

1. Agenda

Documents: [10-01-15 AGENDA.DOC](#)

2. 263 Brighton Avenue

2.I. Memo

Documents: [CONDITIONAL USE APPEAL - 263 BRIGHTON AVE.PDF](#)

2.II. Vicinity Map

Documents: [263 BRIGHTON AVE. - VICINITY MAP.PDF](#)

3. 224 Island Avenue

3.I. Memo

Documents: [DISABILITY VARIANCE APPEAL - 224 ISLAND AVE.PDF](#)

3.II. Vicinity Map

Documents: [224 ISLAND AVE. - VICINITY MAP.PDF](#)

4. 476 Summit Street

4.I. Memo

Documents: [CONDITIONAL USE APPEAL - 476 SUMMIT ST.PDF](#)

4.II. Vicinity Map

Documents: [476 SUMMIT ST. - VICINITY MAP.PDF](#)

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Sara Moppin, Chair
Kent Avery, Secretary
Chip Gavin
William Getz
Donna Katsiaticas
Eric Larsson

APPEAL AGENDA

The Board of Appeals will hold a Public Hearing on Thursday, October 1, 2015, 6:30 p.m., Room 209, 2nd Floor, City Hall, 389 Congress Street, Portland, Maine, to hear the following appeals:

1. New Business:

A. Conditional Use Appeal:

263 Brighton Ave, Sandra M. Chaussee owner, Tax Map 119, Block E, Lot 004, R-3 Residential Zone:

The applicant is seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to her existing single family home. Representing the appeal is the owner and Patrick Lever, Esq.

B. Disability Variance Appeal:

224 Island Ave, Steward Moss owner, Tax Map 119, Block W, Lot 007, IR-2 Island Residential Zone:

The applicant is seeking a disability variance under section 14-145.11(c) to install a handicap ramp and landings. The appellant is requesting a front setback of seven feet instead of the required twenty-five foot front yard setback [section 14-145.11(c)(1)] and a side setback of fifteen feet, six inches instead of the required twenty foot side setback [section 14-145.11(c)(3)]. Representing the appeal is the owner.

C. Conditional Use Appeal:

476 Summit St, Grace Baptist Church owner, Verizon Wireless, lessee, Tax Map 384, Block A, Lot 021 and Tax Map 385, Block C, Lot 002, R-2 Residential Zone:

The applicant is seeking a Conditional Use Appeal under section 14-78(c)(1) to construct a one hundred foot tall flagpole tower for wireless antennas and a twelve foot by twenty six foot telephone equipment shelter and pad-mounted propane tank. Representing the appeal is the lessee and Scott D. Anderson, Esq.

2. Adjournment

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Applicant Information:

SANDRA CHAUSSEE
NAME

BUSINESS NAME

BUSINESS ADDRESS

BUSINESS TELEPHONE & E-MAIL

OWNER

APPLICANT'S RIGHT/TITLE/INTEREST

R. 3

CURRENT ZONING DESIGNATION

EXISTING USE OF THE PROPERTY:

SINGLE FAMILY

Subject Property Information:

263 BRIGHTON AVE.
PROPERTY ADDRESS

119 E004 001
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

ADDRESS (If Different)

617-895-7509
PHONE # AND E-MAIL

jaguarwoman sounds@yahoo.com

CONDITIONAL USE AUTHORIZED BY
SECTION 14- 88(a)(2)

TYPE OF CONDITIONAL USE PROPOSED:

ADD ACCESSORY DWELING UNIT

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:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the 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 described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

See attached

SIGNATURE OF APPLICANT

DATE _____

389 Congress Street * Portland Maine 04101-3509 * Phone: (207) 874-8703 * Fax: (207) 874-8716
<http://www.portlandmaine.gov/planning/buildinsp.asp> * E-Mail: buildinginspections@portlandmaine.gov

Portland, Maine

Yes. Life's good here.

Jeff Levine, AICP, Director
Planning & Development Department

Ann MacIsaac
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Applicant Information:

Sandra Chaussee

BUSINESS NAME

BUSINESS ADDRESS

BUSINESS TELEPHONE & FAX

owner
APPLICANT'S RIGHT TITLE INTEREST

R-3
CURRENT ZONING DESIGNATION

single-family
EXISTING USE OF THE PROPERTY

Subject Property Information:

263 Brighton Ave Portland ME

119 EOO 4001
CHART BLOCK LOT & BLK

PROPERTY OWNER (if Different)

ADDRESS (if Different)

607-895-7509 jaguarwoman
PHONE & AND FAX sounds@
Yahoo.com

CONDITIONAL USE AUTHORIZED BY
SECTION 10-88(4)(2)

TYPE OF A CONDITIONAL USE PROPOSED:

unit

add accessory dwelling

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:

1. The volume and type of vehicle traffic to be generated, hours of operation, expense of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses of other allowable uses in the same zone; and
2. The proposed use will not create unsightly or harmful conditions by reason of noise, odor, dust, sewage disposal, emissions to the air, radio, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect impact on surrounding properties than those associated with surrounding uses of other allowable uses in the 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 described above, and verifies that the information herein is true and correct to the best of his/her knowledge and belief.

Sandra M. Chaussee
SIGNATURE OF APPLICANT

DATE

389 Congress Street • Portland Maine 04101-3509 • Phone: (207) 874-6793 • Fax: (207) 874-8716
http://www.ci.portland.me.us/planning/development.asp • E-Mail: Building@ci.portland.me.us

Sandra M. Chaussee
263 Brighton Avenue
Portland, ME 04102
(617) 895-0412
jaguarwomansound@yahoo.com

September 17, 2015

RE: Conditional Use Appeal Application

To Whom it May Concern:

My name is Sandra Chaussee and I am the owner of 263 Brighton Avenue. I am submitting the enclosed Conditional Use Appeal Application for the purpose of creating an accessory dwelling unit at my single-family home. My intention is to live in the first-floor accessory unit and lease the second and third floor as a single unit. This application is subject to the requirements of 14-88(a)(2), which I address as follows:

-14-88(a)(2)(a): My home has an overall square footage of approximately 2,405sf. The accessory unit will be comprised of the first floor, not including the front entry way used to access both units, which has a square footage of approximately 627sf or approximately 26% of the gross floor area of the principal building.

-14-88(a)(2)(b): My home has an exterior staircase that has been traditionally used to access a second floor patio from the ground level. This staircase is several years old and its use is grandfathered-in as a pre-existing condition.

-14-88(a)(2)(c): The anticipated conversion does not require any exterior alternations.

-14-88(a)(2)(d): The City of Portland lists my lot size as approximately 14,830sf.

-14-88(a)(2)(g): The remaining dwelling unit comprised of the entire second floor and finished attic space will have a square footage of approximately 1,600sf or 66% of the gross floor area of the principal building.

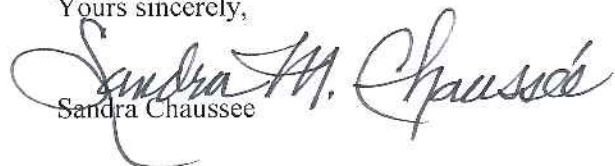
-14-88(a)(2)(h): The premises includes a two bay garage, and each unit will be assigned a bay accordingly.

-14-88(a)(2)(i): See 14-88(a)(2)(c) and 14-88(a)(2)(h)

-14-88(a)(2)(j): I will occupy the accessory unit as my primary residence.

Additionally, the approval of the proposed accessory unit will have little to no effect on the volume and type of vehicle traffic, will not create unsanitary or harmful conditions, and will not have a substantially great effect on surrounding properties. Thank you very much for your consideration

