



Planning and Development Department
Zoning Board of Appeals
Practical Difficulty Variance Application

Applicant Information:

68 DEVONSHIRE STREET CORPORATION

Name

Portland Center for Assisted Living

Business Name

127 Community Drive

Address

Augusta, Maine 04338-2268

(207) 622-1958 (207) 623-5359

Telephone

Fax

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

Owner

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

Current Zoning Designation: R-5 Zone

Existing Use of Property:

Assisted living facility

Subject Property Information:

50-92 Devonshire Street

Property Address

Map 119, Block F, Lot 1

Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone

Fax

Practical Difficulty Variance from Section 14 - 120(1)(d)2.a.

applicant's owner - Billing
68 Devonshire St Corp.

Representing Appeal
David S. Halgay Jr.
Venero Dana 774-4000

APR 17 2009

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

The undersigned hereby makes application for a Practical Difficulty Variance 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 of Applicant
By: Robert O. Lenna, Its President

Date

4/14/09

SEE ATTACHED ADDENDUM

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Board of Appeals may grant a variance from the dimensional standards of this article when strict application of the provisions of the ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

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

See attached addendum

2. The granting of the variance will not have an unreasonably detrimental effect on either the use or fair market value of the abutting properties:

See attached addendum

3. The Practical Difficulty is not the result of action taken by the applicant or a prior owner:

See attached addendum

4. No other feasible alternative is available to the applicant, except a variance:

See attached addendum

5. The granting of a variance will not have an unreasonably adverse effect on the natural environment:

See attached addendum

6. Strict application of the dimensional standards of the ordinance to the subject property will preclude a use which is permitted in the zone in which the property is located:

See attached addendum

7. Strict application of the dimensional standards of the ordinance to the subject property will result in significant economic injury to the applicant:

See attached addendum

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. Section 435, nor within a shoreland of flood hazard zone as defined in this article:

See attached addendum

The following words have the meanings set forth below:

- a.) Dimensional Standards: Those provisions of this article which relate to lot area, lot coverage, frontage and setback requirements.
- b.) Practical difficulty: A case where strict application of the dimensional standards of the ordinance to the property for which a variance is sought would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant.
- c.) Significant Economic Injury: The value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

A Practical Difficulty Variance may not be used to grant relief from the provisions of Section 14-449 (Land Use Standards) to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.



CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Philip Saucier, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 7th day of May, 2009, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Current Property Owner: 68 Devonshire Street Corporation d/b/a Portland Center for Assisted Living**
2. **Property: 50-92 Devonshire Street, Portland, ME CBL: 119-F-001**
Cumberland County Registry of Deeds, Book 16147 Page 230
Last recorded deed in chain of Title: 3/30/2001
3. **Variance and Conditions of Variance:**
To grant relief from section 14-20(1)(d)(2)(a) of the Land Use Zoning Ordinance to allow an approximate 17.1 foot rear setback instead of the required 20 foot.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 13th day of May, 2009


, Chair of
City of Portland Zoning Board,

Philip Saucier

(Printed or Typed Name)

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Philip Saucier and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on May 13, 2009.

KATE E. HATCH
Notary Public, Maine
My Commission Expires August 2, 2012

(Printed or Typed Name)
Notary Public

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

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 8, 2009

David L. Galgay, JR.
Verrill Dana
One Portland Square
Portland, ME 04112 -0586

RE: 50-92 Devonshire Street
CBL: 119 F001
ZONE: R-5

Dear Mr. Galgay:

As you know, at the May 7, 2009 meeting, the Board voted 4-0 to approve your Practical Difficulty Variance Appeal for the existing building that encroaches on the rear setback.

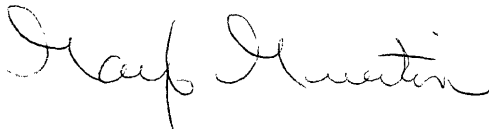
I am enclosing a copy your Certificate of Variance Approval. The original was acquired for Mr Galgay in the inspections office on Friday, May 15, 2009. **The original must be recorded in the Cumberland County Registry of Deeds within 90 days of May 13, 2009, when it was signed.** Failure to record the Certificate will result in it being voided. This office shall be provided with a copy of the recorded certificate of Variance showing the book and page recorded.

Enclosed please find your paid invoice for the Zoning Board Appeals legal ad and abutter's notification; also a copy of the agenda decision.

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: 68 Devonshire Street Corporation, owner
file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA DECISION

The Board of Appeals will hold a public hearing on Thursday, May 7, 2009 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: May 8, 2009

RE: Action taken by the Zoning Board of Appeals on May 7, 2009.

The meeting was called to order at 6:30pm.

Roll call as follows: Members Present: Peter Coyne (acting chair), Sara Moppin, Deborah Rutter (acting Secretary), and William Getz.

Members Absent: Philip Saucier, Gordon Smith and Jill Hunter.

1. New Business:

A. Practical Difficulty Variance Appeal:

50-92 Devonshire Street, 68 Devonshire Street Corporation, owner, Tax Map 119, Block F, Lot 001, R-5 Zone: The existing building encroaches on the rear setback of the property in two spots. The appellant is requesting a variance for the rear setback from the required 20' to 17.1 feet at the closest point [section 14-120(1)(d)(2)(a)]. Representing the appeal is David L. Galgay, Jr., Esq. **The Board voted 4-0 to grant the Practical Difficulty Variance Appeal.**

B. Conditional Use Appeal:

124 Harris Avenue, Anilda and Dimitri Gribizis, owners, Tax Map 339, Block B, Lots 018, 019 & 020, R-3 Zone: The appellants are seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to their single family dwelling. Representing the appeal are the owners. **The Board voted 4-0 to grant the Conditional Use Appeal.**

2. Other Business: None

3. Adjournment: 7:05pm

Enclosure:

Agenda of May 7, 2009
Original Zoning Board Decision
one audio tape and one dvd
CC: Joseph Gray, City Manager
Penny St. Louis Littell, Director, Planning & Urban Development
Alex Jaegerman, Planning Department
T.J. Martzial, Housing & Neighborhood Services

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1510	Applicant: 68 Devonshire Street
Project Name: 50 Devonshire St	Location: 50 DEVONSHIRE ST
CBL: 119 F001001	Application Type: Practical Difficulty Variance Appeal
Invoice Date: 04/22/2009	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$100.00		\$269.50		\$0.00	On Receipt

Previous Balance

\$0.00

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$36.00
Notices	178	\$133.50
Appeal Fee	1	\$100.00
		<u>\$269.50</u>
Total Current Fees:		+ \$269.50
Total Current Payments:		- \$269.50
Amount Due Now:		<u>\$0.00</u>

Bill to: 68 Devonshire Street Po Box 2268 Augusta , ME 04338	CBL 119 F001001 Application No: 0000-1510 Invoice Date: 04/22/2009 Invoice No: 34291 Total Amt Due: \$0.00 Payment Amount: \$269.50
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Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

VERRILL DANA LLP
ATTORNEYS AT LAW
ONE PORTLAND SQUARE
PORTLAND, MAINE 04112

BANK OF AMERICA

762816

52-36
112

PAY ONE HUNDRED SIXTY-NINE AND 50/100

VERRILL DANA LLP

DATE	05/04/09
NET AMOUNT	\$169.50

TO
THE
ORDER
OF

CITY OF PORTLAND
FINANCE DEPT./TREAS. AND COLLECTION DIV.
PO BOX 544
PORTLAND, ME 04101

HUB RED IMAGE
FALLOUT WITH HEAT

Ronda Paul

TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$10,000

1 SECURITY FEATURES INCLUDED. DETAILS ON BACK. 1

0762816 011200365

9354767162

① 1A

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

"Practical Difficulty" Variance Appeal

DECISION

Date of public hearing: May 7, 2009

Name and address of applicant: 68 Devonshire Street Corporation
127 Community Drive
Augusta, ME 04338

Location of property under appeal: 50-92 Devonshire St.

For the Record: David L. Galgay, Jr. Esq.

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

David L. Galgay, Jr. Esq.

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

See appeal agenda

- all everyone present

Sarah Moppin
Deborah A. Rutter
William Getz
Peter Coyne

Findings of Fact and Conclusions of Law:

The applicants own an assisted living facility on Devonshire Street which is in the R-5 zone. Through a survey conducted in relation to the sale of the facility, it was discovered that the building encroaches into the 20-foot rear setback in two locations. In one area, the building encroaches 1.3 feet into the setback and in another area, it encroaches 2.9 feet into the setback.

“Practical Difficulty” Variance standard pursuant to Portland City Code §14-473(c)(3):

1. The application is for a variance from dimensional standards of the zoning ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied ✓ (1) Not Satisfied

Reason and supporting facts:

allt applied application started.

2. Strict application of the provisions of the ordinance would create a practical difficulty, meaning it would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant. “Significant economic injury” means the value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

Satisfied ✓ (4) Not Satisfied

Reason and supporting facts:

*Bldg is for sale; limited
number of potential buyers;*

*Severe disruption of current residents;
possible relocation of egress.*

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

Satisfied ✓ (4) Not Satisfied

Reason and supporting facts:

Testimony; only care facility
in R-5; permitted use.

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties.

Satisfied ✓ (4) Not Satisfied

Reason and supporting facts:

No changes to exterior/interior;
Administrative/paperwork change only

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied ✓ (4) Not Satisfied

Reason and supporting facts:

> Prior documentation did not indicate any issue; only via sale.

> 1988 C. of O. shows it was in compliance w/ current zoning.

>

6. No other feasible alternative is available to the applicant, except a variance.

Satisfied ✓ (4) Not Satisfied

Reason and supporting facts:

According to testimony;
Approaching railroad is/would be time consuming; impractical

7. The granting of a variance will not have an unreasonably adverse effect on the natural environment.

Satisfied ✓ (4) Not Satisfied

Reason and supporting facts:

No exterior changes,

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. § 435, nor within a shoreland zone or flood hazard zone.

Satisfied √ (4) Not Satisfied

Reason and supporting facts:

Testimony, matter of record

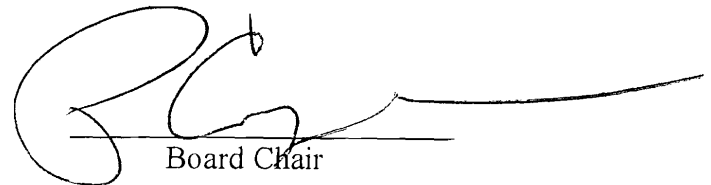
Conclusion: (check one)

☒ Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application. (4)

☐ Option 2: The Board finds that while the standards described above (1 through 8) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

☐ Option 3: The Board finds that the standards described above (1 through 8) have NOT all been satisfied and therefore DENIES the application.

