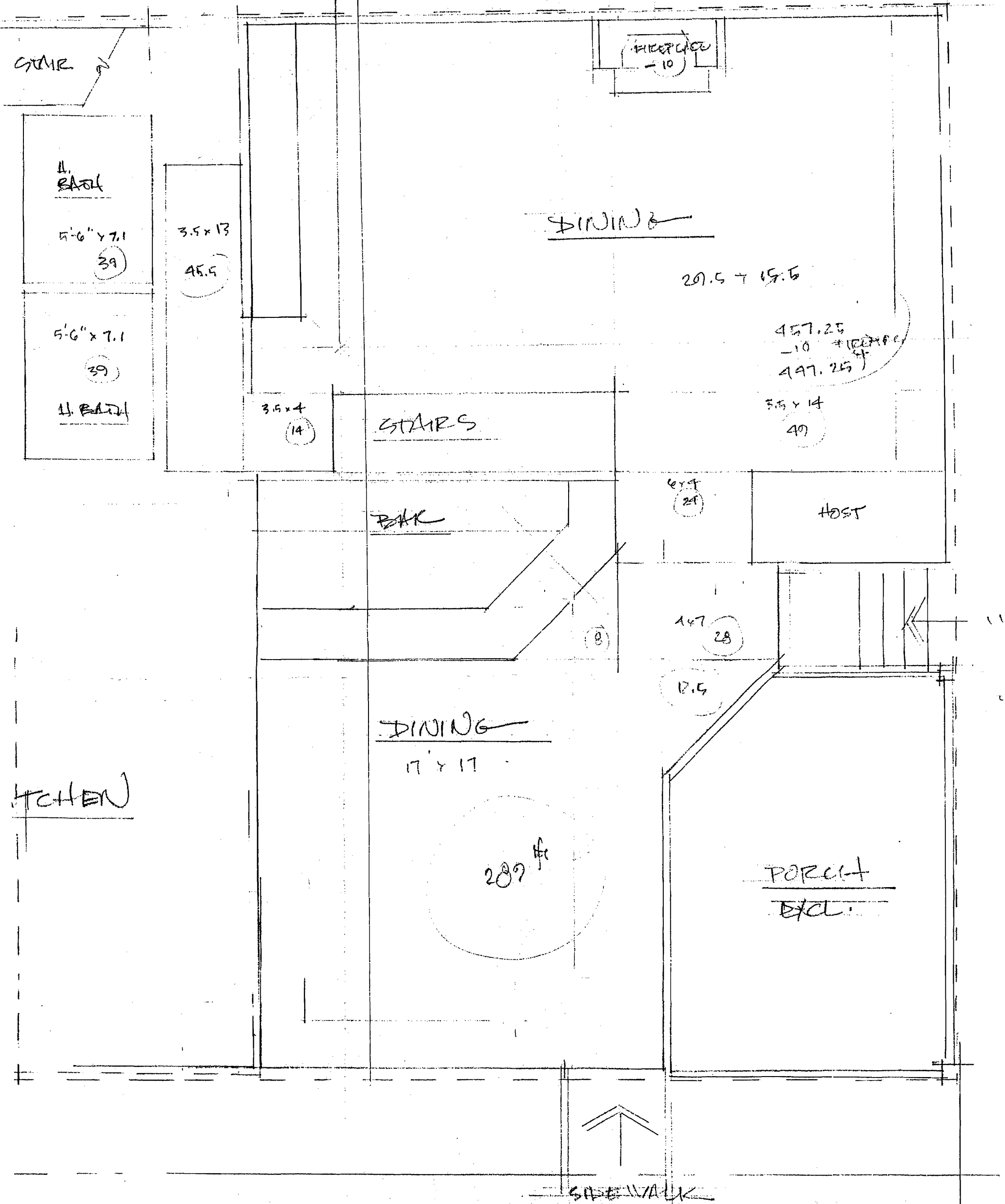
LELAND HULL
ARCHITECTURAL SERVICES

278 Spring Street / Portland, Maine 04102 / (207

) 773-9843

STAFF EXIT FOR RECYCLE / TRASH

DUMPSTER

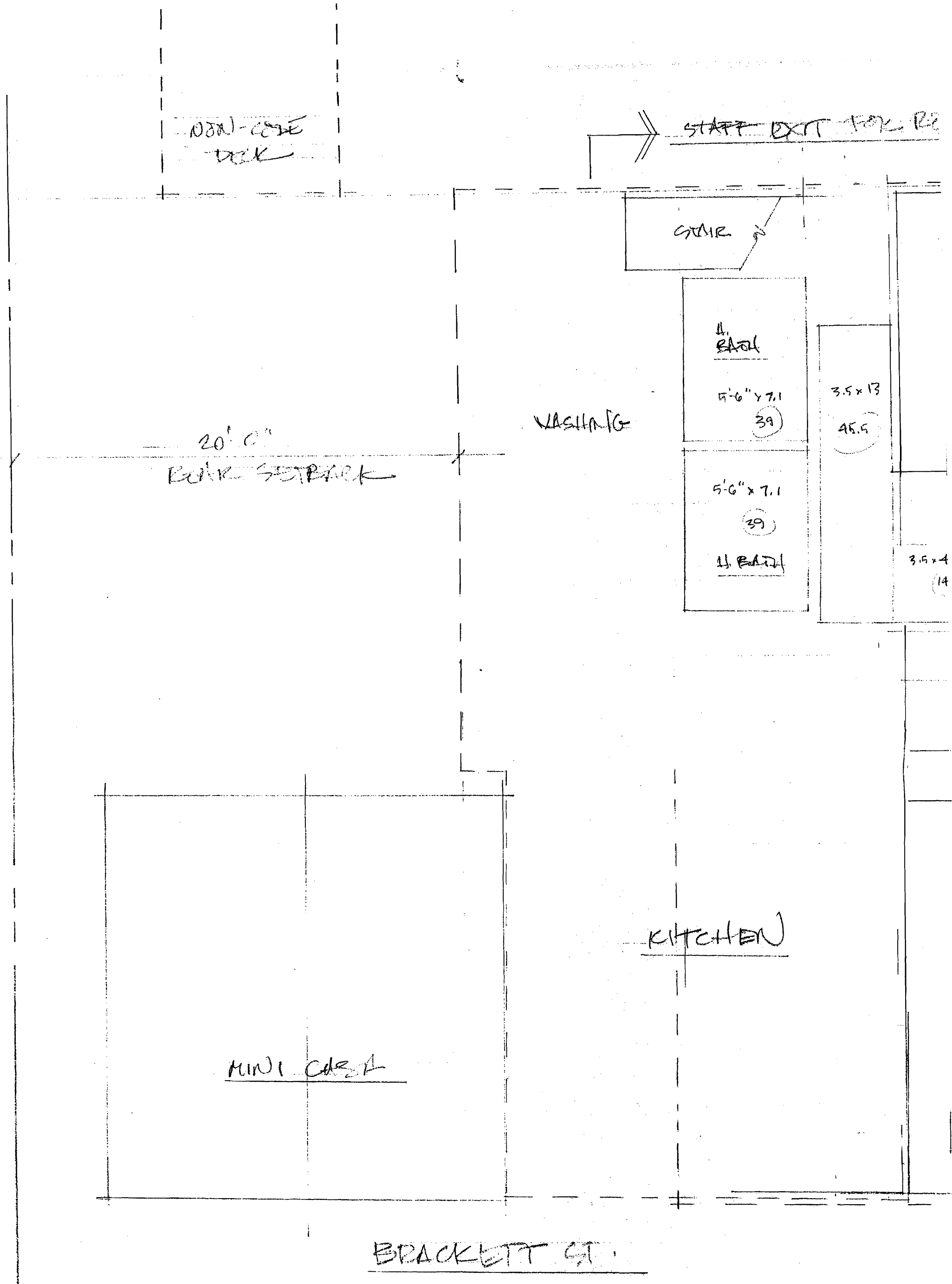


JD, MAINE

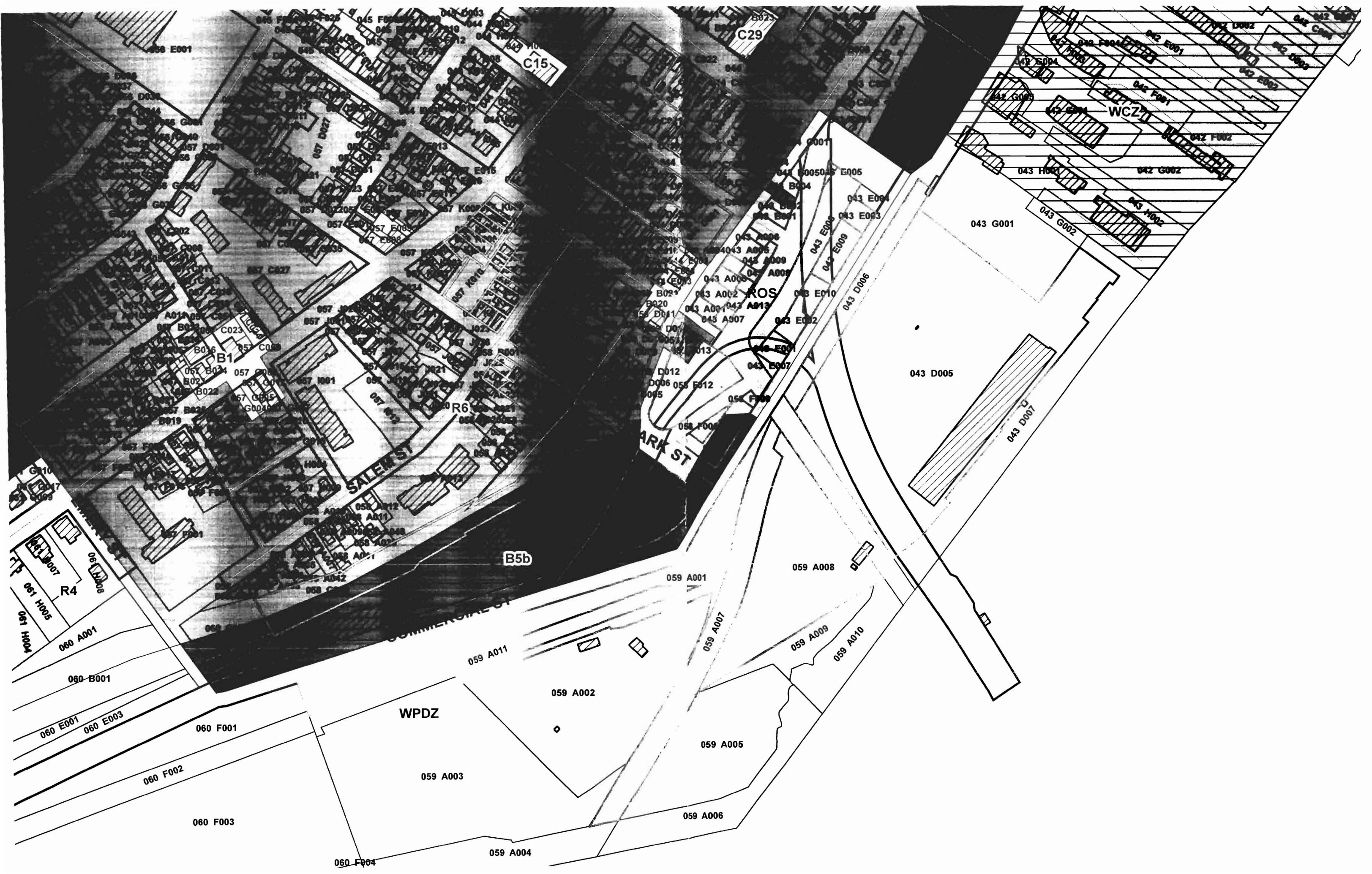
Y PROPOSAL

23 / 08

<p>L E L A N ARCHITECT</p>
<p>278 Spring Street / Portland</p>



231 YORK STREET PORTLAND, MAINE.
FIRST FLOOR PLAN: AREA STUDY PROPOSAL
1/4" = 1'-0"



Applicant: Ed Dena C-B-L: 044 E 003
Address: 231 Yak Street
Type of Appeal: Calculation Use

Check list

1. Type agenda Done 5/11/09
2. Address list of abutters to go in folder Done 5/7/09
3. Type abutters notice Done 5/12/09
4. Notify abutters: Done 5/13/09
5. Letter of acknowledgment to owner, bill & procedures outline: Done 5/13/09
6. Send agenda to the paper: Done 5/11/09
7. Send copies of agenda to all people on labels (citizen list attached to members labels) also in-house label list Done 5/13/09
8. Mail out packets: Done 5/14/09
9. Send packet to Corporation Counsel Done 5/14/09
10. Put agenda on the web site (office assistant) Done 5/11/09

In each packet to members include the following:

1. Agenda
2. Agenda item number on face of each appeal
3. Assessors map of each appellant
4. Abutters that are notified
5. Copy of decision form for each packet

After the meeting

1. Type decision from agenda
2. Give copy of decision to Clerk's Office including: Done 5/29/09
 - Tape
 - Handwritten decisions from Board
 - Agenda
 - Agenda with decision
3. Make 10 copies of Notice of decision Done 5/26/09
 - One for each packet
 - One for each applicant
 - One for Joe and Aaron & Lee
 - ORIGINAL goes to City Clerk
4. Type cover letter of decision to applicant to include: Done 5/21/09
 - Letter of approval
 - Final bill
 - Copy of decision from agenda (taken from 10 copies)