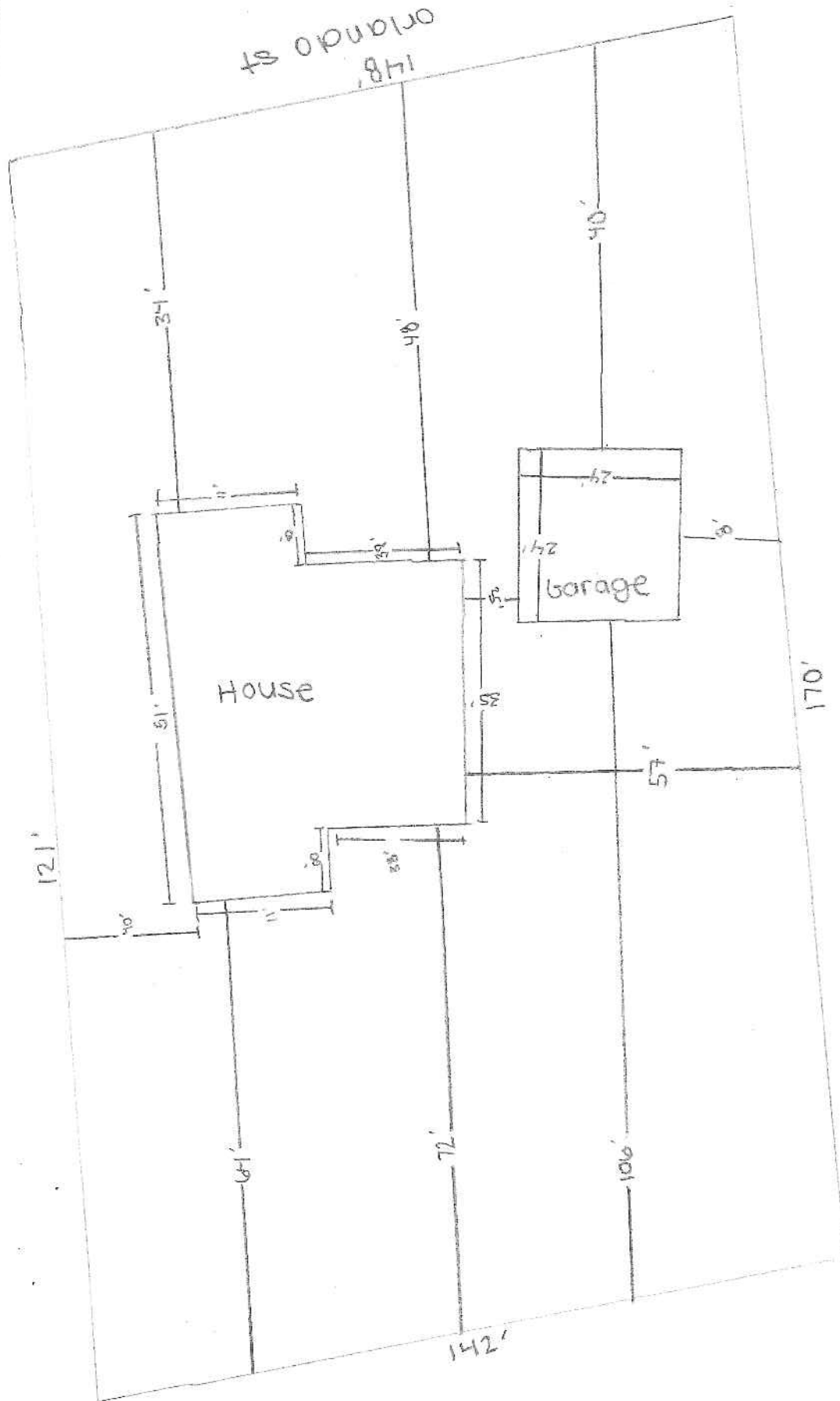
Yours sincerely,


Sandra Chaussee

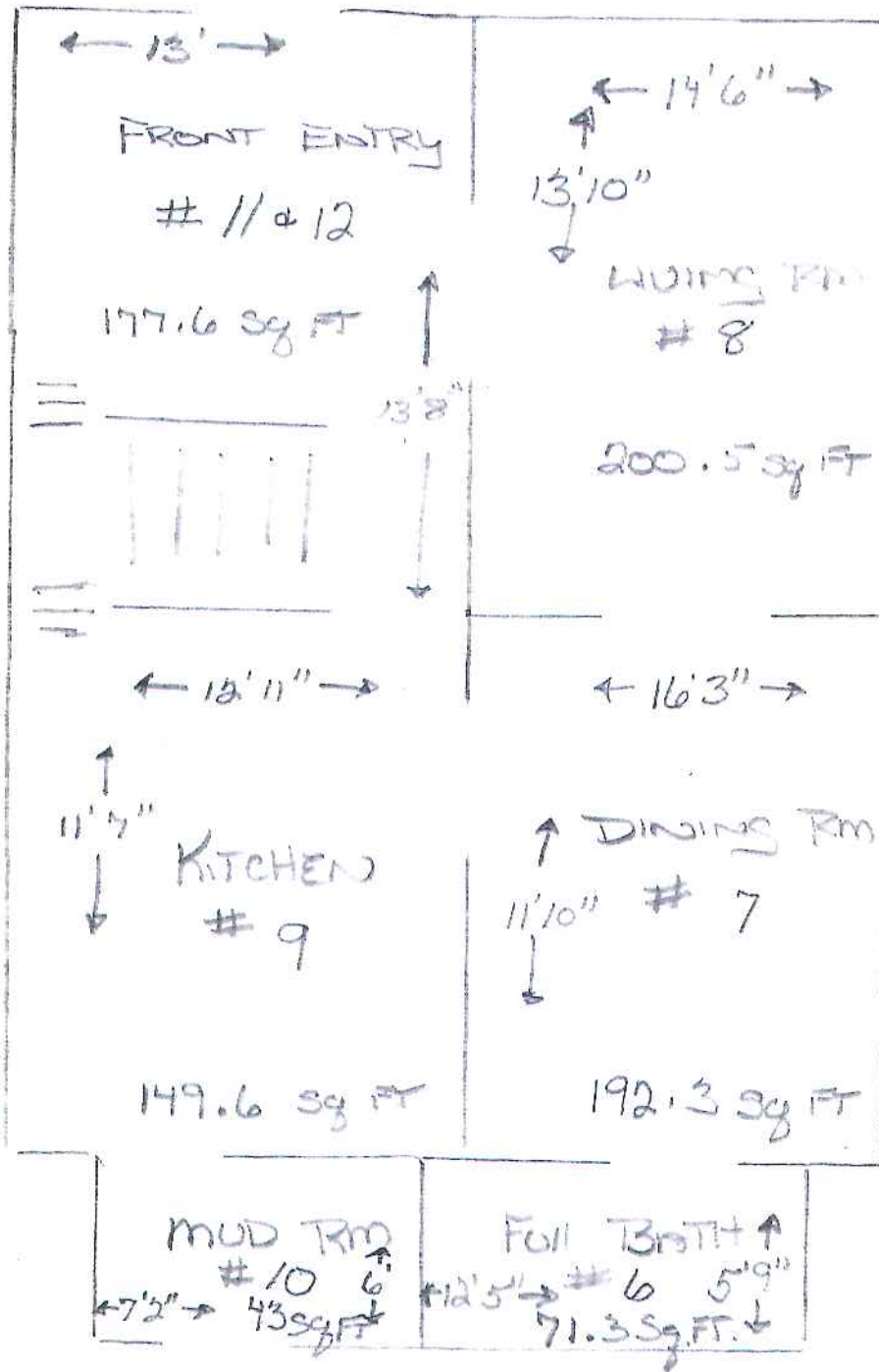
Brighton ave

sidewalk

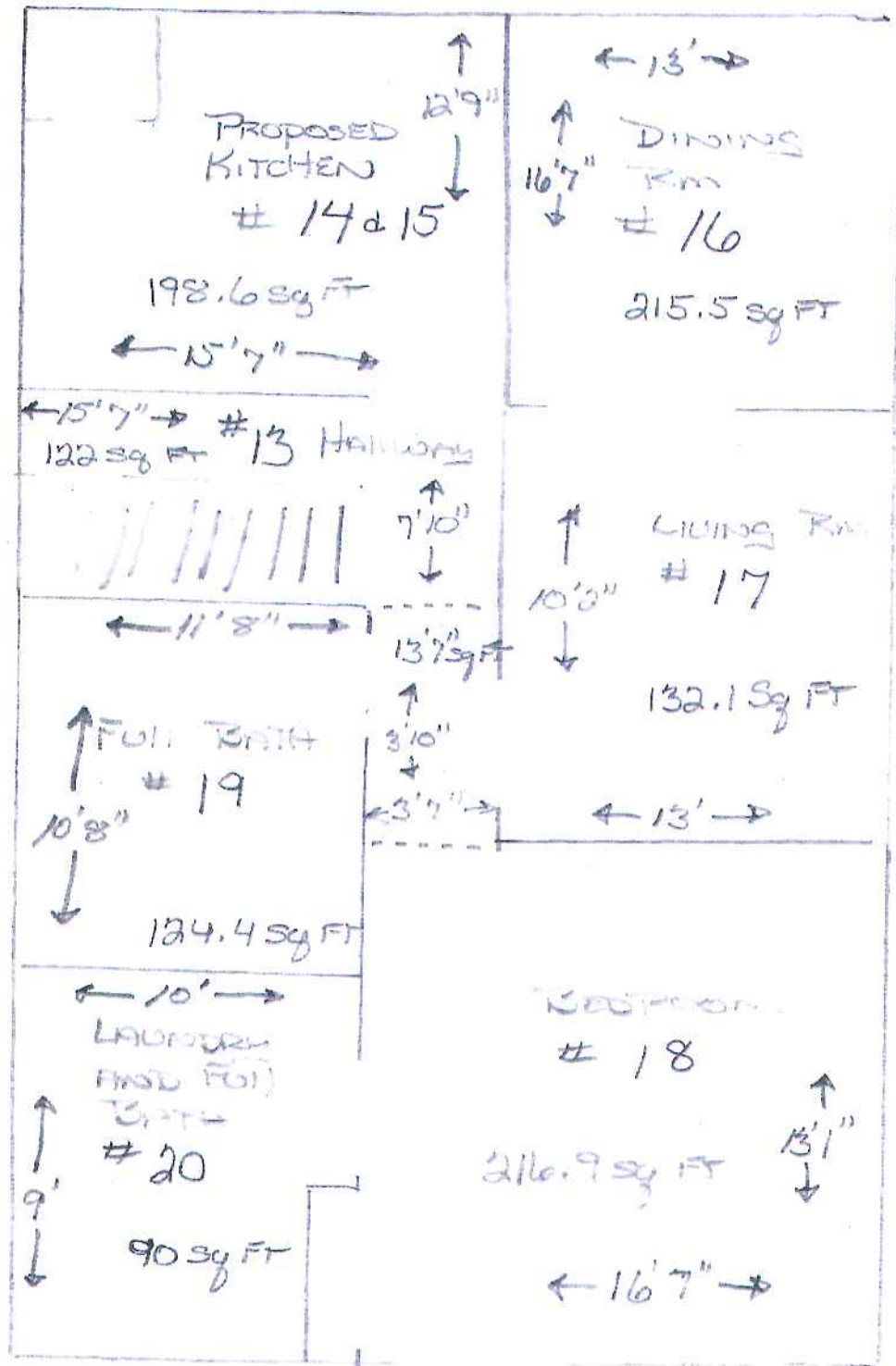
sidewalk



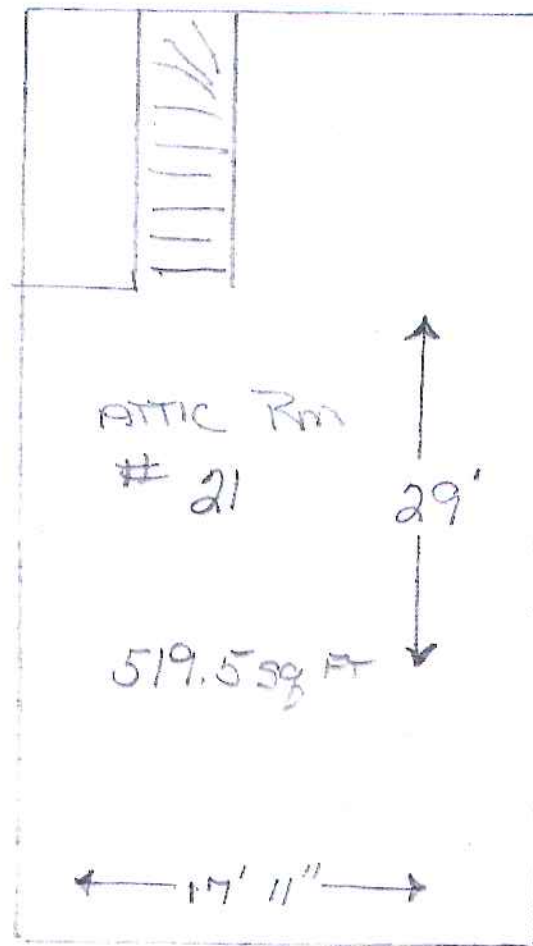
1ST FLOOR



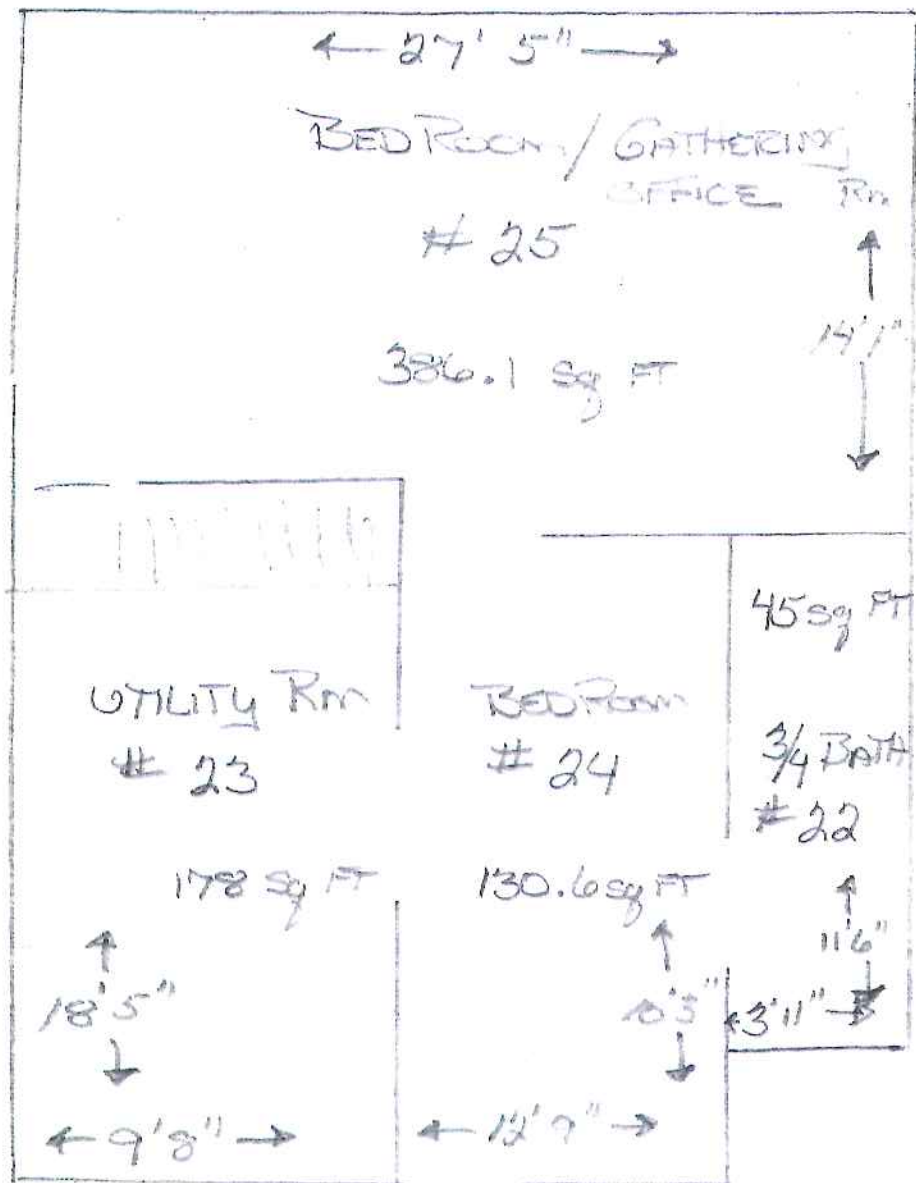
2ND FLOOR



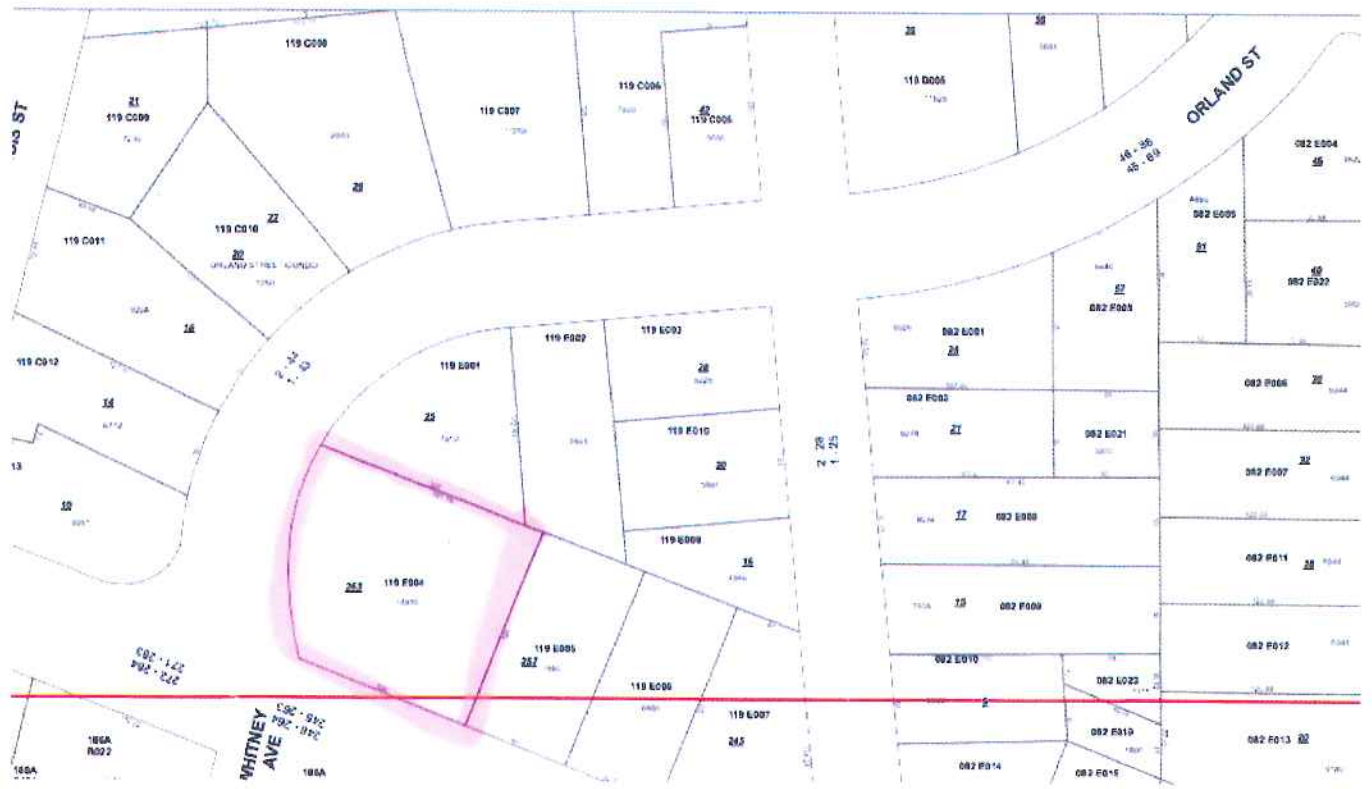
ATTIC.