Dated: May 07, 2009


Board Chair

members present: Peter Coyne, Saira Moppin, Deborah Rutton
CITY OF PORTLAND, MAINE William Getz
ZONING BOARD OF APPEALS

members Absent: Philip Sancier, Gordon Smith, Jill Hunter
APPEAL AGENDA Acting Sec.

called to order 6:30 pm

The Board of Appeals will hold a public hearing on Thursday, May 07, 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:

4-0

A. Practical Difficulty Variance Appeal:

Granted

50-92 Devonshire Street, 68 Devonshire Street Corporation, owner, Tax Map 119, Block F, Lot 001, R-5 Zone: The existing building encroaches on the rear setback of the property in two spots. The appellant is requesting a variance for the rear setback from the required 20' to 17.1 feet at the closest point [section 14-120(1)(d)(2)(a)]. Representing the appeal is David L. Galgay, Jr., Esq.

4-0

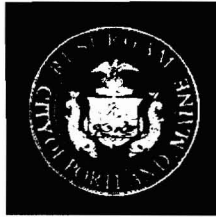
B. Conditional Use Appeal:

Granted

124 Harris Avenue, Anilda and Dimitri Gribizis, owners, Tax Map 339, Block B, Lots 018, 019 & 020, R-3 Zone: The appellants are seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to their single family dwelling. Representing the appeal are the owners.

2. Other Business:

3. Adjournment: 7:05 pm



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*Penny St. Louis Littell- Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

TO: CHAIR AND ZONING BOARD MEMBERS
FROM: MARGE SCHMUCKAL, ZONING ADMINISTRATOR
SUBJECT: 68 DEVONSHIRE STREET – 119-F-1 – R-5 ZONE
DATE: MAY 1, 2009

There was an approval for an addition to the original building at 68 Devonshire Street that was reviewed and approved in November of 1988. The reviews and approvals consisted of a site plan review, a zoning review, and a building code review. The attached zoning review sheet showed that there was a 20' required rear yard setback and that a 20' rear yard was shown on the plans. There were occupancy permits issued based on the approved permit.

It has just recently come to the attention of the property owners and this office that the rear yard setback is less than what was originally stated. Currently the Land Use Zoning Ordinance allows a process for setback reductions for the siting of mislocated single-family, owner-occupied residential structures under section 14-437. I can not use that section in regards to this "long-term and extended care facility". Therefore they are here before the Board under a practical difficulty variance.

Applicant: *Sandy River Group* Detail *Nov 15/88*
Address: *68 Devonshire St.*
Assessors No.:

CHECK LIST AGAINST ZONING ORDINANCE

Date -
Zone Location - *R-5 Zone*
Interior or corner lot - *Interior*
Use - *Construct new addition & make renovations*
Sewage Disposal - *City*
Rear Yards - *20'* *20' required*
Side Yards - *70'* *12' required*
Front Yards - *50'*
Projections -
Height - *Two stories*
Lot Area - *2.4 Acres* *106,500 sq ft*
Building Area - *20,600 sq ft* *3616 sq ft*
Area per Family - *NA*
Width of Loc - *580*
Lot Frontage - *580*
Off-street Parking - *O.K.*
Loading Bays - *NA* *(1 provided)*
Site Plan - *O.K. Planning 11/14/88*
Shoreland Zoning - *& extended to 2/2/89*
Flood Plains -

Processing Form

(Original dated,
Sept. 29, 1987)
November 2, 1988
Date

Sandy River Group
Applicant
P.O. Box 110 DTS 04112
Mailing Address
Intermediate Care Facility
Proposed Use of Site
2.4 / 20,600 sq.ft.
Acreage of Site / Ground Floor Coverage

68 Devonshire Street
Address of Proposed Site

Site Identifier(s) from Assessors Maps
R-5

Zoning of Proposed Site

Site Location Review (DEP) Required: () Yes (☒) No
Board of Appeals Action Required: () Yes (☒) No
Planning Board Action Required: (☒) Yes () No

Proposed Number of Floors 2
Total Floor Area 10,000

Other Comments:

Date Dept. Review Due: _____

(Does not include review of construction plans)

- ☐ Use does NOT comply with Zoning Ordinance
- ☐ Requires Board of Appeals Action
- ☐ Requires Planning Board/City Council Action

Explanation

- ☒
- Use complies with Zoning Ordinance — Staff Review Below

Zoning:
SPACE & BULK,
as applicable

[illegible]

REASONS:

Inspection fee paid for one hour from
Paul Nickoff calling

OK / S. Thomas, May 19, 1968

SIGNATURE OF REVIEWING STAFF/DATE

BUILDING DEPARTMENT-ORIGINAL



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION: 68 Devonshire Street

Issued to: Devonshire Nursing Care Center Date of Issue: March 27, 1959

This is to certify that the building, premises, or part thereof, at the above location, built—altered—changed as to use under Building Permit No. 89/1620, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below:

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

Rooms: 121, 122, 123, 124, 229, 228, 227, and 226

Limiting Conditions:

None

This certificate supersedes
certificate issued

Approved:

3/27/59

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION

~~Devonshire~~

Issued to Devonshire Nursing Home

Date of Issue May 17, 1989

This is to certify that the building, premises, or part thereof, at the above location, built—altered—changed as to use under Building Permit No. 88/1394, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

XXXXX Partial

Limiting Conditions:
None

APPROVED OCCUPANCY

1st floor - Rooms, N142, N144,
N145, N147 and baths N143, N146.
2nd floor - Rooms N239, N241,
N250, N251 and baths N240, N242.

This certificate supersedes
certificate issued

Approved:

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 68 Devonshire Street

Issued to Devonshire Manor/Cimino Construction Date of Issue 1/15/89

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. , has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

New south side nursing addition

Limiting Conditions:

<u>1st floor</u>	<u>2nd floor</u>
S-154 to S-165	S-250 to S-260
S-124 to S-127	S-262
S-167	S-223 to S-226
and all common areas	and all common areas

This certificate supersedes certificate issued

Approved:

9/14/89

(Date)

E. A. Jordan

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 68 Devonshire Street

Issued to Devonshire Manor/Cimino Construction Date of Issue 2 January 1990

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. , has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

Limiting Conditions:

Temporary until a defect bond is posted in the name of the City of Portland.
Expires 15 June 1990

This certificate supersedes certificate issued

Approved:

12/29/89

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



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

*Penny St. Louis Littell- Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

TO: CHAIR AND ZONING BOARD MEMBERS
FROM: MARGE SCHMUCKAL, ZONING ADMINISTRATOR
SUBJECT: 68 DEVONSHIRE STREET – 119-F-1 – R-5 ZONE
DATE: MAY 1, 2009

There was an approval for an addition to the original building at 68 Devonshire Street that was reviewed and approved in November of 1988. The reviews and approvals consisted of a site plan review, a zoning review, and a building code review. The attached zoning review sheet showed that there was a 20' required rear yard setback and that a 20' rear yard was shown on the plans. There were occupancy permits issued based on the approved permit.

It has just recently come to the attention of the property owners and this office that the rear yard setback is less than what was originally stated. Currently the Land Use Zoning Ordinance allows a process for setback reductions for the siting of mislocated single-family, owner-occupied residential structures under section 14-437. I can not use that section in regards to this "long-term and extended care facility". Therefore they are here before the Board under a practical difficulty variance.

Applicant: *Sandy River Group* Date: *Nov. 15, 1988*
Address: *68 Devonshire St.*
Assessors No.:

CHECK LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - *R-5 Zone*

Interior or corner lot - *Interior*

Use - *Construct new addition & make renovations*

Sewage Disposal - *City*

Rear Yards - *20'* *20' required*

Side Yards - *76'* *12' required*

Front Yards - *50'*

Projections -

Height - *Two story*

Lot Area - *2.4 Acres*

Building Area - *20,600 sq ft*

Area per Family - *NA*

Width of Lot - *580'*

Lot Frontage - *580'*

Off-street Parking - *O.K.*

Loading Bays - *NA (1 provided)*

Site Plan - *O.K. Planning 11/4/88*

Shoreland Zoning - *& extended to 2/2/89*

Flood Plains -

Processing Form

November 2, 1988

Date 12/10/2009

Applicant

P.O. Box 110 DTS 04112

Mailing Address

Intermediate Care Facility

Proposed Use of Site

2.4 / 20,600 sq.ft.

Acreage of Site / Ground Floor Coverage

68 Devonshire Street

Address of Proposed Site

Site Identifier(s) from Assessors Maps

R-5

Zoning of Proposed Site

Proposed Number of Floors 2

Total Floor Area

Site Location Review (DEP) Required: () Yes (X) No

Board of Appeals Action Required: () Yes (X) No

Planning Board Action Required: (☒) Yes (☐) No

Other Comments:

Date Dept. Review Due: _____

(Does not include review of construction plans)

- ☐ Use does NOT comply with Zoning Ordinance
- ☐ Requires Board of Appeals Action
- ☐ Requires Planning Board/City Council Action

Explanation

- ☒
- Use complies with Zoning Ordinance — Staff Review Below

Zoning:
SPACE & BULK,
as applicable

	DATE	ZONE LOCATION	INTERIOR OR CORNER LOT	40 FT. SETBACK AREA (SEC. 21)	USE	SEWAGE DISPOSAL	REAR YARDS	SIDE YARDS	FRONT YARDS	PROJECTIONS	HEIGHT	LOT AREA	BUILDING AREA	AREA FOR FAMILY	WIDTH OF LOT	LOT FRONTAGE	OFF-STREET PARKING	LOADING BAYS
COMPLIES																		
COMPLIES CONDITIONALLY																		CONDITION SPECIFIED BELOW
DOES NOT COMPLY																		REASONS SPECIFIED BELOW

REASONS:

Inspection fee paid for Foreman office
Paul Nickoff calling

SIGNATURE OF REVIEWING STAFF/DATE

BUILDING DEPARTMENT-ORIGINAL



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION: 68 Devonshire Street

Issued to: Devonshire Nursing Care Center Date of Issue: March 27, 1989

This is to certify that the building, premises, or part thereof, at the above location, built—altered—changed as to use under Building Permit No. 89/1620, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

Rooms: 121, 122, 123, 124, 229, 226, 227, and 228

Limiting Conditions:

None

This certificate supersedes
certificate issued

Approved:

3/27/89

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION

~~Devonshire~~

Issued to Devonshire Nursing Home

Date of Issue May 17, 1989

This is to certify that the building, premises, or part thereof, at the above location, built—altered—changed as to use under Building Permit No. 88/1394, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

~~XXXXX~~ Partial

Limiting Conditions:
None

APPROVED OCCUPANCY

1st floor - Rooms, N142, N144,
N145, N147 and baths N143, N146.
2nd floor - Rooms N239, N241,
N250, N251 and baths N240, N247.

This certificate supersedes
certificate issued

Approved:

5/17/89
(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 68 Devonshire Street

Issued to Devonshire Manor/Cimino Construction Date of Issue 1/15/89

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. , has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

New south side nursing addition

Limiting Conditions:

1st floor	2nd floor
S-154 to S-165	S-250 to S-260
S-124 to S-127	S-262
S-167	S-223 to S-226
and all common areas	and all common areas

This certificate supersedes certificate issued

Approved:

9/14/89

(Date)

E. A. Jordan

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 68 Devonshire Street

Issued to Devonshire Manor/Cimino Construction Date of Issue 2 January 1990

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. , has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

Limiting Conditions:

Temporary until a defect bond is posted in the name of the City of Portland.
Expires 15 June 1990

This certificate supersedes certificate issued

Approved:

12/29/89

(Date)

Inspector

SB

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

68 Devonshire Street Corporation
d/b/a Portland Center for Assisted Living
c/o Maine Health and Higher Educational Facilities Authority
127 Community Drive
August, Maine 04338-2268

April 28, 2009

APR 28 2009

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

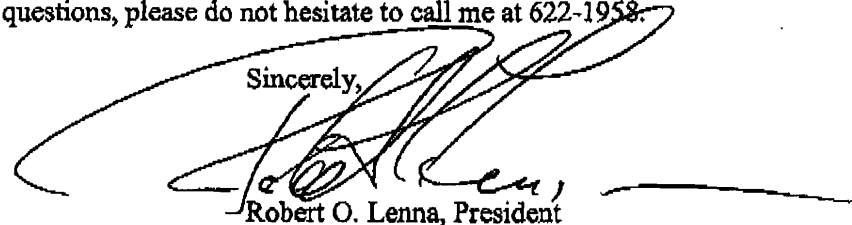
Re: Practical Difficulty Variance Application
Portland Center for Assisted Living, 68 Devonshire Street

Dear Members of the Board:

I write this letter as the President of the owner of the property situated at 68 Devonshire Street in Portland, Maine and the applicant for a Practical Difficulty Variance currently scheduled for your meeting on May 7, 2009. Please accept this letter as permission for David Galgay, counsel for the applicant, 68 Devonshire Street Corporation, to represent the property at the meeting of the Zoning Board of Appeals in connection with the applicant's requested Practical Difficulty Variance.

If you have any questions, please do not hesitate to call me at 622-1958.

Sincerely,



Robert O. Lenna, President



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

*Penny St. Louis Littell- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

February 4, 2009

Portland Center for Assisted Living
68 Devonshire Street
Portland, ME 04103
Attn: Sandra Keith

RE: 50-92 Devonshire Street – 119-F-1 (the “Property”) – R-5 Residential Zone

Dear Ms. Keith,

I am in receipt of your request for a determination letter regarding the Property. You have verbally instructed me to address the allowable use, including issued Certificates of Occupancy, and whether there are any pending legal actions by the City.

The approved use of the Property is a “nursing home” with 154 beds. The current R-5 zone no longer uses the nomenclature of “nursing home”. However, under conditional uses, the terminology of “Long-term and extended care facilities” is now being used. I have determined that the Property use lies within the use of “long-term and extended care facility”. I have enclosed copies of relevant permits and Certificates of Occupancy with this letter.

I am not aware of any pending or anticipated legal actions in reference to the Property. It appears that all required permits have been applied for, reviewed and approved at this time.

If you have any more questions regarding this matter, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, reading "Marge Schmuckal". The signature is fluid and cursive, with a long horizontal line extending from the end.

Marge Schmuckal
Zoning Administrator



City of Portland Zoning Board of Appeals

April 30, 2009

David L. Galgay, Jr.
Verrill Dana, LLP
One Portland Square
Portland, Maine 04112-0586

Dear Appellant,

Your Practical Difficulty Variance Appeal has been scheduled to appear before the Zoning Board of Appeals on **Thursday, May 7, 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: 68 Devonshire Street Corporation, owner
File

389 Congress St., Portland, Maine 04101 (207) 874-8701 FAX 874-8716 TTY 874-8936

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1510	Applicant: 68 Devonshire Street
Project Name: 50 Devonshire St	Location: 50 DEVONSHIRE ST
CBL: 119 F001001	Application Type: Practical Difficulty Variance Appeal
Invoice Date: 04/22/2009	

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	\$36.00
Notices	178	\$133.50
Appeal Fee	1	\$100.00
		<u>\$269.50</u>
Total Current Fees:		+ \$269.50
Total Current Payments:		- \$100.00
Amount Due Now:		\$169.50

Bill to: 68 Devonshire Street
Po Box 2268
Augusta , ME 04338

CBL 119 F001001
Application No: 0000-1510
Invoice Date: 04/22/2009
Invoice No: 34291
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 07, 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. Practical Difficulty Variance Appeal:

50-92 Devonshire Street, 68 Devonshire Street Corporation, owner, Tax Map 119, Block F, Lot 001, R-5 Zone: The existing building encroaches on the rear setback of the property in two spots. The appellant is requesting a variance for the rear setback from the required 20' to 17.1 feet at the closest point [section 14-120(1)(d)(2)(a)]. Representing the appeal is David L. Galgay, Jr., Esq.

B. Conditional Use Appeal:

124 Harris Avenue, Anilda and Dimitri Gribizis, owners, Tax Map 339, Block B, Lots 018, 019 & 020, R-3 Zone: The appellants are seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to their single family dwelling. Representing the appeal are the owners.

2. Other Business:

3. Adjournment:

**Addendum
to
Practical Difficulty Variance Application**

- 1. The need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood:**

The Property is located in a neighborhood in which encroachment into the rear setback is not a generalized condition. To the Applicant's knowledge, there are no other properties in the neighborhood that require a variance for encroachment into the rear setback. The Property is unique in that it is a large, irregularly-shaped parcel located in a residential neighborhood that is zoned R-5.

- 2. The granting of the variance will not have an unreasonably detrimental effect on either the use or fair market value of the abutting properties:**

The encroachments into the setback are on the side of the Property that abuts the Portland Terminal Company railroad corridor. As such, the encroachments do not impact any structure or use, residential or otherwise. Accordingly, the encroachments do not thwart the purpose of the R-5 Zone's 20-foot setback provision, which is to maintain 40-foot spacing between the rear portions of adjacent houses. In addition, the setback encroachments have existed for at least 20 years and granting the variance will not alter the neighborhood in any way. Due to the foregoing reasons, granting the variance will result in no adverse effect on the value or use of any abutting properties.

- 3. The Practical Difficulty is not the result of action taken by the applicant or a prior owner:**

The Applicant is seeking an after-the-fact variance for construction that was done well before the Applicant was in possession of the Property. The Applicant was unaware of any setback encroachments until the potential buyer (as part of its due diligence) provided the Authority in March of this year with a copy of a draft of the 2008 survey. Neither the Applicant nor, to the best of the Applicant's knowledge, a prior owner knowingly created or had actual knowledge of the setback issue.

- 4. No other feasible alternative is available to the applicant, except a variance:**

The portions of the building that encroach the setback contain load-bearing columns supporting a 2-story brick structure. Reconfiguration of the building to cure the minimal setback infraction would be cost prohibitive and would cause significant economic injury to the Applicant. In addition, reconfiguration of the building would disrupt the operations of the assisted living facility and likely cause the removal and transfer of several elderly residents from the facility.

5. The granting of a variance will not have an unreasonably adverse effect on the natural environment:

The granting of the Practical Difficulty Variance will have no adverse affect on the environment as the portions of the building that encroach into the setback area have been in place since at least 1989.

6. Strict application of the dimensional standards of the ordinance to the subject property will preclude a use which is permitted in the zone in which the property is located:

Assisted living facilities are permitted in the R-5 Zone with Planning Board approval. See Portland Land Use Ordinance § 14-118(b)(2). Strict enforcement of the rear setback standards will cause a material adverse impact on the financial viability of the facility. As such, strict application of the dimensional standards of the ordinance will preclude the current use which is otherwise permitted in the R-5 Zone.

7. Strict application of the dimensional standards of the ordinance to the subject property will result in significant economic injury to the applicant:

The strict application of the dimensional standards for the rear setback requirements would result in a substantial financial burden and economic injury to the Applicant in several ways. First, if the variance is not granted, the Property may become unmarketable. The purchase money lender for the current prospective buyer of the property has delayed the closing due the setback issue. Second, if the variance is not granted, there would be substantial cost to redesign, permit, demolish and reconstruct the portions of the building that encroach into the setback area. In addition, there will be a significant financial impact on the operations of the facility due to the reduction in residents and the cost of transferring and caring for residents during the re-construction period.

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. Section 435, nor within a shoreland of flood hazard zone as defined in this article:

The Property is not located within a shoreland or flood hazard area.

Verrill Dana^{LLP}

Attorneys at Law

DAVID L. GALGAY, JR.
PARTNER
dgalgay@verrilldana.com

ONE PORTLAND SQUARE
PORTLAND, MAINE 04112-0586
207-774-4000 • FAX 207-774-7499
www.verrilldana.com

April 17, 2009

Via Hand Delivery

City of Portland Zoning Board of Appeals
c/o Marge Schmuckal, Code Enforcement Officer
389 Congress Street
Portland, Maine 04101

**Re: Practical Difficulty Variance Application
Portland Center for Assisted Living, 68 Devonshire Street**

Dear Members of the Board,

I write on behalf of the Maine Health and Higher Educational Facilities Authority (the “Authority”) to apply to the Board for a practical difficulty variance for the Portland Center for Assisted Living (the “Facility”), located at 68 Devonshire Street. The Authority, which was created and established by Chapter 413 of Title 22, Sections 2051 to 2077, inclusive, of the Maine Revised Statutes Annotated as a public body corporate and politic and an instrumentality of the State of Maine, is the sole member of 68 Devonshire Street Corporation, a Maine nonprofit, tax exempt corporation that owns the Facility.