BASEMENT







2nd LEVEL:





1ST FLOOR





EXTERIOR:



ATTIC:



BASEMENT:



WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that Sandra M. Chaussee, of Portland, County of Cumberland, State of Maine, for consideration paid, GRANTS to Sandra M. Chaussee, as Trustee of the Sandra M. Chaussee Revocable Trust of 2005, dated August 24, 2005, a Maine trust with a mailing address of 236 Brighton Avenue, Portland, Maine 04102, with WARRANTY COVENANTS, the land in Portland, County of Cumberland, State of Maine, described as follows:

A certain lot or parcel of land with the buildings thereon situated in the City of Portland, County of Cumberland and State of Maine, described as follows:
Beginning at a point at the intersection of the southerly sideline of Orland Avenue and the easterly sideline of Brighton Avenue, formerly Brighton Street; thence running southeasterly along Brighton Avenue 100 feet to an iron hub; thence at right angles to said Brighton Avenue and in a northeasterly direction 120 feet to iron hub; thence from this point and in a northwesterly direction and parallel with Brighton Avenue 131.16 feet to a hub placed on the southerly sideline of Orland Avenue; thence along the southerly sideline of Orland Avenue to an iron hub at the intersection of the easterly sideline of Brighton Avenue and the southerly sideline of Orland Avenue being lot 132 and 133 as shown on a plan of Fessenden Park Extension drawn by EC Jordan & Co. in August, 1898 and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 99. Said lots are subject to the following restriction: that the first house built on either of said lots shall cost not less than \$3,000.00 and be occupied as single dwelling houses.

Meaning and intending to convey and hereby conveying the same premises described in a deed from Larry H. Shain to Sandra M. Chaussee and recorded in the Cumberland County Registry of Deeds in Book 14765, Page 162.

WITNESS our hands and seals this 24th day of August, 2005.

Signed, Sealed and Delivered in the presence of

Witness

Sandra M. Chaussee

STATE OF MAINE
CUMBERLAND, SS

August 24, 2005

Then personally appeared the above named Sandra M. Chaussee and acknowledged the foregoing instrument to be her free act and deed.

Before me,

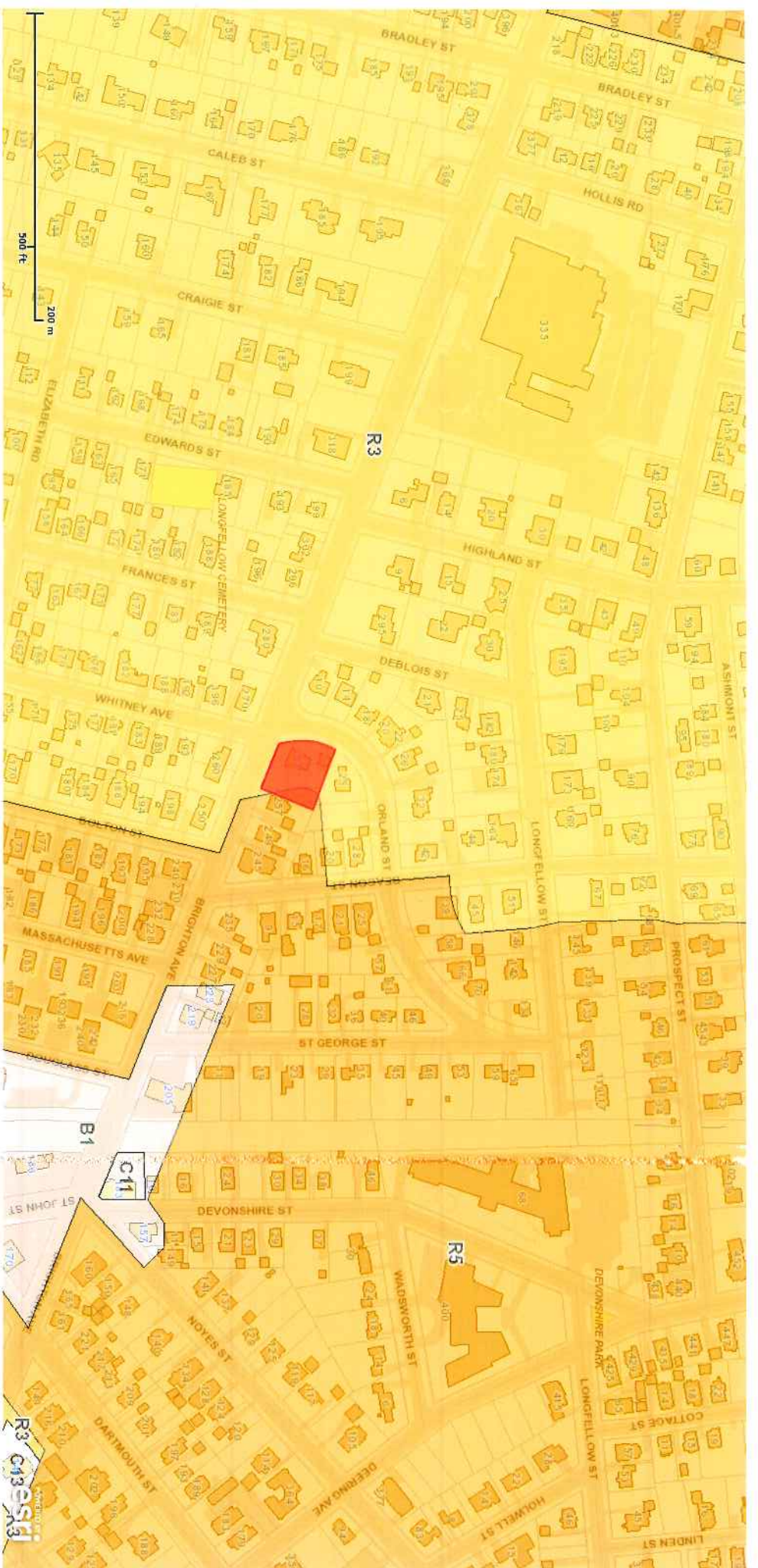
Notary Public

Received
Recorded Register of Deeds
Nov 16, 2005 02:44:51P
Cumberland County
John B O'Brien

AMY JO DREW
Notary Public, Maine
My Commission Expires July 28, 2010

SEAL

263 Brighton Ave



Copyright 2011 Esri. All rights reserved. Mon Sep 14 2015 02:45:44 PM.

Attn: Zoning Board of Appeals

9/15/15

From: Stewart M. Moss

Re: Handicapped access to 224 Island Ave, Peaks Island

My Name is Stewart Moss, I am registered nurse who works in Portland and owns a house at 224 Island Ave, Peaks Island ME. As my parents have gotten older, they have appreciated the slower pace of the Island. My mother, however, is wheelchair bound and unable to access my house at this time unless she is carried in. She has been in declining health as of late, and has decided to spend weekends with me on Peaks where she can be cared for appropriately. I have gone through considerable lengths to make a legal handicapped apartment for my family to use, but up until now have had no problems with egress. I am requesting a front and side setback variance so that a safe, dependable ramp and landing can be installed to insure my family members will have unfettered access to my house. This would be a permanent addition to the structure.

The plot plan indicates a proposed wheelchair ramp and landing along the exterior wall in a "L" shaped configuration. This design replaces 2 existing sets of stairs for 2 separate entrances. The landing before the main entrance is built on the original footprint of the existing stairs, extruding outward 3' 6". The ramp itself rises 12" over 8', and maintains the side setback requirement of 20ft. It does fall short on the front setback requirements, however.

Construction of the ramp and landing would be of 2x8 pressure treated lumber and 4x4 posts, metal hardware and lag bolts used throughout. 14" on center spacing of runners to support a 3'6" wide 5/8ths inch commercial pressure treated decking.

I look forward to meeting with you soon to discuss this setback request, and thank you for consideration of this matter.

Regards,

A handwritten signature in cursive script that reads "Stewart M. Moss".

Stewart M. Moss

Portland, Maine



Yes. Life's good here.

Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS
Disability Variance Application

Applicant Information:

Stewart Moss
NAME

BUSINESS NAME

BUSINESS ADDRESS

BUSINESS TELEPHONE & EMAIL

Owner
APPLICANT'S RIGHT/TITLE/INTEREST

I R II
CURRENT ZONING DESIGNATION

EXISTING USE OF THE PROPERTY:

This property is my primary residence, it has a handicapped unit for family members,

Subject Property Information:

224 Island Avenue, Peaks Island
PROPERTY ADDRESS

087 / 007 / 001
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

ADDRESS (If Different)

207-232-4072 Stew. Moss@yahoo.com
PHONE # AND E-MAIL

VARIANCE FROM SECTION 14-

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

RECEIVED

SEP 15 2015

Dept. of Building Inspections
City of Portland Maine

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

Stewart Moss
SIGNATURE OF APPLICANT

9/14/15
DATE

Disability Variance Appeal Application

WARNING!!

This application contains health care information and is CONFIDENTIAL, pursuant to 22 M.R.S.A., § 402(3) (Freedom of Access Law).

THE MEDICAL INFORMATION CONTAINED HEREIN MAY NOT BE DISCLOSED TO ANY PERSON WITHOUT THE WRITTEN CONSENT OF THE PATIENT

The Board of Appeals is authorized to grant disability variances by 30-A M.R.S.A., §4-A and Port Municipal Code § 14-473 (c)(2)

1. What is the nature of the disability which supports the request for a variance?

My mother became unable to walk due to an accident and declining health. She is home bound & dependent.

2. Does the disability constitute a physical or mental handicap as defined by 5 M.R.S.A., §4553?

☒ YES ☐ NO

I can provide M.D. Note if necessary.

3. Does the person with the disability reside in the dwelling?

☒ YES ☐ NO

She resides part-time with me.

4. Is the variance which is requested, restricted solely to the installation of equipment, or the construction of structures* necessary for access to or egress from the dwelling by the person with the disability?

☒ YES ☐ NO

Conditions

The Board may impose conditions on the variance, including limiting the term of the variance to the duration of the disability or the time that the person with the disability lives in the dwelling.

**The phrase "structure necessary for access to or egress from the dwelling" includes railing, wall or roof systems necessary for the safety or effectiveness of the structure.*



PORTLAND MAINE

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

Jeff Levine, AICP, Director
Director of Planning and Urban Development

Tammy Munson
Director, Inspections Division

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no permit application can be reviewed until payment of appropriate permit fees are **paid in full** to the Inspections Office, City of Portland Maine by method noted below:

Within 24-48 hours, upon receipt of an e-mailed invoice from Building Inspections, which signifies that my electronic permit application and corresponding paperwork have been received, determined complete, entered by an administrative representative, and assigned a permit number, I then have the following four (4) payment options:

- ☐ to provide an on-line electronic check or credit/debit card (we now accept American Express, Discover, VISA, and MasterCard) payment (along with applicable fees beginning July 1, 2014),
- ☒ call the Inspections Office at (207) 874-8703 and speak to an administrative representative to provide a credit/debit card payment over the phone,
- ☐ hand-deliver a payment method to the Inspections Office, Room 315, Portland City Hall,
- ☐ or deliver a payment method through the U.S. Postal Service, at the following address:

City of Portland
Inspections Division
389 Congress Street, Room 315
Portland, Maine 04101

Once my payment has been received, this then starts the review process of my permit. ***After all approvals have been met and completed, I will then be issued my permit via e-mail.*** No work shall be started until I have received my permit.