Some background on the Facility will be helpful to understand the Authority’s need for the variance. The Facility houses and cares for 130 low-income elderly residents, almost all of whom are on Medicaid. The Authority’s primary purpose is to issue bonds and lend bond proceed money to educational and healthcare facilities. In 1998, the Authority reluctantly assumed ownership of the Facility when the then-owner was unable to meet its financial obligations. The Authority agreed to take the Facility through a stock acquisition in lieu of foreclosure so that care for the residents would continue uninterrupted.

However, the Authority is not in the business of owning healthcare facilities and has for many years intended to secure the Facility’s long-term viability by locating a qualified buyer for the Facility. To that end, the Authority has recently contracted with a potential buyer, which, as part of its due diligence and financing requirements, conducted a survey of the property in the fall of 2008. See enclosed Exhibit A. The Facility is located in the R-5 Zone. The buyer’s survey identified in two locations that the Facility encroached into the 20-foot rear setback required in the R-5 Zone. As depicted in Exhibit A, the Facility encroaches 1.3 feet into the setback in one area (See Exhibit B - photographs #3 and #4) and 2.9 feet into the setback in another area (See Exhibit C - photograph #1). I have also enclosed color highlighted portions of

the Plan showing the locations of the encroachments (See Exhibits A-1 and A-2). The survey also indicates that property abutting the encroachments is an uninhabited railroad corridor.

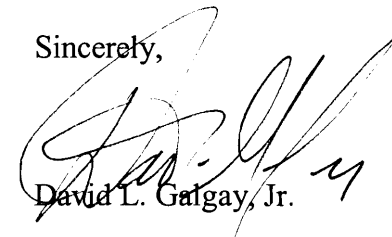
The Authority had no knowledge of the encroachments into the setback area until the potential buyer provided the Authority with a copy of the 2008 survey (Exhibit A) in March of this year. Prior to receiving the Plan, nothing in our records indicated a problem relating to the location of the building within the setback lines. Unfortunately, because of this discovery, the purchaser's lender is refusing to schedule a closing until a variance has been obtained.

The Facility serves a vital function by housing and caring for the area's poor and elderly. While the Authority stepped in a decade ago to keep the Facility running, it is the Authority's hope that the Facility's long-term survival can be insured through its sale to a qualified buyer. To that end, the Authority, by and through 68 Devonshire Street Corporation as the record owner of the property, seeks this variance from the Board.

In addition to eleven (11) copies of the Practical Difficulty Variance Application and Exhibits A, A-1, A-2, B and C described above, I have also enclosed eleven (11) copies of the Applicant's deed to the Facility (Exhibit D) and a copy of the relevant tax map with the property highlighted (Exhibit E).

Thank you for your time and attention to this matter. Please do not hesitate to contact me at 774-4000, extension 4514, with any questions.

Sincerely,



David L. Galgay, Jr.

DLG:jacg

Enclosures

1. Practical Difficulty Variance Application
2. Exhibit A - Plan
3. Exhibit A-1 and A-2 - Highlighted Portions of Plan
4. Exhibit B - Photographs #3 and #4
5. Exhibit C - Photograph #1
6. Exhibit D - Deed to Facility
7. Exhibit E - Tax Map

QUITCLAIM DEED
(with covenant)

PENGAD 800-631-6989

EXHIBIT

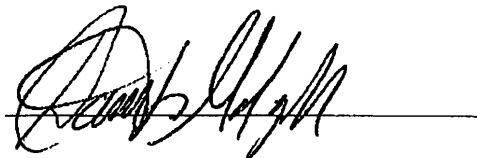
D

KNOW ALL BY THESE PRESENTS, that WOODFORD PARK NURSING CARE CENTER, INC., a Maine corporation, of Portland, Maine, f/k/a Devonshire Nursing Care Center, Inc. (hereinafter called the "Grantor"), for and in consideration of One Dollar (\$1.00) and other full value and consideration paid by 68 DEVONSHIRE STREET CORPORATION, a Maine nonprofit corporation and a tax-exempt organization under §501(c)(3) of the Internal Revenue Code, d/b/a Portland Center for Assisted Living, and having a mailing address at: c/o Maine Health and Higher Educational Facilities Authority, 3 University Drive, P.O. Box 2268, Augusta, Maine 04338-2268 (hereinafter called the "Grantee"), the receipt and sufficiency whereof Grantor does hereby acknowledge, does hereby GRANT unto Grantee, with QUITCLAIM COVENANT, the land with the buildings, fixtures and improvements thereon located at or near 68 Devonshire Street, Portland, County of Cumberland and State of Maine and being more particularly described in Exhibit A attached hereto (the "Property").

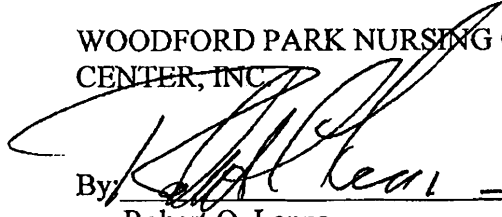
This deed is given, and the Property is hereby conveyed, expressly subject to the Loan Agreement and Mortgage dated as of January 1, 1993 by and between the Maine Health and Higher Educational Facilities Authority, as mortgagee, and Grantor, as mortgagor, which Loan Agreement and Mortgage is recorded in the Cumberland County Registry of Deeds in Book 10529, Page 133 (the "Mortgage") encumbering the Property, and that the mortgage, lien and security interests of the Mortgage, and the indebtedness secured thereby, as well as any and all rights of the mortgagee under the Mortgage, remain in full force and effect.

IN WITNESS WHEREOF, the Grantor, duly authorized, has caused this Deed to be executed as a sealed instrument this 27th day of March, 2001.

WITNESS:



WOODFORD PARK NURSING CARE
CENTER, INC.

By: 
Robert O. Lenna
Its President

STATE OF MAINE
COUNTY OF Cumberland

March 27, 2001

Personally appeared before me the above-named Robert O. Lenna, in his capacity as President of Woodford Park Nursing Care Center, Inc., and acknowledged the foregoing to be his free act and deed in said capacity, and the free act and deed of Woodford Park Nursing Care Center, Inc.

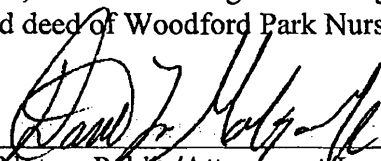

Notary Public/Attorney-at-Law
Print Name: David L. Galgaj, Jr.
Commission Expires: _____

EXHIBIT A

A certain lot or parcel of land situated on the westerly side of Devonshire Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

BEGINNING at a 2" iron pipe at the northeasterly corner of land of Martell received by deed dated January 3, 1979 and recorded in the Cumberland County Registry of Deeds in Book 4364, Page 163, said iron pipe being located on the westerly side of Devonshire Street and at the southeasterly corner of the premises herein described;

Thence North 80 degrees 38 minutes 15 seconds West one hundred and seventy-two hundredths (100.72) feet along land of Martell to a 5/8" iron rod to be set on the westerly side line of land of the Portland Terminal Company;

Thence North 16 degrees 15 minutes 15 seconds East five hundred forty-one and twenty hundredths (541.20) feet along the Portland Terminal Company to a similar iron rod to be set at land of Senosomobath received by deed dated January 30, 1984 and recorded in Book 6381, Page 89;

Thence South 78 degrees 17 minutes 45 seconds East two hundred forty-eight and ninety-eight hundredths (248.98) feet along land of Senesomobath and land of Vrba received by deed dated March 16, 1984 and recorded in Book 6407, Page 151, and land of Dunning received by deed dated November 24, 1972 and recorded in Book 3332, Page 324 and land of Dionne received by deed dated February 14, 1981 and recorded in Book 4740, Page 91 to a similar iron rod to be set;

Thence at right angles to the last described line South 11 degrees 42 minutes 15 seconds West fifty-two and sixty-six hundredths (52.66) feet along land of Saturley received by deed dated September 23, 1985, recorded in Book 6911, Page 64 to a similar iron rod to be set;

Thence South 78 degrees 17 minutes 45 seconds West forty-seven and thirty-two hundredths (47.32) feet along land of Saturley to a similar iron rod to be set on the westerly side of Devonshire Street;

Thence South 39 degrees 26 minutes 15 seconds West five hundred six and eighty-five hundredths (506.85) feet along Devonshire Street to a similar iron rod to be set;

Thence South 16 degrees 15 minutes 15 seconds West thirty-four and twenty-two hundredths (34.22) feet along Devonshire Street to the iron pipe at the point of beginning. All bearings are referenced to magnetic North as observed in 1987.

RECEIVED
RECORDED REGISTRY OF DEEDS

2001 MAR 30 PM 12:20

CUMBERLAND COUNTY

John B. O'Brien

"*Map of Land In Westbrook And Map Drawn For Nathan Mayhew*", dated 1854
by C.E., recorded February 22, 1862 in CCRD Plan Book 2, Page 24.

"*Portion Of The Deering Estate*", dated January 1880 by E.C. Jordan, C.E.,
January 2, 1880 in CCRD Plan Book 4, Page 25.

"*Deering Park*", dated April 27, 1897 by L.P. Thompson, recorded
July 7 in CCRD Plan Book 8, Page 87.

"*Wharf And Track Map, Portland Terminal, Operated By The Portland
Company*", Sheets 1 & 2, dated June 30, 1915.

"*Devonshire Sts.*" Built Sept.-Oct. 1898 by City Engineer.

"*Land, Maine Department Of Public Works, Longfellow St., Sewer
Plan, Deering Ave. To Beacon St.*", dated April 27, 1931 by
Edward M. Hunt, City Engineer.

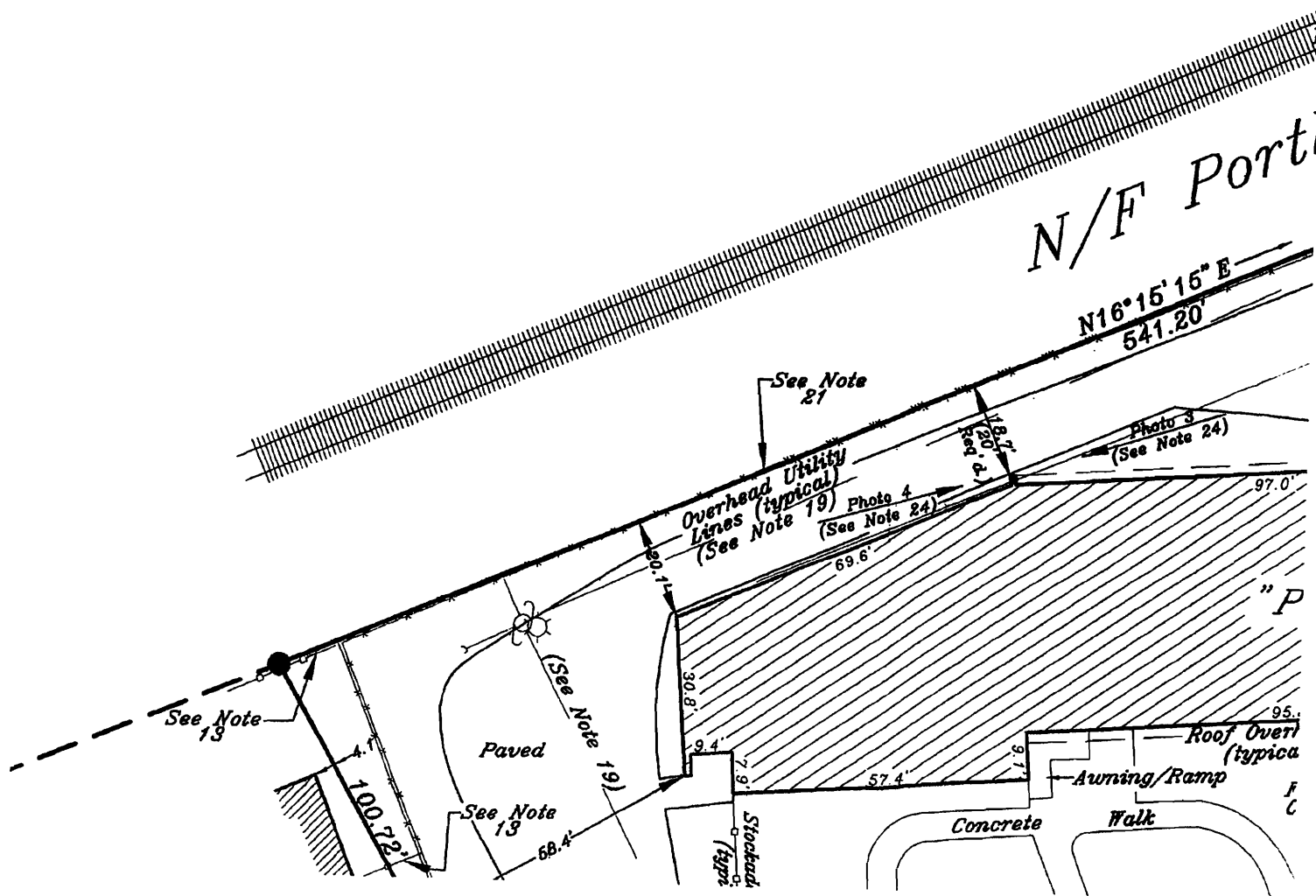
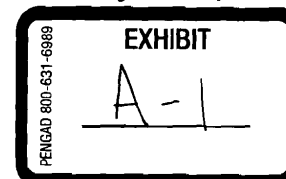
"*Land, Maine Department Of Public Works, Devonshire St. & Ocean Ave.
Segment Plans*", dated April 4, 1931 by Edward M. Hunt, City Engineer.

"*Land Owned By Henry Deering Heirs Made By E.C. Jordan & Co. Civ.
Engineer*", dated July 12, 1921.

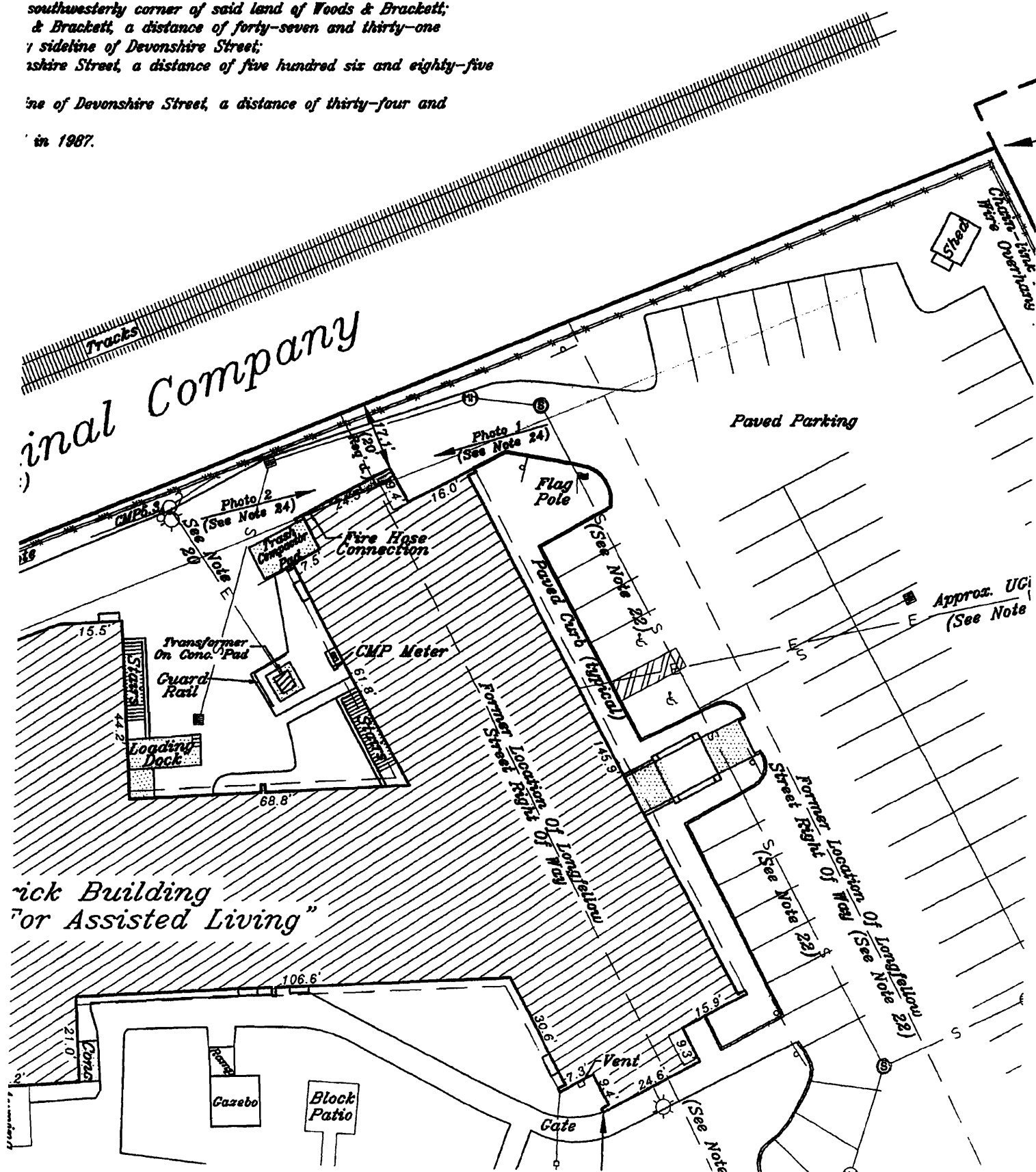
"*Land, Maine Department Of Public Works, Devonshire-Longfellow-
Sts., Land Of Deering Heirs Showing Re-Arrangement Of Lots*", dated
July 1931 by Edward M. Hunt, City Engineer.

"*Deering Park Development, Location Plan Showing True Location And
Boundary Lines Of Lot No. 70*", dated July 5, 1933 by Victor Van Nese,
Eng., Boston, Mass., recorded March 21, 1935 in CCRD Plan Book
10, Page 2.

Thence, N16°15'15"E along
hundredths (541.20) feet to a found
described parcel on the southerly
Thence, S78°17'45"E along
115, land now or formerly of C.
as described in CCRD Book 1101
to a found #5 steel rebar mark
CCRD Book 24091, Page 219;
Thence, S11°42'15"W along
to a found #5 steel rebar with
Thence, S78°17'45"E conti
hundredths (47.31) feet to a PK
Thence, S89°26'15"W along
hundredths (506.85) feet to a F
Thence, S16°15'15"W conti
twenty-two hundredths (34.22).
All bearings are reference



' in 1987.



Photograph 3



Photograph 4



Photograph 1



PENGAD 800-631-6989

EXHIBIT

C

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number	1 of 1
Parcel ID	119 F001001
Location	50 DEVONSHIRE ST
Land Use	GOVERNMENTAL
Owner Address	68 DEVONSHIRE STREET CORPORATION 3 UNIVERSITY DR AUGUSTA ME 04338
Book/Page	16147/230
Legal	119-F-1 DEVONSHIRE ST 50-92 107780 SF

Current Assessed Valuation

Land	Building	Total
\$765,600	\$5,582,110	\$6,347,710

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1964	154	56170	1
Total Acres	Total Buildings Sq. Ft.	Structure Type	Building Name	
2.474	56170	NURSING HOME	NURSING CARE CENTER	

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	3384	MULTI-USE STORAGE
2	B1/B1	5688	MULTI-USE STORAGE
1	01/01	24002	NURSING HOME
1	02/02	23096	NURSING HOME

Height	Walls	Heating	A/C
10		HEAT PUMP	CENTRAL
10		HEAT PUMP	CENTRAL
10	BRICK/STONE	HEAT PUMP	CENTRAL
10	BRICK/STONE	HEAT PUMP	CENTRAL
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
3	ELEVATOR - ELEC. FREIGHT	1
3	ELEVATOR - ELEC. PASSENGER	2
3	COOLER CHILLER	1
3	COOLER FREEZE	1
3	ENCLOSED ENTRY	1
3	PORCH - COVERED	1
2	SPRINKLER - WET	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1980	ASPHALT PARKING	25000	1

Sales Information

Date	Type	Price	Book/Page
03/30/2001	LAND + BLDING	\$4,500,000	16147-230
03/30/2001	LAND + BLDING	\$4,500,000	16147-230

Picture and Sketch

Picture Sketch Tax Map

Click here to view Tax Roll Information.
Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

New Search!