Applicant Signature: Stewart M. Moss Date: 9/14/15

I have provided digital copies and sent them on: 9/15/15 email Date: 9/15/15
re-sent 9/17/15 9/17/15

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means ie; a thumb drive or CD to the office.

Room 315 - 389 Congress Street- Portland, Maine 04101 (207) 874-8703 - Fax: 874-8716 - TTY: 874-8936



General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Address/Location of Construction: <u>224 Island Ave, Peaks Island</u>		
Total Square Footage of Proposed Structure: <u>64 SQ. FT.</u>		
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# <u>087 007 001</u>	Applicant Name: <u>Stew Moss</u> Address <u>224 Island Ave</u> City, State & Zip <u>Peaks Island</u> <u>ME 04108</u>	Telephone: <u>207-232-4072</u> Email: <u>Stew.moss@yahoo.com</u>
Lessee/Owner Name : (if different than applicant) Address: City, State & Zip: Telephone E-mail:	Contractor Name: (if different from Applicant) Address: City, State & Zip: Telephone E-mail:	Cost Of Work: \$ <u>300.00</u> C of O Fee: \$ _____ Historic Rev \$ _____ Total Fees : \$ _____
Current use (i.e. single family) <u>Single family handicapped unit</u> If vacant, what was the previous use? Proposed Specific use: <u>Wheelchair Ramp for mother to access</u> Is property part of a subdivision? <u>NO</u> If yes, please name _____ Project description: <u>Constructing Ramp/wheelchair landing for access by handicapped relatives. Have APPLIED for ZBA variance*</u>		
Who should we contact when the permit is ready: <u>Stew Moss</u>		
Address: <u>224 Island Ave</u>		
City, State & Zip: <u>Peaks Island, ME 04108</u>		
E-mail Address: <u>Stew.moss@yahoo.com</u>		
Telephone: <u>207-232-4072</u>		

Please submit all of the information outlined on the applicable checklist. Failure to do so causes an automatic permit denial.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at <http://www.portlandmaine.gov/754/Applications-Fees> or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: <u>Stewart M. Moss</u>	Date: <u>9/14/15</u>
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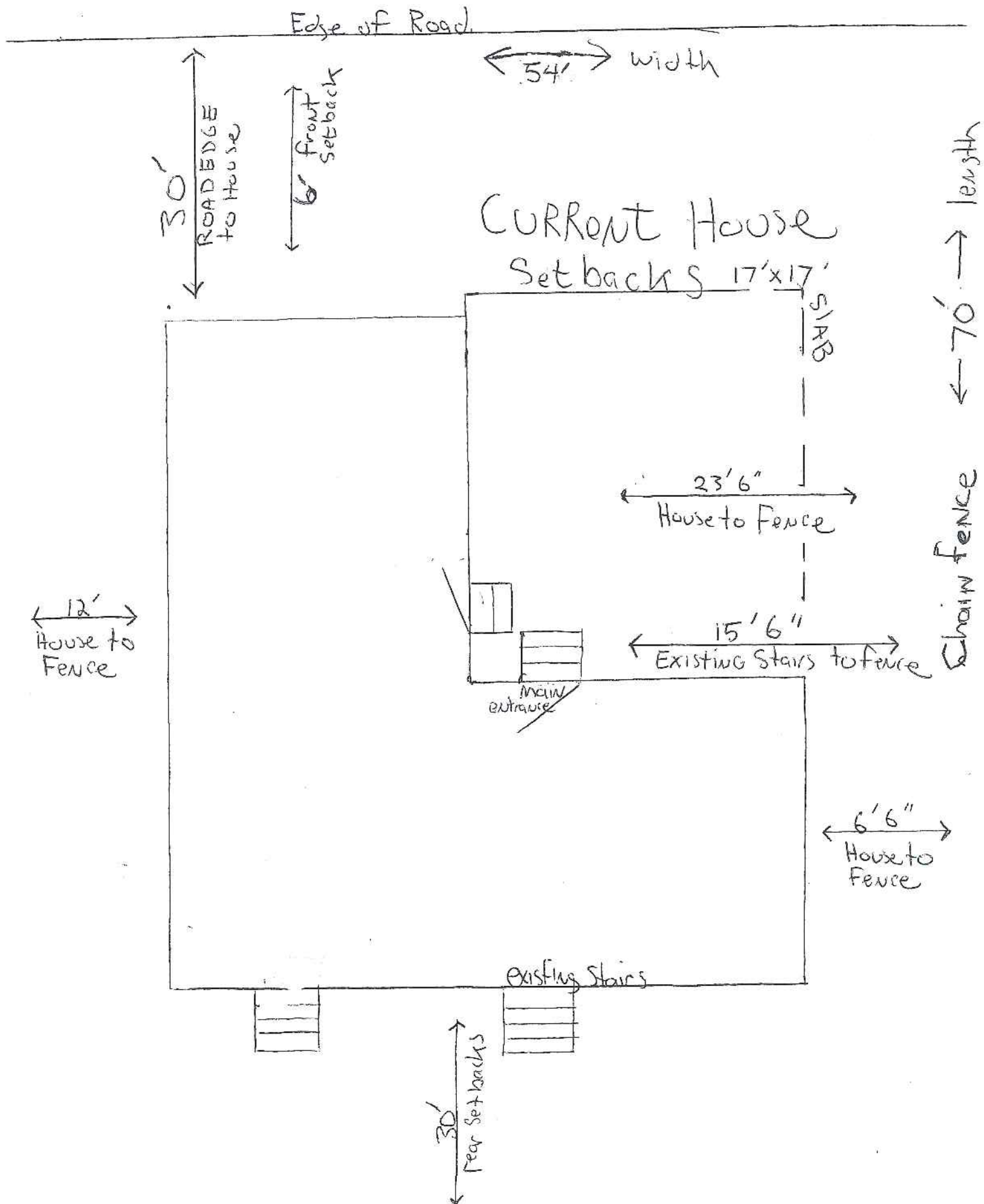
This is not a permit; you may not commence ANY work until the permit is issued.