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
082 B001001	DAY RICHARD	30 WADSWORTH ST PORTLAND , ME 04103	30 WADSWORTH ST	1
082 B005001	KENDALL KATHRYN TRUSTEE	18 WADSWORTH ST PORTLAND , ME 04103	18 WADSWORTH ST	1
082 B006001	COOK-STEWART PATRICIA	14 WADSWORTH ST PORTLAND , ME 04103	14 WADSWORTH ST	1
082 B007001	FOLEY MARTIN J	6 WADSWORTH ST PORTLAND, ME 04103	6 WADSWORTH ST	1
082 B008001	SCHAIR GILLIAN B & SETH D RIGOLETTI JTS	105 NOYES ST PORTLAND , ME 04103	105 NOYES ST	1
082 B010001	BRADBURY BARTON W WWII VET	117 NOYES ST PORTLAND , ME 04103	117 NOYES ST	1
082 B012001	BRADBURY BARTON W	117 NOYES ST PORTLAND , ME 04103	119 NOYES ST	1
082 B013001	WERNER LAURA J	125 NOYES ST PORTLAND , ME 04103	125 NOYES ST	2
082 B014001	BROWN CHRISTOPHER F & CHRISTINA R HOUGHTON	129 NOYES ST PORTLAND, ME 04101	129 NOYES ST	1
082 B015001	BROWN CHRISTOPHER F AND CHRISTINA R HOUGHTON	129 NOYES ST PORTLAND, ME 04101	133 NOYES ST	1
082 B016001	BOURQUE MICHAEL P & MELISSA R BOURQUE JTS	137 NOYES ST PORTLAND , ME 04103	137 NOYES ST	1
082 B017001	ARTINYAN ZARTARINA	141 NOYES ST PORTLAND , ME 04103	141 NOYES ST	3
082 B018001	DYER PHILIP C & MARGARET A	37 DEVONSHIRE ST PORTLAND, ME 04103	37 DEVONSHIRE ST	1
082 B020001	BUTTS SIMMIE M WWII VET & LUCY OR SURV	29 DEVONSHIRE ST PORTLAND, ME 04103	29 DEVONSHIRE ST	1
082 B021001	JOHNSON RANDY M	5 HUNNEWELL RD SCARBOROUGH, ME 04074	23 DEVONSHIRE ST	2
082 B023001	PAPPAS NICHOLAS T & SYLVIA E SWIGER	21 VALLEY ST # 3 SOUTH PORTLAND , ME 04106	21 DEVONSHIRE ST	3
082 B024001	EDWARDS JOHN A	15 DEVONSHIRE ST PORTLAND , ME 04103	15 DEVONSHIRE ST	3
082 B025001	HASEY SEAN W & KRISTEN C MICHAUD	11 DEVONSHIRE ST PORTLAND , ME 04103	11 DEVONSHIRE ST	1
082 B026001	ARTINYAN ZARTARINA	141 NOYES ST PORTLAND , ME 04103	149 NOYES ST	2
082 B027001	YIOTOS KALIANTHE LIFE INTEREST	40 BERKELEY ST PORTLAND, ME 04103	157 NOYES ST	2
082 B028001	HURLEY JASON W & KRISTIN A HURLEY JTS	24 WADSWORTH ST PORTLAND , ME 04103	24 WADSWORTH ST	1
082 C001001	MARTELL GREGORY A	46 DEVONSHIRE ST PORTLAND, ME 04103	46 DEVONSHIRE ST	2
082 C003001	RICCI DONNA R & ROBERT D RICCI JTS	38 DEVONSHIRE ST PORTLAND , ME 04103	38 DEVONSHIRE ST	1
082 C004001	TROUVALIS KATHLEEN A & NICHOLAS E POULOS JR ETAL	40 BERKELEY ST PORTLAND, ME 04103	34 DEVONSHIRE ST	2
082 C005001	DODGE EMORY C JR KW VET & SOPHIA G DODGE VN VET JTS	30 DEVONSHIRE ST PORTLAND, ME 04103	30 DEVONSHIRE ST	1
082 C006001	DODGE EMORY C JR & SOPHIA G JTS	30 DEVONSHIRE ST PORTLAND, ME 04103	30 DEVONSHIRE ST	1
082 C007001	TROUVALIS KATHLEEN A & NICHOLAS E POULOS JR ETAL	40 BERKELEY ST PORTLAND, ME 04103	24 DEVONSHIRE ST	2
082 C009001	SIEMEN BENJAMIN P & JUDITH M SIEMEN JTS	14 DEVONSHIRE ST PORTLAND , ME 04103	16 DEVONSHIRE ST	2
082 C010001	GIVIN DEBRA M & KEITH D LAUGHLIN JTS	10 DEVONSHIRE ST PORTLAND , ME 04103	10 DEVONSHIRE ST	2

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
082 D001001	ARTHUR MICHAEL F & TAMMY L LASLOW JTS	65 SAINT GEORGE ST PORTLAND, ME 04103	65 ST GEORGE ST	1
082 D002001	RUSSELL EARLE R WWII VET	59 ST GEORGE ST PORTLAND, ME 04103	59 ST GEORGE ST	1
082 D003001	SIMPSON CHARLOTTE A	19 FEDERAL ST # 1B BRUNSWICK, ME 04011	53 ST GEORGE ST	1
082 D005001	WALSH TIMOTHY A & SUSAN ALEXANDRA CROMWELL	49 ST GEORGE ST PORTLAND, ME 04103	49 ST GEORGE ST	1
082 D006001	EYLER SHANNON	45 ST GEORGE ST PORTLAND, ME 04103	45 ST GEORGE ST	1
082 D008001	LABADIE JOSEPH ARVIS & CELESTE ALICIA LABADIE JTS	35 ST GEORGE ST PORTLAND, ME 04103	35 ST GEORGE ST	1
082 D009001	D'ASCANIO DAVID & MYRTIE L JTS	PO BOX 451 SOUTH CASCO, ME 04077	29 ST GEORGE ST	1
082 D010001	SCULLY SUSAN D	23 ST GEORGE ST PORTLAND, ME 04103	23 ST GEORGE ST	1
082 D012001	FREEMAN ANNA J	19 ST GEORGE ST PORTLAND, ME 04103	19 ST GEORGE ST	1
082 D013001	FLORENDO CYNTHIA O	13 ST GEORGE ST PORTLAND, ME 04103	13 ST GEORGE ST	2
082 D015001	NEW ENGLAND PROPERTIES LLC	6 DOVE RD HOOKSETT, NH 03106	205 BRIGHTON AVE	1
082 E001001	DELATTRE BAMBI MORGAN	25 BEACON ST PORTLAND, ME 04103	25 BEACON ST	2
082 E002001	TIMBERLAKE NANCY R & LAWRENCE J HERDADE JTS	21 BEACON ST PORTLAND, ME 04103	21 BEACON ST	2
082 E003001	PIANTEDOSI SHARON A	59 ORLAND ST PORTLAND, ME 04103	57 ORLAND ST	1
082 E004001	GRASSI JUDITH E	46 ST GEORGE ST PORTLAND, ME 04103	46 ST GEORGE ST	1
082 E005001	MURPHY ANN MARIE	61 ORLAND ST PORTLAND, ME 04103	61 ORLAND ST	1
082 E006001	KIRK GREGORY S & LESLIE E HAHN JTS	36 ST GEORGE ST PORTLAND, ME 04103	36 ST GEORGE ST	1
082 E007001	CLAYTER SETH A & NICOLE CHERBULIEZ JTS	32 ST GEORGE ST PORTLAND, ME 04103	32 ST GEORGE ST	1
082 E008001	MCALOON JAMES T & THERESA M JTS	17 BEACON ST PORTLAND, ME 04103	17 BEACON ST	1
082 E009001	RHODES WILLIAM G & PAMELA S	15 BEACON ST PORTLAND, ME 04103	15 BEACON ST	1
082 E010001	PAREKH RAHUL	184 ADA D AVE MOUNTAIN VIEW, CA 94043	9 BEACON ST	3
082 E011001	STANFORD TRACY M HEIRS	25 ROBERTS RD CONTOOCOOK, NH 03229	28 ST GEORGE ST	3
082 E013001	BUTLER ALBURN E & TAMMY J	20 ST GEORGE ST PORTLAND, ME 04103	20 ST GEORGE ST	1
082 E015001	GAMAGE JANE	229 BRIGHTON AVE PORTLAND, ME 04102	229 BRIGHTON AVE	1
082 E016001	RAND JOHN T & SHAWN P LAGREGA	227 BRIGHTON AVE PORTLAND, ME 04102	227 BRIGHTON AVE	1
082 E017001	SULLIVAN FREDERICK J	PO BOX 2473 SOUTH PORTLAND, ME 04116	223 BRIGHTON AVE	3
082 E018001	CONNER GARTH M & ANDREA P CONNER JTS	1411 BEACH DR TACOMA, WA 98422	219 BRIGHTON AVE	3
082 E020001	CONNER GARTH M & ANDREA P CONNER JTS	1411 BEACH DR TACOMA, WA 98422	12 ST GEORGE ST	1
082 E022001	CUMMINGS THEODORE & AUBREY WHITNEY JTS	40 ST GEORGE ST PORTLAND, ME 04103	40 ST GEORGE ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
118 A001001	HAYDEN NANCY L	415 DEERING AVE #1 PORTLAND, ME 04103	415 DEERING AVE	2
118 A002001	DINGWELL CHRIS	28 HOLWELL ST PORTLAND, ME 04103	28 HOLWELL ST	1
118 A003001	TEMPLE BETH-EL	400 DEERING AVE PORTLAND, ME 04103	383 DEERING AVE	1
118 A006001	CONGREGATION SHAAREY	76 NOYES ST PORTLAND, ME 04103	22 HOLWELL ST	1
118 A010001	FINE JEROME M & SUSAN B	14 HOLWELL ST PORTLAND, ME 04103	14 HOLWELL ST	1
118 B001001	KESSLER JAMES B & DAWN C FISCHER JTS	46 LONGFELLOW ST EAST PORTLAND, ME 04103	46 LONGFELLOW ST	1
119 B001001	BUXTON BRUCE A	67 BEACON ST PORTLAND, ME 04103	67 BEACON ST	1
119 B002001	SAIA JOSEPH A & DEBORAH J SAIA JTS	117 LONGFELLOW ST PORTLAND, ME 04103	117 LONGFELLOW ST	2
119 B003001	ADRIAN LAWRENCE D & BARBARA BRODA ADRIAN JTS	145 LONGFELLOW ST W PORTLAND, ME 04103	145 LONGFELLOW ST	1
119 B004001	SABATINO JAMES R & MICHAEL REGO JTS	139 LONGFELLOW ST PORTLAND, ME 04103	139 LONGFELLOW ST	1
119 B005001	RUBIN MARK & ELISE RICHER JTS	133 LONGFELLOW ST PORTLAND, ME 04103	133 LONGFELLOW ST	1
119 B006001	LORELLO GREGORY	4 FOWLER FARM RD SCARBOROUGH, ME 04074	123 LONGFELLOW ST	2
119 D001001	FREUND KATHERINE L	51 BEACON ST PORTLAND, ME 04103	51 BEACON ST	1
119 D002001	BALS LEE H	146 LONGFELLOW ST PORTLAND, ME 04103	146 LONGFELLOW ST	1
119 D003001	FINKLER TODD & JUDI FINKLER	1310 PLEASANT MEADOWS RD CROFTON, MD 21114	66 ORLAND ST	2
119 D004001	KLEIN JAMES W & SUSAN S JTS	45 BEACON ST PORTLAND, ME 04103	45 BEACON ST	1
119 D005001	MITCHELL CAROLYN S & FRANK J JTS	39 BEACON ST PORTLAND, ME 04103	39 BEACON ST	2
119 D007001	ADAMS GREGORY & SHERRA LABELLE JTS	58 ORLAND ST PORTLAND, ME 04103	58 ORLAND ST	2
119 D008001	JENNINGS WILLIAM D & VIRGINIA A JTS	70 ORLAND ST PORTLAND, ME 04103	70 ORLAND ST	1
119 D009001	POULIN ROGER & JAMES GEMMELL JTS	142 LONGFELLOW ST PORTLAND, ME 04103	142 LONGFELLOW ST	1
119 D011001	VICKERS MADELYN TRUSTEE	304 DAWN'S EDGE LN ETON, PA 19341	134 LONGFELLOW ST	1
119 F001001	68 DEVONSHIRE STREET CORPORATION	PO BOX 2268 AUGUSTA, ME 04338	50 DEVONSHIRE ST	154
119 I001001	TEMPLE BETH-EL	400 DEERING AVE PORTLAND, ME 04103	400 DEERING AVE	1
124 E001001	LAUGHLIN C STUART & FREDERIC P	68 PROSPECT ST PORTLAND, ME 04103	68 PROSPECT ST	1
124 E003001	PIERCE DANIEL C & JANET O JTS	62 PROSPECT ST PORTLAND, ME 04103	62 PROSPECT ST	1
124 E004001	HAINS AVRAM M	PO BOX 300 NORTH BERWICK, ME 03906	34 PROSPECT ST	1
124 E005001	POLLARD MARIE J & LUCIEAN R BURG JTS	54 PROSPECT ST PORTLAND, ME 04103	54 PROSPECT ST	1
124 E006001	ROBINSON LEWIS G	42 PROSPECT ST PORTLAND, ME 04103	42 PROSPECT ST	2
124 E007001	HALL JUSTIN W	38 PROSPECT ST PORTLAND, ME 04103	38 PROSPECT ST	2