My Map

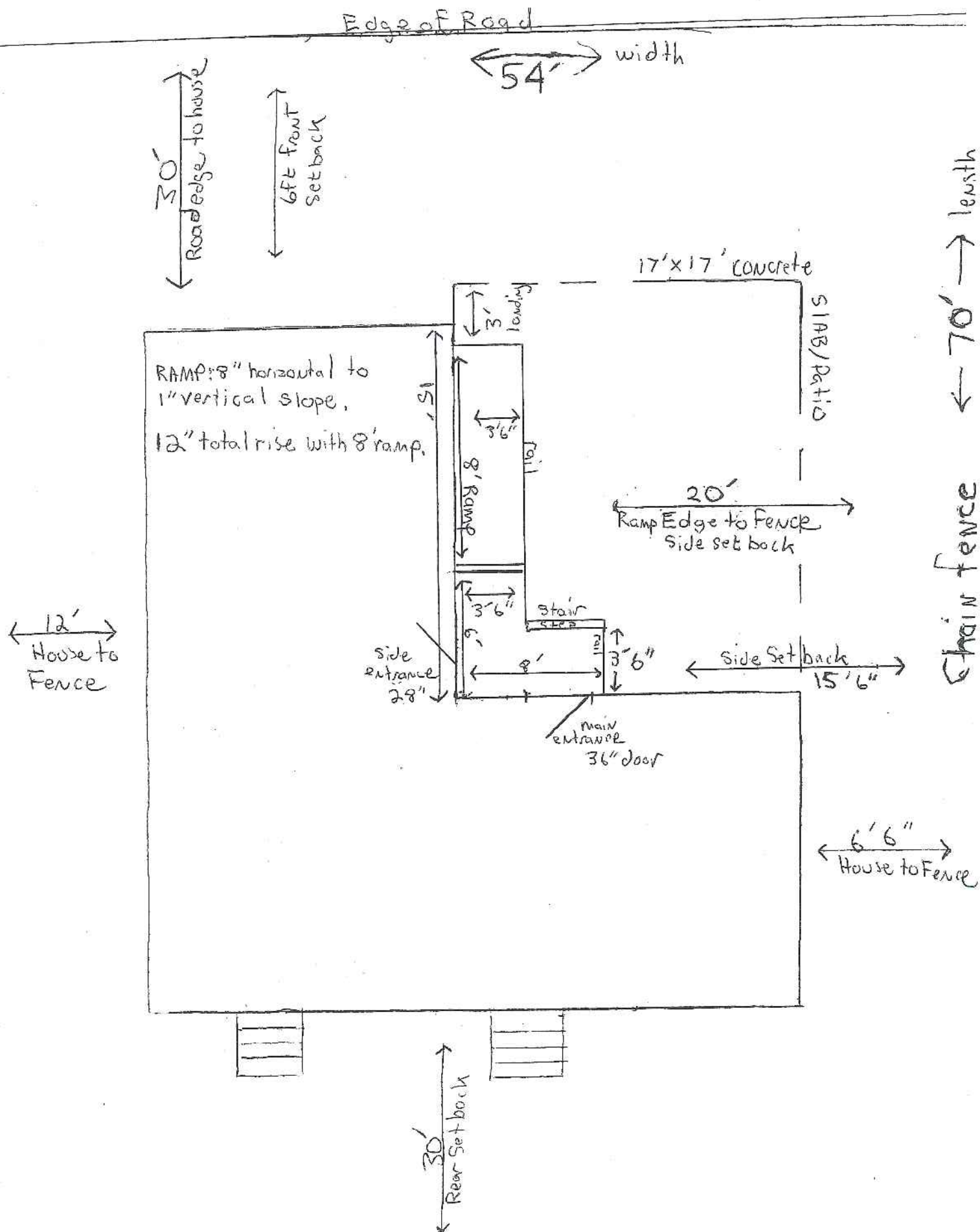


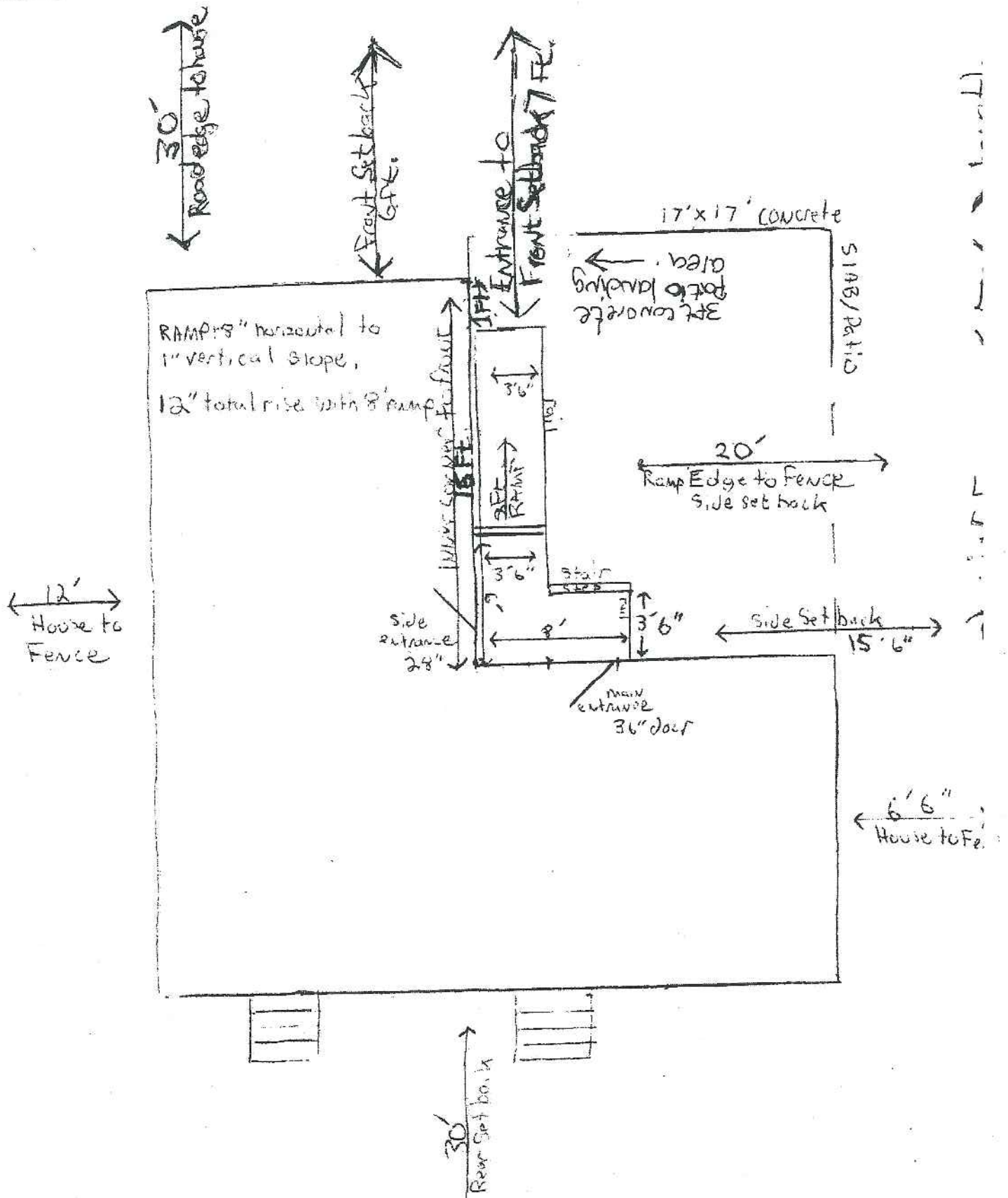
224 Island Avenue

224 Island Ave Setbacks



224 Island Ave Plot Plan

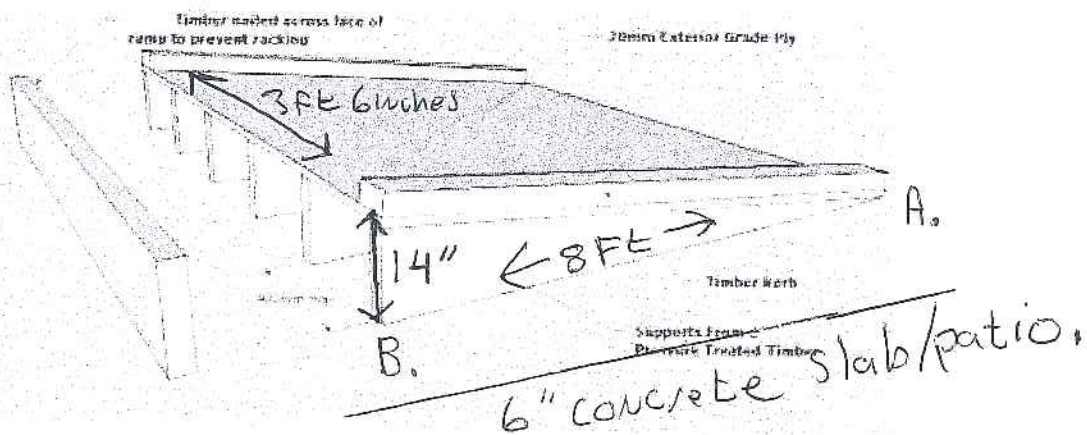


Edge of Road



1. 2" x 8" Framing (pressure treated)
2. 14" on center spacing of Runners with hardware
3. lag bolts + Metal hardware connecting Framing to 4x4 posts.
4. Railing as indicated to code Specs.
5. 5/8 Pressure treated Decking.

Ramp Detail

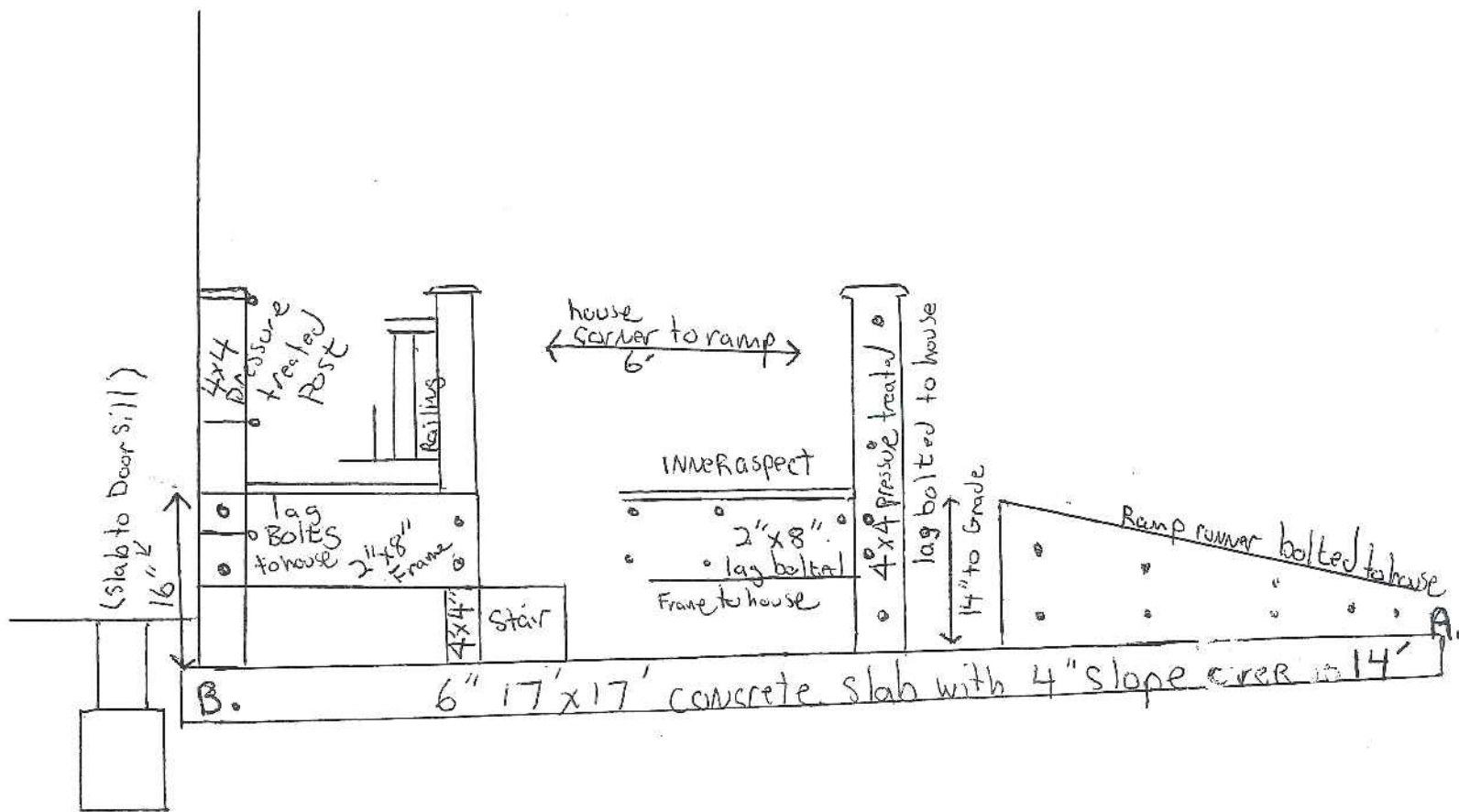


Note: the concrete patio slopes 2" from point A. to Point B. The actual Rise is 12" across 8 ft.

Anchoring & Foundation Detail

Side view:

1. Stair Section Bolted to house with lag bolts,
2. inner aspect of framing lag bolted to house,
3. wheel chair Ramp runner bolted to house,
4. 6" concrete slab has a 4" slope from beginning of Ramp (A.) to Slab point (B.)



Preview for letter on 9/15/2015 by Oddleifson, Jennifer, PA

Lincoln Medical Partners
MaineHealth a

09/15/2015

Carol J Moss 12/23/1942 is wheelchair bound. This is a permanent condition.

Jennifer Oddleifson PA-C

Family Medicine Waldoboro

PO Box 680 - 592 West Main Street - Waldoboro, Maine - 04572 (207) 832-6394 Fax (207) 832-4392

Lincoln Medical Partners is a department of Miles Memorial Hospital.

Miles Memorial Hospital (www.mileshospital.org)

St. Andrews Hospital & Healthcare Center (www.standrewshealthcare.org)

Carol J Moss, DOB: 12/23/1942

Page 1 of

1a

KNOW ALL MEN BY THESE PRESENTS

That I, **CHARLES LUISI**, a/k/a **CHARLES A. LUISI**, of Stoneham, Middlesex County, Massachusetts, for consideration paid and in full consideration of One Dollar (\$1.00) and other valuable consideration

Paid by STEWART M. MOSS, of Gray, County of Cumberland, Maine

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said **STEWART M. MOSS**, his heirs assigns forever, a certain lot or parcel of land with the buildings thereon, situated on Peaks Island, in the City of Portland, County of Cumberland, and State of Maine, which is on the north side of Island Avenue adjoining the west side of the small lot designed as Lot Number One (1) (which in turn adjoins the Golden Cross Hall lot), and which is designated as Lot Number Two (2) on a plan of land of R.F. and H.N. Skillings, recorded in Cumberland County Registry of Deeds in Plan Book 11, Page 101.

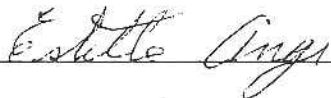
Being the same premises conveyed to me by warranty deed of Joann F. Pride, Helen G. Leighton and Frederick L. Clark, Jr. dated June 26, 1964 and recorded in the Cumberland County Registry of Deeds in Book 2840, Page 3.

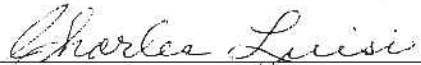
To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereo, to the said **STEWART M. MOSS**, his heirs and assigns, to him and their use and behoof forever.

And I do covenant with the said Grantee, his heirs and assigns and I am lawfully seized 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 said to the Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I, said **CHARLES LUISI**, a/k/a **CHARLES A. LUISI**, relinquishing and conveying his right by descent and all other rights in the above described premises, have hereunto set my hand and seal this 3rd day of April, 2003.

Signed, Sealed and Delivered
In the presence of:




Charles Luisi, a/k/a Charles A. Luisi

COMMONWEALTH OF MASSACHUSETTS

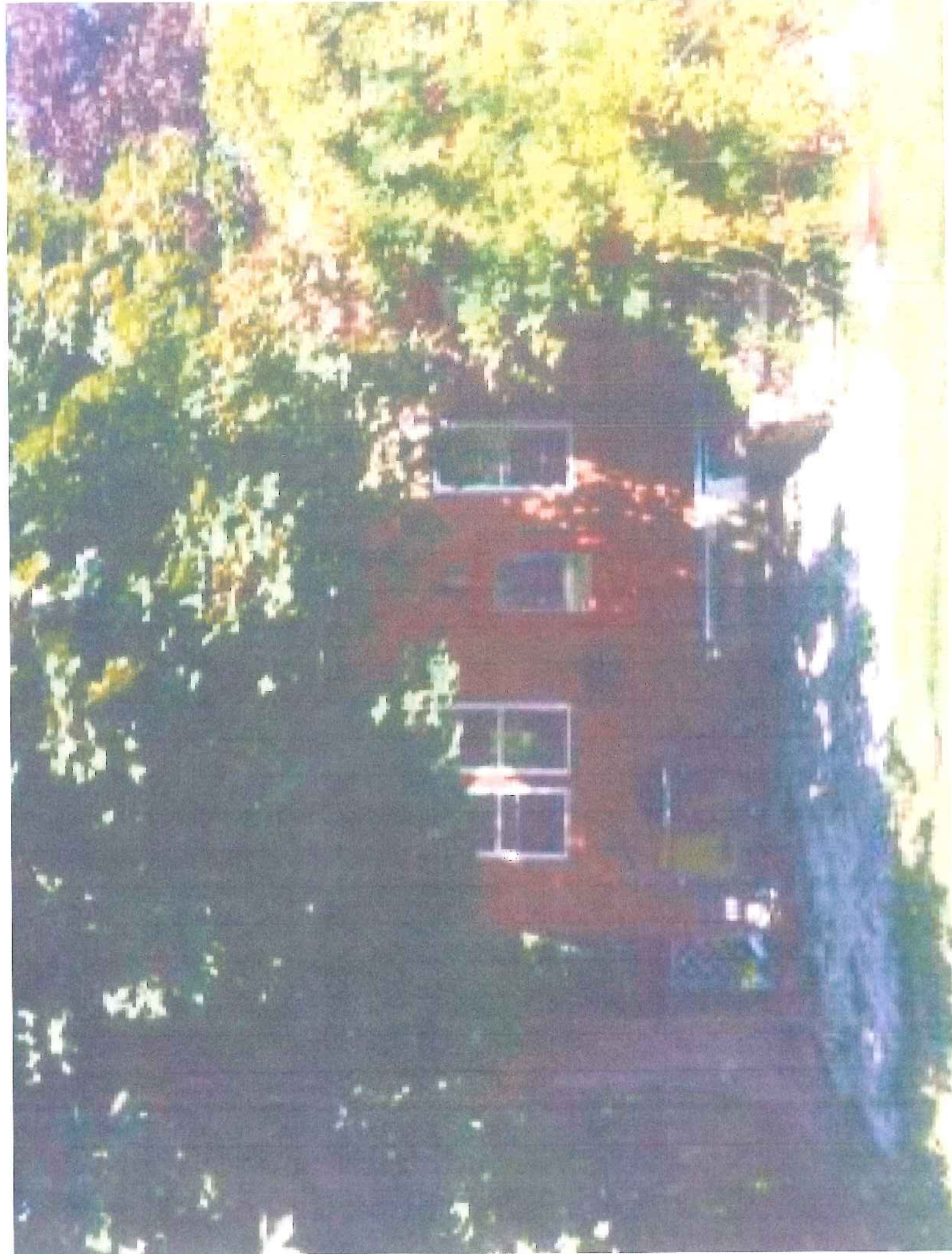
Middlesex, ss

April 3, 2003

Personally appeared the above named Charles Luisi, a/k/a Charles A. Luisi, and acknowledged the foregoing instrument to be his free act and deed before me.