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
124 E008001	ROBINSON LEWIS G & CAROLINE C DAVIES JTS	46 PROSPECT ST PORTLAND , ME 04103	46 PROSPECT ST	1
124 F002001	SCRUGGS CATHARINE N & KEVIN OSTER JTS	65 PROSPECT ST PORTLAND , ME 04103	65 PROSPECT ST	1
124 F003001	KAHN BARRY & JEAN JTS & VICKI L SCHAFER	61 PROSPECT ST PORTLAND, ME 04103	61 PROSPECT ST	2
124 F004001	FOYE FIORELLA A	51 PROSPECT ST PORTLAND, ME 04103	51 PROSPECT ST	1
124 F005001	PAPACHRISTO NIKOS	PO BOX 31 ARENDTSVILLE , PA 17303	43 PROSPECT ST	2
124 F006001	O'BRIEN KERRY	39 PROSPECT ST PORTLAND, ME 04103	39 PROSPECT ST	1
124 F007001	BARRIS VALERIE J	33 PROSPECT ST PORTLAND, ME 04103	33 PROSPECT ST	2
124 F008001	DAVIS MICHAEL T & AMY L DUNKLEE JTS	6 CEDAR WOOD DR FALMOUTH , ME 04105	53 PROSPECT ST	2
124 G006001	BREWSTER HOUSE LLC	25 WHISTLER LNDG SCARBOROUGH , ME 04074	141 ASHMONT ST	2
124 G010001	QUINN HENRY J & LAURA S QUINN JTS	135 ASHMONT ST PORTLAND , ME 04103	135 ASHMONT ST	1
124 G011001	NOWRANGI LEELA R	206 COYLE ST PORTLAND , ME 04103	206 COYLE ST	1
124 G011002	MEDD DONALD J & RACHEL S SIMONS JTS	206 COYLE ST # 2 PORTLAND , ME 04103	206 COYLE ST	1
124 G012001	LEARY THOMAS D	149 TANDBERG TRAIL WINDHAM , ME 04062	131 ASHMONT ST	2
124 G014001	MARION EDWARD P & NAOMI T MARION JTS &	1175 HILLTOP LN COATESVILLE , PA 19320	202 COYLE ST	5
124 G015001	BEVERAGE PARKER J & ANN G BEVERAGE JTS	7 MERRILL ST WATERVILLE , ME 04901	123 ASHMONT ST	1
124 G017001	LUSE KAREN I	121 ASHMONT ST PORTLAND, ME 04103	121 ASHMONT ST	1
124 G018001	BAKER CLYDE W	117 ASHMONT ST PORTLAND , ME 04103	117 ASHMONT ST	2
124 G019001	NICOLOFF LEE K	186 COYLE ST PORTLAND , ME 04103	186 COYLE ST	1
124 G021001	HAWKINS KATHLEEN M	190 COYLE ST PORTLAND, ME 04103	190 COYLE ST	3
125 A002001	LEDUE CRAIG M	24 PROSPECT ST PORTLAND, ME 04103	24 PROSPECT ST	2
125 A003001	O'CONOR JANE H	20 PROSPECT ST PORTLAND, ME 04103	16 PROSPECT ST	1
125 A004001	CHIMSKY-LUSTIG ROBERT I & MARK E CHIMSKY-LUSTIG JTS	14 PROSPECT ST PORTLAND , ME 04103	14 PROSPECT ST	1
125 A005001	KIM CHAO BORY	10 PROSPECT ST PORTLAND , ME 04103	10 PROSPECT ST	1
125 A006001	ADAMS KENNETH ROY JR & NANCY LEE JTS	440 DEERING AVE PORTLAND, ME 04103	440 DEERING AVE	1
125 A007001	WOODS RANDALL & EMILY BRACKETT JTS	438 DEERING AVE PORTLAND , ME 04103	438 DEERING AVE	1
125 B001001	IRLANDY LOEWENBERG JON F HALL JTS	102 ASHMONT ST PORTLAND, ME 04103	102 ASHMONT ST	2
125 B002001	O'GRADY MARTHA F WID WWII COLLEEN M O'GRADY &	452 DEERING AVE PORTLAND , ME 04103	452 DEERING AVE	2
125 C001001	CLARK JOSHUA GILL & PORTIA HARD CLARK JTS	93 ASHMONT ST PORTLAND , ME 04103	93 ASHMONT ST	1
125 C002001	CLARK PORTIA H & JOSHUA GILL CLARK JTS	464 DEERING AVE PORTLAND , ME 04103	464 DEERING AVE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
125 C003001	PAULSON CAMELLE H	470 DEERING AVE PORTLAND, ME 04103	470 DEERING AVE	1
125 C004001	ALPERT DOUGLAS N & CYNTHIA A JTS	12 SLOCUM DR FALMOUTH, ME 04105	176 COYLE ST	2
125 C005001	STICKNEY PAUL F & KAREN J JTS	2 BLOCKHOUSE RUN GORHAM, ME 04038	172 COYLE ST	2
125 C006001	MCGEORGHEGAN COLLEEN P	166 COYLE ST PORTLAND, ME 04103	166 COYLE ST	1
125 C007001	STEPHENS JOHN Y & MARION L STEPHENS	164 COYLE ST PORTLAND, ME 04103	164 COYLE ST	2
125 C008001	AMOROSO AMY E & SETH W AMOROSO JTS	160 COYLE ST PORTLAND, ME 04103	160 COYLE ST	3
125 C009001	PAULSON RICHARD W JR & CARMELLE H PAULSON JTS	470 DEERING AVE PORTLAND, ME 04103	468 DEERING AVE	1
125 C010001	ZYWINA KASIMIERZ & ALICJA JTS	101 ASHMONT ST PORTLAND, ME 04103	101 ASHMONT ST	1
125 C011001	CHADWICK ALFRED P & BARBARA ANN JTS	205 LEAMING AVE NORTH CAPE MAY, NJ 08204	105 ASHMONT ST	1
125 G001001	RICE REBECCA ETALS	658 CONGRESS ST 1ST FLOOR PORTLAND, ME 04101	429 DEERING AVE	2
125 G002001	RICE REBECCA	658 CONGRESS ST 1ST FLOOR PORTLAND, ME 04101	435 DEERING AVE	1
125 G003001	GIBSON-MINTER MARCIA L & DANIEL MINTER JTS	441 DEERING AVE PORTLAND, ME 04103	441 DEERING AVE	1
125 G004001	VREELAND JACK R & NANCY MONTGOMERY JTS	447 DEERING AVE PORTLAND, ME 04103	447 DEERING AVE	2
125 G005001	LOHMAN CAROL P	451 DEERING AVE #1 PORTLAND, ME 04103	451 DEERING AVE	1
125 G005002	MCADAM THOMAS J	25 COTTAGE ST PORTLAND, ME 04103	451 DEERING AVE	1
125 G006001	ROBERTS RUTH ADA	7 HIGHLAND AVE WATERVILLE, ME 04901	14 COTTAGE ST	2
125 G007001	JONES MATTHEW R & LISA A HICKS JTS	22 COTTAGE ST PORTLAND, ME 04103	22 COTTAGE ST	1
125 G008001	CARAS DAVID L & NANCY A WAGNER JTS	70 ASHMONT ST PORTLAND, ME 04103	70 ASHMONT ST	1
125 G009001	DASCANIO JOHN A & CATHERINE M JTS	18 COTTAGE ST PORTLAND, ME 04103	18 COTTAGE ST	2
125 G010001	HALE EDITH A	65 LONGFELLOW ST PORTLAND, ME 04103	65 LONGFELLOW ST	2
125 G011001	JALBERT THOMAS W II	425 DEERING AVE PORTLAND, ME 04103	425 DEERING AVE	2
125 H001001	HILLARD MICHAEL GEORGE & MARCIA LYNNE GOLDENBERG &	57 LONGFELLOW ST PORTLAND, ME 04103	57 LONGFELLOW ST	2
125 H002001	BERNABEI DOMENIC W KW VET ELEANOR L JTS	11 COTTAGE ST PORTLAND, ME 04103	11 COTTAGE ST	1
125 H003001	MEINDERS POLLY ANN	15 COTTAGE ST PORTLAND, ME 04103	15 COTTAGE ST	1
125 H004001	ROSU-MYLES RICHARD J	20 FARMS EDGE RD CAPE ELIZABETH, ME 04107	19 COTTAGE ST	2
125 H005001	MCADAM THOMAS J & JOLENE A MCGOWAN JTS	25 COTTAGE ST PORTLAND, ME 04103	25 COTTAGE ST	1
125 H006001	LINCOLN WATSON E JR	16 LINDEN ST PORTLAND, ME 04103	16 LINDEN ST	1
125 H007001	LINCOLN WATSON E JR	16 LINDEN ST PORTLAND, ME 04103	16 LINDEN ST	1
125 H008001	JONES GWYNETH & GRETCHEN BERG & PELELOPE	24 LINDEN ST PORTLAND, ME 04103	24 LINDEN ST	2