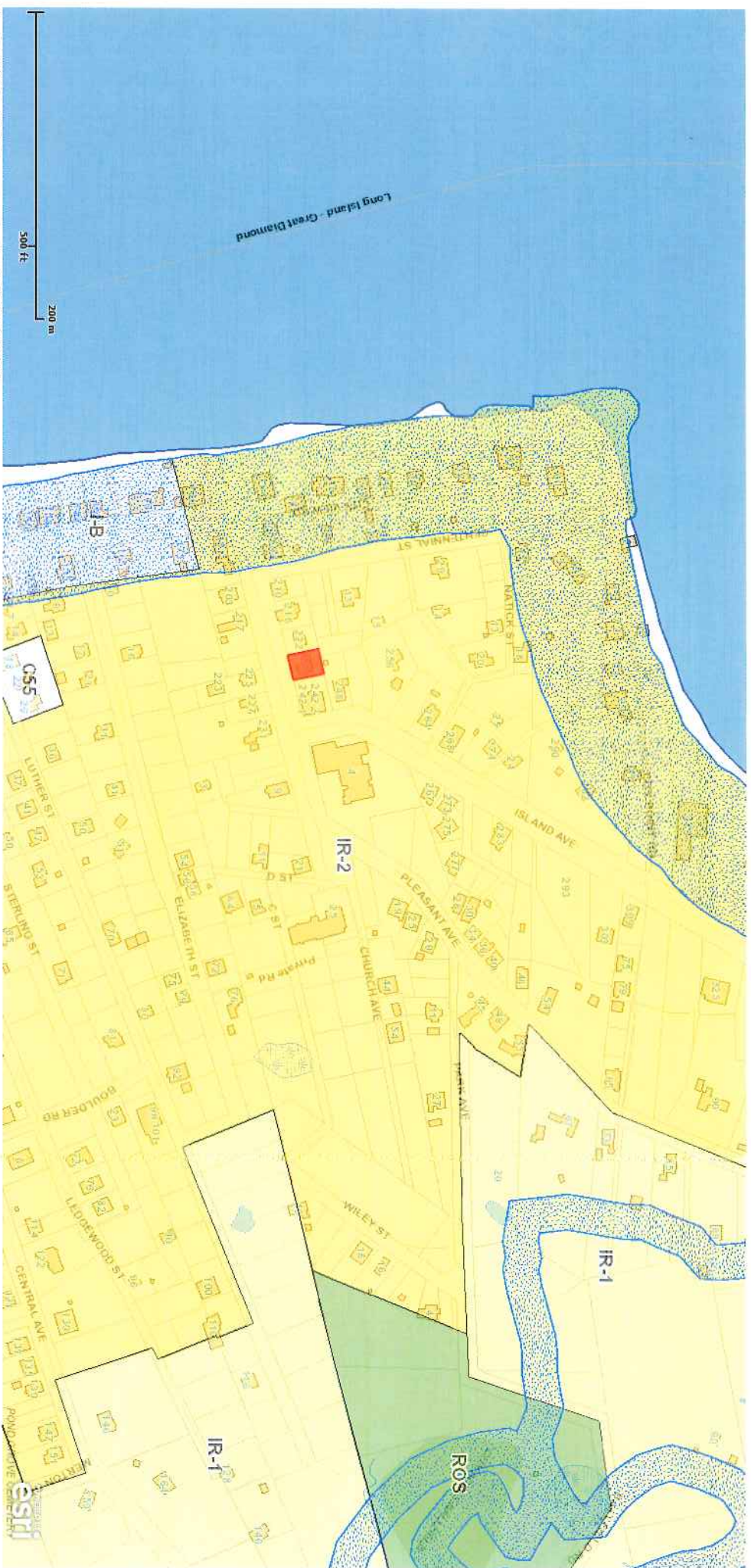






224 Island Ave.

Peaks Island



Verrill Dana^{LLP}

Attorneys at Law

SCOTT D. ANDERSON
PARTNER
sanderson@verrilldana.com
Direct: 207-253-4540

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

September 15, 2015

Via Hand Delivery

City of Portland Zoning Board of Appeals
389 Congress St., Room 315
Portland, ME 041017

RECEIVED

SEP 15 2015

Re: Conditional Use Application
Proposed Verizon Wireless Facility

Dept. of Building Inspections
City of Portland Maine

Dear Zoning Board of Appeals:

Enclosed please find eleven (11) copies of a Conditional Use Appeal Application for a proposed Verizon Wireless' wireless telecommunications facility at 476 Summit Street, Portland, Maine. Also, enclosed is the requisite filing fee of \$100.00.

PROJECT DESCRIPTION

Verizon Wireless proposes to place antennas centered at 95 feet above ground on a stealth, 100 foot tall flagpole tower. Additionally, Verizon Wireless proposes to place an 12 foot by 26 foot equipment shelter and a pad-mounted propane tank to fuel the generator just south of the Grace Baptist Church Family Center building. The flagpole tower and shelter will be located immediately behind the existing church structure and access to the facility will be via the existing driveway and parking area.

STANDARDS FOR CONDITIONAL USE

- a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and

RESPONSE: The proposed Facility will result in approximately one vehicle trip per month, on average, by a Verizon Wireless technician. In addition, access to the new facility will be via the existing driveway and parking area. No new parking is proposed as the limited visits will not have a significant impact on parking demands. Accordingly, the construction of the facility will not result in any adverse parking or traffic impacts.

September 15, 2015

Page 2

- b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and

RESPONSE: The proposed Facility will not create unsanitary or harmful conditions. The only noise associated with operation of the Facility is the weekly cycling of the back-up generator. The generator is located within the equipment shelter. In addition, the proposed Facility will not require water supply or sewage disposal, nor will it produce any wastewater. There will be no emissions to the air, odor, or litter. The only exterior lighting associated with the Facility is a small, down-directional, motion-activated light over the door of the equipment shelter.

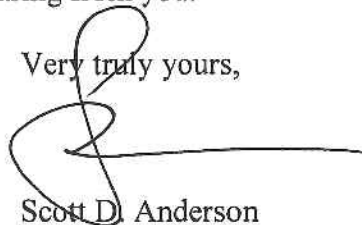
- c. The design and operation of the proposed use, including but not limited to landscaping, screening, sign, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

RESPONSE: The proposed Facility has been designed to fit into the existing landscape of the site. There will be a 20' x 38' flag flying from the flag pole. The equipment shelter will be stick built with a pitched roof and vertical white vinyl siding to match the existing buildings. The facility will also have a 8' high white vinyl fence around the compound. There will be no signs, loading, deliveries, trash, waste generation, or materials stored at the facility.

We respectfully request that the Zoning Board of Appeals consider this request at its next regularly scheduled meeting. Please do not hesitate to contact the project manager, Charles Fredette (at 603-848-1461), or me should you have any questions.

Thank you and I look forward to hearing from you.

Very truly yours,



Scott D. Anderson

SDA/mtt

Enclosures

cc: Chip Fredette, VitalSite Services

TABLE OF CONTENTS

1. Conditional Use Appeal Application form
2. Site Plan
3. Tax Map
4. Memorandum of Lease

Department of Planning & Urban Development

Marge Schmuckal
Zoning Administrator

Jeff Levine
Director Planning & Urban Development



CITY OF PORTLAND ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Applicant Information:

Verizon Wireless
NAME

Verizon Wireless
BUSINESS NAME

400 Friberg Parkway
ADDRESS
Westborough, MA 01581

(207) 253-4540
TELEPHONE #

lease (attached)
APPLICANT'S RIGHT, TITLE OR INTEREST
(eg: owner, purchaser, etc)

R2
CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:

place of assembly

Subject Property Information

476 Summit Street
PROPERTY ADDRESS

384-A021 & 385-C002
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)
Grace Baptist Church
NAME

476 Summit St.
ADDRESS

Portland, ME 04103

CONDITIONAL USE AUTHORIZED BY

SECTION 14 - 78(c)(1)

TYPE OF CONDITIONAL USE
PROPOSED:

utility substation/telephone

electronic equipment

enclosures

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:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the 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 described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

[Signature]
SIGNATURE OF APPLICANT

9/15/2015
DATE



CITY OF PORTLAND, ME
PLANNING BOARD

FOR ZONING



PORTLAND 3 ME

476 SUMMIT STREET

PORTLAND, ME 04103



VICINITY MAP

SCALE: N.T.S.

DIRECTIONS TO SITE:

GET ON I-495 N FROM FRIBERG PKWY AND MA-9 E/STATE HWY 9 E/BOSTON WORCESTER TURNPIKE. HEAD NORTHWEST ON FRIBERG PKWY TOWARD RESEARCH DR. TURN LEFT ONTO RESEARCH DR. TURN RIGHT TO MERGE ONTO MA-9 E/STATE HWY 9 E/BOSTON WORCESTER TURNPIKE. MERGE ONTO I-495 N VIA THE RAMP TO LOWELL. FOLLOW I-495 N AND I-95 N TO ME-100 S/ME-26 S IN FALMOUTH. TAKE EXIT 53 FROM I-95 N. MERGE ONTO I-495 N. CONTINUE ONTO EXIT 60 (SIGNS FOR ROUTE 286/BEACHES/SALISBURY). MERGE ONTO I-95 N. ENTERING NEW HAMPSHIRE. KEEP LEFT AT THE FORK TO STAY ON I-95 N. ENTERING MAINE. TAKE EXIT 53 TOWARD MAINE ME 26 W/MAINE ME 100 W/FALMOUTH. CONTINUE ON ME-100 S/ME-26 S. DRIVE TO SUMMIT ST IN PORTLAND. TURN RIGHT ONTO ME-100 S/ME-26 S. TURN RIGHT ONTO SUMMIT ST. TURN RIGHT ONTO LAMBERT ST. TURN LEFT ONTO SUMMIT ST. DESTINATION WILL BE ON THE LEFT. 476 SUMMIT ST. PORTLAND, ME 04103.

CONSULTANT TEAM

PROJECT ENGINEER

HUDSON DESIGN GROUP, LLC
1600 OSGOOD STREET
BUILDING 20 NORTH, SUITE 3090
NORTH ANDOVER, MA 01845
TEL: 1-(978)-557-5553
FAX: 1-(978)-336-5586

SURVEYOR

NORTHEAST SURVEY CONSULTANTS
116 PLEASANT ST. SUITE 302
EASTHAMPTON, MA 01027
TEL: 1-(413)-203-5144

PROJECT SUMMARY

SITE NAME: PORTLAND 3 ME
SITE ADDRESS: 476 SUMMIT STREET
PORTLAND, ME 04103
APPLICANT: VERIZON WIRELESS
400 FRIBERG PARKWAY
WESTBOROUGH, MA 01581
ZONING DISTRICT: R2
ZONING JURISDICTION: CITY OF PORTLAND, ME
LATITUDE: N43° 43' 01.74"
LONGITUDE: W70° 17' 44.60"
PARCEL ID: 384-A021 & 385-C002
PROPERTY OWNER: GRACE BAPTIST CHURCH
476 SUMMIT STREET
PORTLAND, ME 04103

SHEET INDEX

SHT. NO.	DESCRIPTION
T-1	TITLE SHEET
C-1	ABUTTERS PLAN
C-2	EXISTING CONDITIONS
C-3	SITE PLAN
A-1	COMPOUND PLAN
A-2	ELEVATION
A-3	EROSION CONTROL NOTES & DETAIL