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
125 H009001	BANGOR GARY E & CHRISTINE A CARTER JTS	52 ASHMONT ST PORTLAND, ME 04103	52 ASHMONT ST	2
125 H011001	MERRILL SCOTT P & SHARON S JTS	53 LONGFELLOW ST E PORTLAND, ME 04103	53 LONGFELLOW ST	1
125 H012001	VAN SOEST JUSTIN A & KIERSTON P VAN SOEST JTS	45 LONGFELLOW ST PORTLAND, ME 04103	45 LONGFELLOW ST	1
125 J001001	HORNER SUSAN LAURIE	461 DEERING AVE PORTLAND, ME 04103	459 DEERING AVE	1
125 J001002	NILSEN EVA	13 LANCASTER ST CAMBRIDGE, MA 02140	459 DEERING AVE	1
125 J001003	ARSENAULT MELANIE J	46 BACK WINTERPORT RD HAMPDEN, ME 04444	459 DEERING AVE	1
125 J002001	PORTLAND CHEVRAH KADISHA	471 DEERING AVE PORTLAND, ME 04103	467 DEERING AVE	1
125 J004001	JEWISH COMMUNITY CENTER	57 ASHMONT ST PORTLAND, ME 04103	57 ASHMONT ST	1
125 J009A01	MUZZY PATSY A	A1 CLAIRMONT CT PORTLAND, ME 04103	000A1 CLAIRMONT CT	1
125 J009A02	GRIBIZIS WILLIAM G	285 CLIFTON ST PORTLAND, ME 04103	000A2 CLAIRMONT CT	1
125 J009A03	MORRIS JUNE D	A3 CLAIRMONT CT PORTLAND, ME 04103	000A3 CLAIRMONT CT	1
125 J009A04	HOLMBERG BARBARA J	A4 CLAIRMONT CT PORTLAND, ME 04103	000A4 CLAIRMONT CT	1
125 J009A05	GREENE MARGARET L	A5 CLAIRMONT CT PORTLAND, ME 04103	000A5 CLAIRMONT CT	1
125 J009A06	COMAS EFFIE M WID WWII VET	A6 CLAIRMONT CT PORTLAND, ME 04103	000A6 CLAIRMONT CT	1
125 J009B01	KILCOYNE JULIE ANNE	B1 CLAIRMONT CT PORTLAND, ME 04103	000B1 CLAIRMONT CT	1
125 J009B02	DAVIS BARBARA	B2 CLAIRMONT CT PORTLAND, ME 04103	000B2 CLAIRMONT CT	1
125 J009B03	HALPERN ELLEN J	47-4 ANGLESIDE RD WALTHAM, MA 02453	000B3 CLAIRMONT CT	1
125 J009C01	URBANEK KATHERINE M & ERIK G URBANEK	10 PHILIP RD CAPE ELIZABETH, ME 04107	000C1 CLAIRMONT CT	1
125 J009C02	RICHARDS LYNNE M	C2 CLAIRMONT CT PORTLAND, ME 04103	000C2 CLAIRMONT CT	1
125 J009C03	LITTLEFIELD MARGARET M WID	C3 CLAIRMONT CT PORTLAND, ME 04103	000C3 CLAIRMONT CT	1
125 J009C04	CRANE LEONORE E	C4 CLAIRMONT CT PORTLAND, ME 04103	000C4 CLAIRMONT CT	1
125 J009C05	COLE TRISTRAM T & JENNIE A THERIAULT JTS	C5 CLAIRMONT CT PORTLAND, ME 04103	000C5 CLAIRMONT CT	1
125 J009C06	MCCANN CARL F	640 OCEAN AVE # 106 PORTLAND, ME 04104	000C6 CLAIRMONT CT	1
125 J009C07	YAVAROW COLLEEN K	39 STOUGHTON RD DEDHAM, MA 02026	000C7 CLAIRMONT CT	1
125 J009D01	SPEAR KAREN J & WILLIAM T JTS	D1 CLAIRMONT CT PORTLAND, ME 04103	CLAIRMONT CT	1
125 J009D02	CONLEY ELIZABETH E WID WWII VET	D2 CLAIRMONT CT PORTLAND, ME 04103	CLAIRMONT CT	1
125 J009D03	FILATOVA YELENA	D3 CLAIRMONT CT PORTLAND, ME 04103	CLAIRMONT CT	1
125 J009E01	DOUGHTY W REYNOLDS JR WWII & SHIRLEY M JTS	E1 CLAIRMONT CT PORTLAND, ME 04103	CLAIRMONT CT	1
125 J009E02	HOWE PETER A & MARY M BOULOS JTS	75 TWO LIGHTS RD CAPE ELIZABETH, ME 04107	CLAIRMONT CT	1

04/22/2009

SITE PLAN APPLICATION ID: 1510 50 DEVONSHIRE ST

11:35 AM

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
125 J009F01	TREFRY ALFRED W III	CLAIRMONT CT #F-1 PORTLAND, ME 04103	000F1 CLAIRMONT CT	1
125 J009F02	POTVIN FRANCOISE M	F2 CLAIRMONT CT PORTLAND , ME 04103	000F2 CLAIRMONT CT	1
125 J009F03	CURRAN JAMES O JR	F-3 CLAIRMONT CT PORTLAND, ME 04103	000F3 CLAIRMONT CT	1
125 J009F04	THOMPSON GARY F	25 STAGECOACH LN # 8 WESTBROOK , ME 04092	000F4 CLAIRMONT CT	1

04/22/2009

SITE PLAN APPLICATION ID: 1510 50 DEVONSHIRE ST

11:35 AM

CBL	OWNER		OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
Total Listed	178	UNITS	396		

CITY OF PORTLAND, MAINE

Zoning Board of Appeals

Zoning Board of Appeals Committee

DATE: 5/7/2009

TIME: 6:30:00 PM

LOCATION: 389 Congress Street

AGENDA

A New Business: Practical Difficulty Variance Appeal: 50-92 Devonshire Street, 68 Devonshire Street Corporation, owner, Tax Map 119, Block F, Lot 001, R-5 Zone: The existing building encroaches on the rear setback of the property in two spots. The appellant is requesting a variance for the rear setback from the required 20' to 17.1 feet at the closest point [section 14-120(1)(d)(2)(a)]. Representing the appeal is David L. Galgay, Jr., Esq.

B Conditional Use Appeal: 124 Harris Avenue, Anilda and Dimitri Gribizis, owners, Tax Map 339, Block B , Lots 018, 019 & 020, R-3 Zone: The appellants are seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to their single family dwelling. Representing the appeal are the owners.

Gayle Guertin - zoning board of appeal legal ad

From: Gayle Guertin
To: classified@pressherald.com
Date: 4/29/2009 11:34 AM
Subject: zoning board of appeal legal ad
CC: Ann Machado; Gayle Guertin; Marge Schmuckal

Hi Joan,
Attached is the Zoning Board of Appeals legal ad for Friday, May 1, 2009.

Thank You
Gayle Guertin @ 874-8701



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

Received from Capitol 20

Location of Work 1000 1st St

Cost of Construction \$ _____ Building Fee: _____

Permit Fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: _____

Total: 100.00

Building (IL) _____ Plumbing (I5) _____ Electrical (I2) _____ Site Plan (U2) _____

Other 1000 1st St

CBL: _____

Check #: 1000 1st St Total Collected \$ 100.00

No work is to be started until permit issued.

If permit is Withdrawn or Denied, amount of the Refund is based on \$20.00 or 20% of the fee, (whichever is greater)
In order to receive a refund, you MUST present the Original Receipt.

Taken by: [Signature]

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Permit Copy



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

Received from Capitol 20

Location of Work 1000 1st St

Cost of Construction \$ _____ Building Fee: _____

Permit Fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: _____

Total: 100.00

Building (IL) _____ Plumbing (I5) _____ Electrical (I2) _____ Site Plan (U2) _____

Other 1000 1st St

CBL: 1000 1st St

Check #: 1000 1st St Total Collected \$ 100.00

No work is to be started until permit issued.

If permit is Withdrawn or Denied, amount of the Refund is based on \$20.00 or 20% of the fee, (whichever is greater)
In order to receive a refund, you MUST present the Original Receipt.

Taken by: [Signature]

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Permit Copy

Applicant: 66 Duane St C-B-L: -119 F 001
Address: 50-92 Duane St.
Type of Appeal: Natural Gas Difficult

Check list

1. Type agenda Done 4/29/09
2. Address list of abutters to go in folder Done 4/22/09
3. Type abutters notice Done 4/29/09
4. Notify abutters: Done 4/29/09
5. Letter of acknowledgment to owner, bill & procedures outline: Done 4/30/09
6. Send agenda to the paper: Done 4/29/09
7. Send copies of agenda to all people on labels (citizen list attached to members labels) also in-house label list Done 4/30/09
8. Mail out packets: May 1, 2009
9. Send packet to Corporation Counsel May 1, 2009
10. Put agenda on the web site (office assistant) Done 4/29/09

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 5/14/09
 - Tape
 - Handwritten decisions from Board
 - Agenda
 - Agenda with decision
3. Make 10 copies of Notice of decision
 - One for each packet
 - One for each applicant
 - One for Joe and Aaron & Lee
 - ORIGINAL goes to City ClerkDone 5/11/09
4. Type cover letter of decision to applicant to include:
 - Letter of approval
 - Final bill
 - Conv of decision from agenda (taken from 10 copies): Done5/15/09