CHECKED BY: JX

APPROVED BY: DPH

SUBMITTALS

REV.	DATE	DESCRIPTION	BY
0	07/17/15	FOR ZONING	HN

SITE NAME:
PORTLAND 3 ME

SITE ADDRESS:
476 SUMMIT STREET
PORTLAND, ME 04103

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1

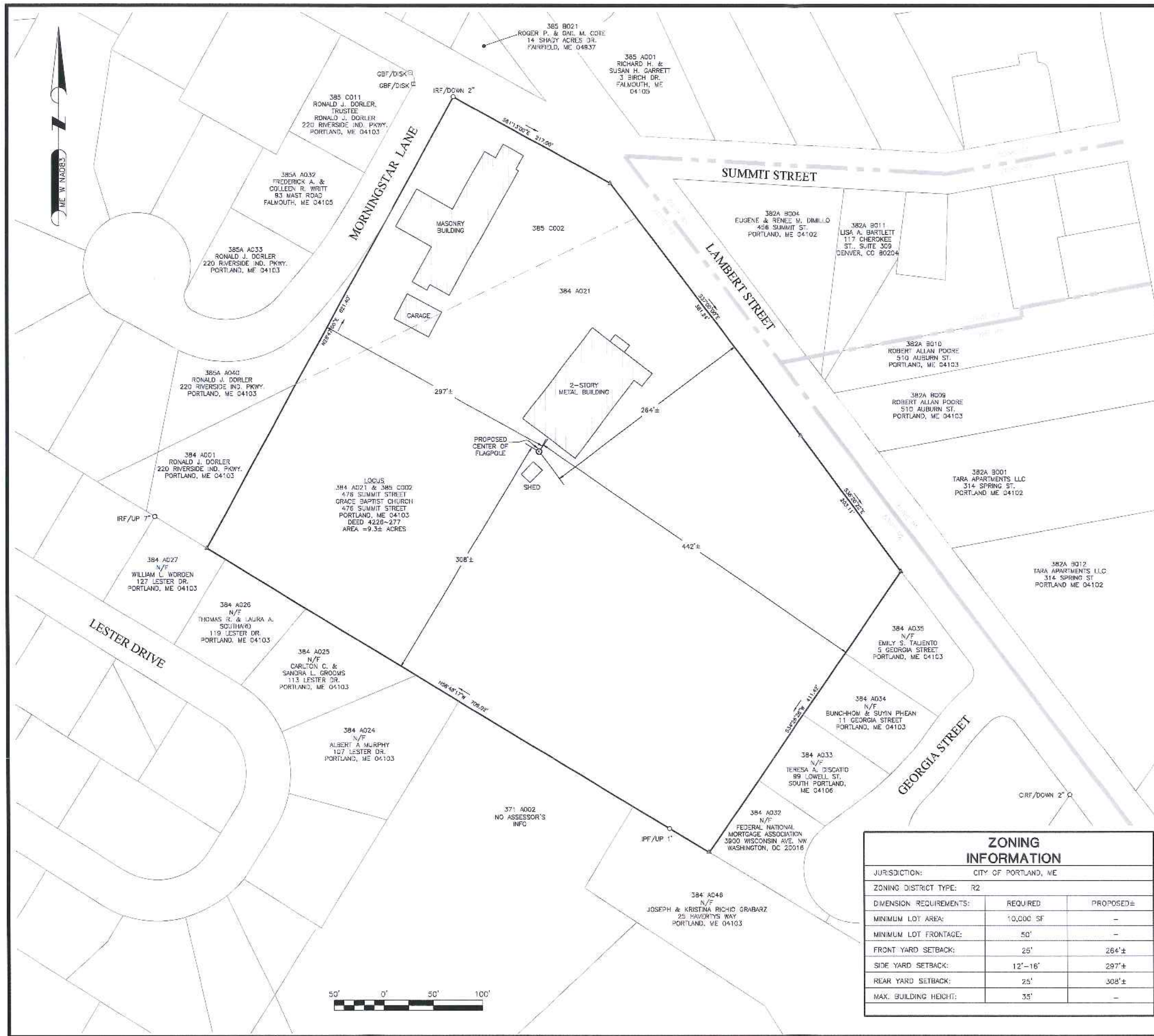
DIG SAFE

3 WORKING DAYS

BEFORE YOU DIG

CALL TOLL FREE 888-DIG-SAFE

UNDERGROUND SERVICE ALERT



LEGEND

- PROPERTY LINE - SUBJECT PARCEL
- ABUTTERS PROPERTY LINE
- CONTOUR LINE
- UNDERGROUND UTILITY LINE
- GUARD RAIL
- CHAIN LINK FENCE
- PAINTED WHITE LINE
- PAINTED YELLOW LINE
- CONIFEROUS TREE
- CATCH BASIN
- ROOF DRAIN
- POST/BOLLARD
- WATER GATE VALVE
- MANHOLE, UNKNOWN
- DRAIN MANHOLE
- TELEPHONE MANHOLE
- GAS METER
- GAS GATE VALVE
- UTILITY POLE
- SIGN
- MONUMENTS, AS DESCRIBED
- CALCULATED POINT

SITE SPECIFIC NOTES:

1. FIELD SURVEY DATE: 03-26-2015
2. HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD83)
3. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
4. OWNER: GRACE BAPTIST CHURCH
476 SUMMIT STREET
PORTLAND ME 04103
5. SITE NAME: PORTLAND 3 ME
6. SITE ADDRESS: 476 SUMMIT STREET
PORTLAND, ME 04103
7. APPLICANT: BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION, LTD.,
d/b/a VERIZON WIRELESS
8. JURISDICTION: CITY OF PORTLAND
CUMBERLAND COUNTY
9. TAX ID: 384-A021 & 385-C002
10. DEED REFERENCE: BOOK 4226 PAGE 277
11. PLAN REFERENCE: NONE
12. ZONING DISTRICT: R2
13. THE HORIZONTAL DATUM AND VERTICAL DATUM WERE DERIVED FROM A DUAL FREQUENCY GPS SURVEY.
14. ALL UNDERGROUND UTILITY INFORMATION PRESENTED HEREON WAS DETERMINED FROM SURFACE EVIDENCE AND PLANS OF RECORD. ALL UNDERGROUND UTILITIES SHOULD BE LOCATED IN THE FIELD PRIOR TO COMMENCEMENT OF ALL SITE WORK. CALL DIGSAFE 1-800-322-4844 A MINIMUM OF 72 HOURS PRIOR TO PLANNED ACTIVITY.
15. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS, THE PROPOSED IMPROVEMENTS ON THIS PROPERTY ARE LOCATED IN AN AREA DESIGNATED AS ZONE X (UNSHADED), AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.
COMMUNITY PANEL NO. 2300510002C
EFFECTIVE DATE: 12-08-1998
16. FIELD SURVEY BY EDM TOTAL STATION.
17. THIS IS NOT A BOUNDARY SURVEY.
18. ALL PROPERTY LINES SHOWN ARE FROM PLANS & DEEDS OF RECORD AND ARE APPROXIMATE ONLY.
19. ABUTTING PROPERTY LINES, ABUTTING STREET LINES AND ABUTTING BUILDING LOCATIONS ARE AS TAKEN FROM GIS AND ARE APPROXIMATE ONLY.

ZONING INFORMATION			
JURISDICTION: CITY OF PORTLAND, ME			
ZONING DISTRICT TYPE: R2			
DIMENSION REQUIREMENTS:		REQUIRED	PROPOSED±
MINIMUM LOT AREA:		10,000 SF	-
MINIMUM LOT FRONTAGE:		50'	-
FRONT YARD SETBACK:		25'	264'±
SIDE YARD SETBACK:		12'-16'	297'±
REAR YARD SETBACK:		25'	308'±
MAX. BUILDING HEIGHT:		35'	-

PREPARED FOR:

verizonwireless

400 FERRIS PARKWAY
WESTBOROUGH, MA 01581
(508) 330-3330 TEL

Hudson
Design Group LLC

1600 OSGOOD STREET
BUILDING 20 NORTH, SUITE 3090
N ANDOVER, MA 01845

TE: (978) 557-5553
FAX: (978) 336-5568

NORTHEAST SURVEY CONSULTANTS

116 Pleasant St. Ste. 302
P.O. Box 100
Easthampton, MA 01027
(413) 203-5144
northeastsurvey.com

STATE OF MAINE
DANIEL F. STASZ
2268
PROFESSIONAL LAND SURVEYOR

Daniel F. Stasz
DANIEL F. STASZ, PLS #2268

CHECKED BY: BCF

APPROVED BY: DFS

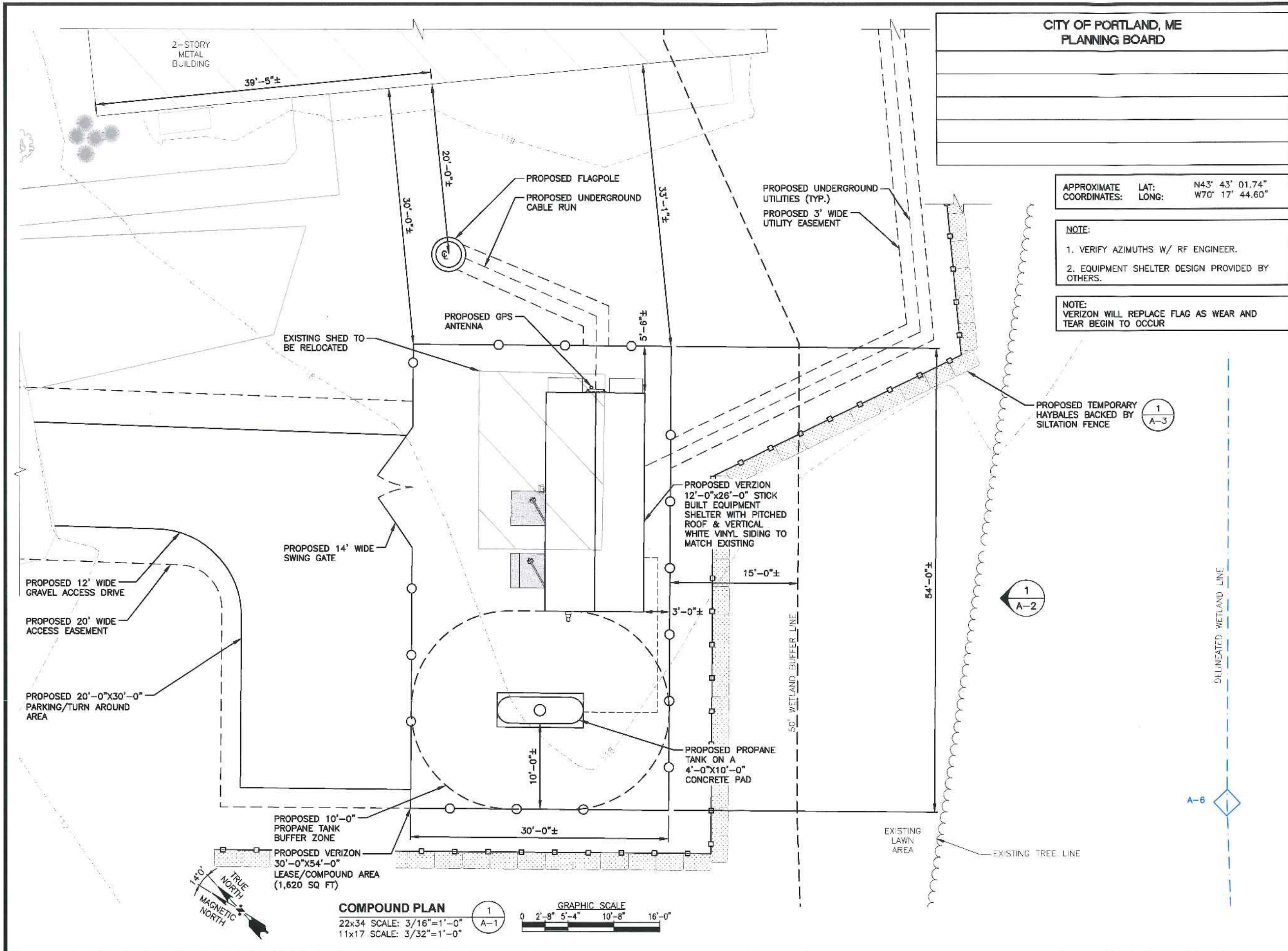
SUBMITTALS			
REV.	DATE	DESCRIPTION	BY
0	07/01/15	ISSUED FOR REVIEW	BCF

SITE NAME:
PORTLAND 3 ME

SITE ADDRESS:
476 SUMMIT STREET
PORTLAND, ME 04103

SHEET TITLE
ABUTTERS PLAN

SHEET NUMBER
C-1



CITY OF PORTLAND, ME
PLANNING BOARD

APPROXIMATE LAT: N43° 43' 01.74"
COORDINATES: LONG: W70° 17' 44.60"

NOTE:

1. VERIFY AZIMUTHS W/ RF ENGINEER.
2. EQUIPMENT SHELTER DESIGN PROVIDED BY OTHERS.

NOTE:

VERIZON WILL REPLACE FLAG AS WEAR AND TEAR BEGIN TO OCCUR

FOR ZONING

PREPARED FOR:

verizonwireless

400 FRIBERG PARKWAY
WESTBOROUGH, MA 01581
(508) 330-3330 TEL.

Hudson
Design Group LLC

1600 OSGOOD STREET
BUILDING 20 NORTH, SUITE 3090
N. ANDOVER, MA 01845

TEL: (978) 567-5553
FAX: (978) 336-5584

CHECKED BY: JX

APPROVED BY: DPH

SUBMITTALS			
REV.	DATE	DESCRIPTION	BY
0	07/17/15	FOR ZONING	JH

SITE NAME:
PORTLAND 3 ME

SITE ADDRESS:
476 SUMMIT STREET
PORTLAND, ME 04103

SHEET TITLE
COMPOUND PLAN

SHEET NUMBER
A-1

CITY OF PORTLAND, ME PLANNING BOARD

PREPARED FOR:



verizonwireless

420 FRIBERG PARKWAY
WESTBOROUGH, MA 01581
(508) 330-3330 TEL

--

APPROVED BY: DPH

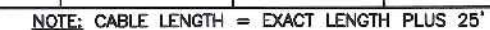
REV.	DATE	DESCRIPTION	BY
0	07/17/15	FOR ZONING	HH

SITE ADDRESS:
476 SUMMIT STREET
PORTLAND, ME 04103

SHEET NUMBER

22x34 SCALE: 1/8"=1'-0"
11x17 SCALE: 1/16"=1'-0"

1
A-2



CITY OF PORTLAND, ME PLANNING BOARD

A-3

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made this 31st day of March, 2015, with respect to the following described Lease Agreement ("Lease").

DATE OF LEASE: March 31, 2015

NAME OF LESSOR: GRACE BAPTIST CHURCH, a local independent Church with a mailing address of 476 Summit Street, Portland, Maine 04103.

NAME OF LESSEE: PORTLAND CELLULAR PARTNERSHIP, a Maine general partnership, d/b/a VERIZON WIRELESS, 180 Washington Valley Road, Bedminster, New Jersey 07921, Attn: Network Real Estate.

DESCRIPTION OF LEASED PREMISES:

LESSOR has leased to LESSEE space sufficient ground space for the construction of a flagpole, including foundations and footings, to house antennas and related equipment on LESSOR's property located at 476 Summit Street, in the City of Portland, Cumberland County, Maine (such real property is hereinafter referred to as the "Property"); together with sufficient ground space for LESSEE's equipment shelter, propane tank and related site improvements (the ground space for LESSEE's flagpole, equipment shelter, propane tank and related site improvements hereinafter referred to as the "Land Space"); together with the non exclusive right (the "Rights of Way") for ingress and egress, seven (7) days a week twenty four (24) hours a day, on foot or motor vehicle, including trucks over or along a twenty (20) foot wide right of way extending from the nearest public right of way, Lambert Street, to the Land Space, and for access between the various areas comprising the Land Space, and for the installation and maintenance of utility wires, poles, cables, conduits, and pipes between and among the flagpole, equipment shelter, propane tank and to all necessary electrical and telephone utility sources on and adjacent to the Property, said Land Space and Rights of Way (hereinafter collectively referred to as the "Premises") being substantially as shown on Exhibits L-1, L-2 and L-3 attached hereto and made a part hereof. The Property is

identified by the City of Portland Assessor's office as parcels 384-A-21 and 385-C-2, and is further described in deeds recorded in the Cumberland County Registry of Deeds in Book 3143, Page 382; Book 3518, Page 162; Book 4226, Page 277; and Book 7429, Page 338.

TERM:

The initial term of the Lease is five (5) years, commencing on the Commencement Date. The Lease shall commence on the first (1st) day of the month following (i) the date LESSEE is granted a building permit by the governmental agency charged with issuing such permits, or (ii) the date of execution of the Agreement by the Parties, whichever is later.

RENEWAL TERMS:

Four (4) additional five (5) year terms.

**RIGHT OF FIRST
REFUSAL:**

If LESSOR elects, during the Term (i) to sell or otherwise transfer all or any portion of the Property, whether separately or as part of a larger parcel of which the Property is a part, or (ii) to grant to a third party by easement or other legal instrument an interest in and to that portion of the Building and or Property occupied by LESSEE, or a larger portion thereof, for the purpose of operating and maintaining communications facilities or the management thereof, LESSEE shall have the right of first refusal with respect thereto as more fully set forth in the Lease.

LESSEE'S EQUIPMENT:

LESSEE's equipment and all other facilities installed, erected or placed by LESSEE on the Premises in accordance with the provisions of the Lease shall be and remain the personal property of LESSEE notwithstanding the manner of affixation.

THIS MEMORANDUM OF LEASE is prepared for recording and for the purpose of making a public record of said Lease, and it is intended that the parties shall be subject to all of the provisions of the Lease and that nothing herein shall be construed or deemed to alter or change any of the terms or provision of the Lease.

[SIGNATURES FOLLOW]

IN WITNESS WHEREOF, LESSOR and LESSEE have executed this Memorandum of Lease as of the day and year first above mentioned.

LESSOR: GRACE BAPTIST CHURCH

By: [Signature]
Print Name: Gary M. Ouellette
Its: Pastor

STATE OF MAINE
COUNTY OF CUMBERLAND

March 05, 201⁵ (BPA)

Then personally appeared the above-named Gary M. Ouellette
Pastor of Grace Baptist Church, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Church.

[Signature]
~~Notary Public/Attorney-at-Law~~
Print Name: Ashley R. Dutta
My Commission Expires: 07/17/19

ASHLEY R DUTTA
Notary Public
Maine
My Commission Expires July 17, 2019

LESSEE : PORTLAND CELLULAR PARTNERSHIP,
d/b/a VERIZON WIRELESS

By: CELLCO PARTNERSHIP
Its General Partner

By: 
David R. Heverling
Area Vice President Network

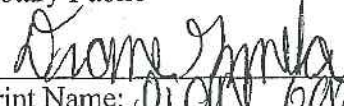
33115

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF WORCESTER

On this 31 day of March, 2014, before me appeared David R. Heverling, to me personally known, who, being by me duly sworn, did say that he is authorized by the Senior Vice President & Chief Technical Officer of Cellco Partnership, a Delaware General Partnership, general partner of Portland Cellular Partnership d/b/a Verizon Wireless, to execute the foregoing instrument and that said instrument was signed on behalf of said partnership and said David R. Heverling acknowledged said instrument to be his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said county and state as of the day and year last above written.

Notary Public

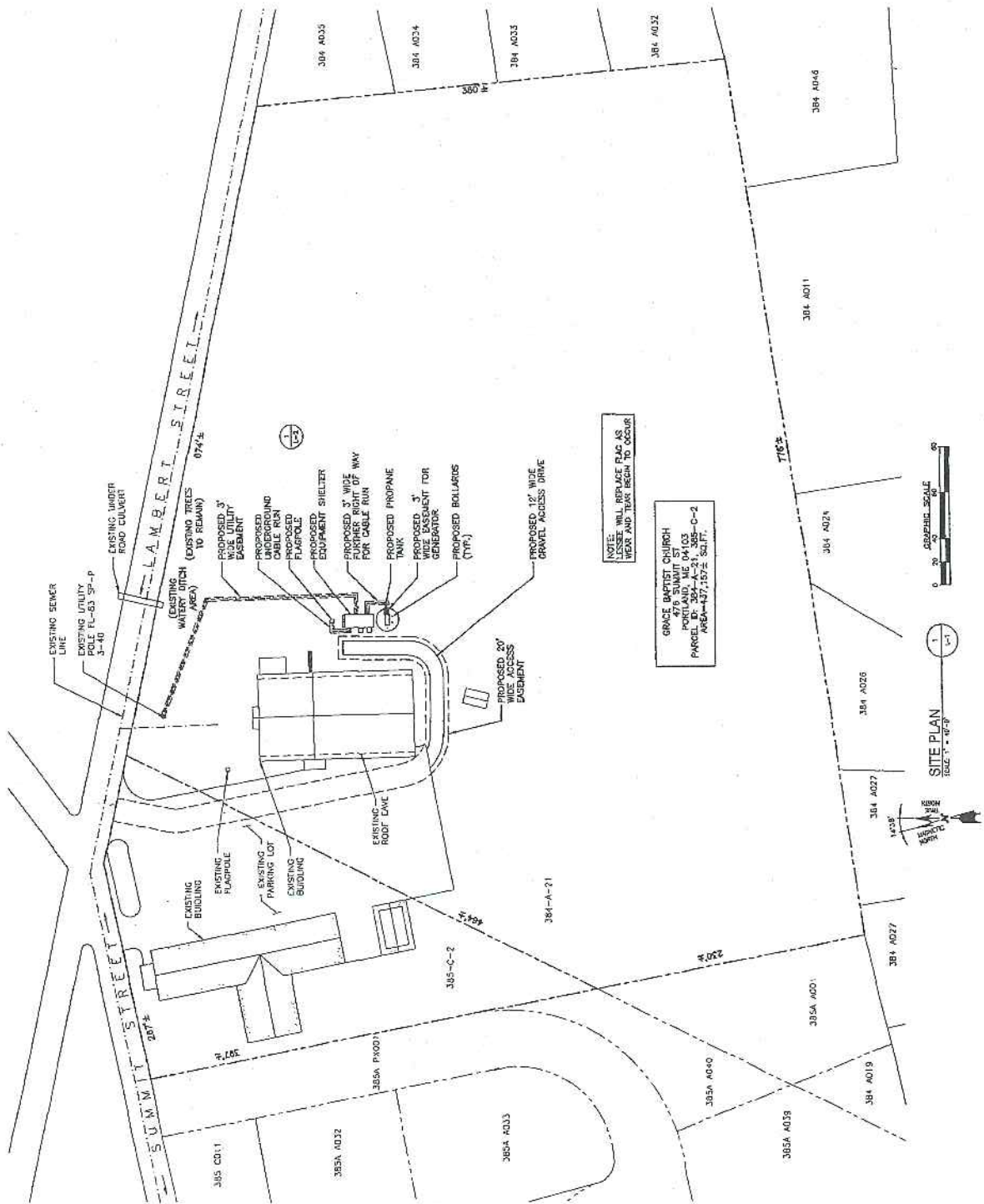

Print Name: Diane Gazzola
My commission expires: _____



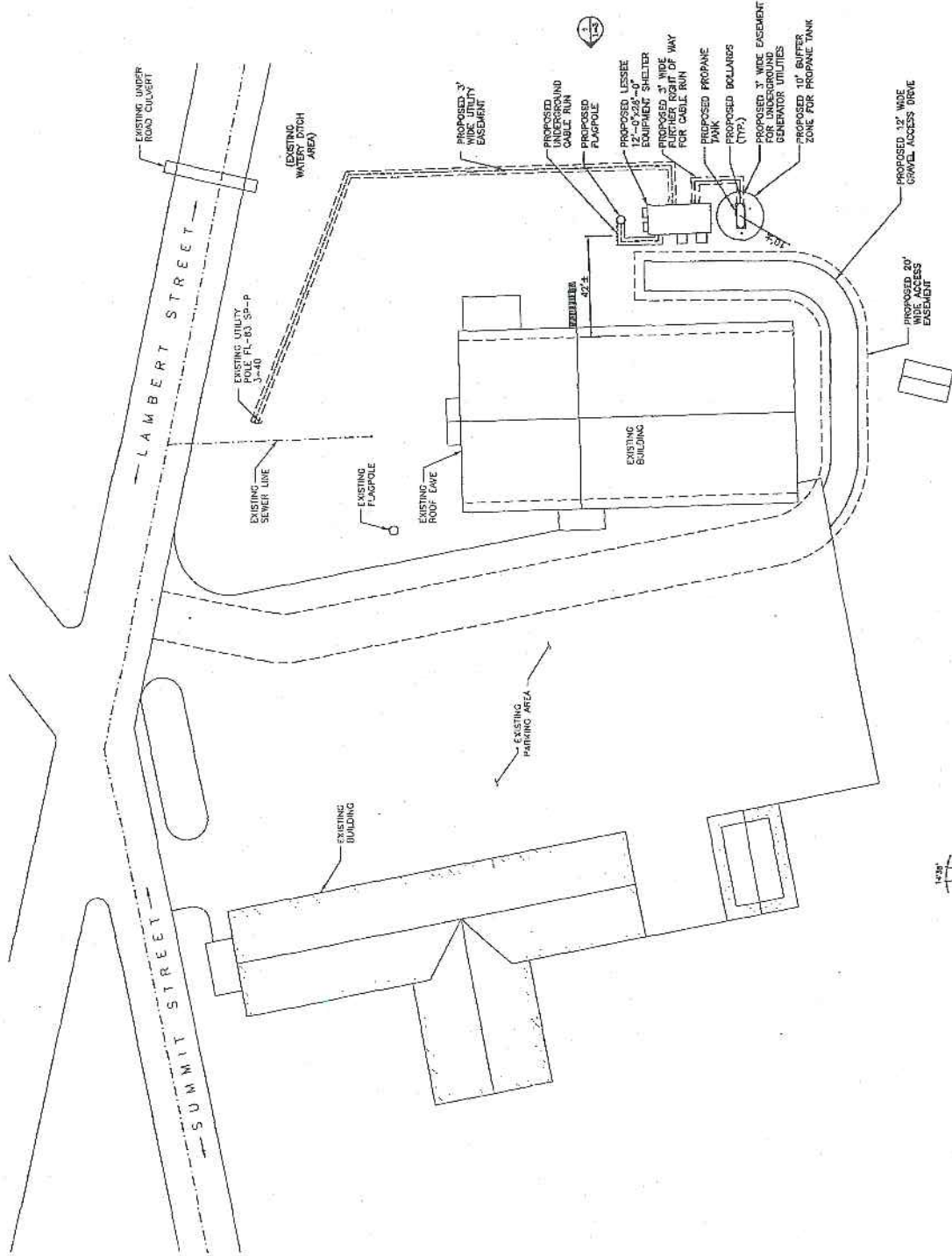
476 SUMMIT STREET
PORTLAND, ME. 04103

[illegible]

LEASE EXHIBIT



LEASE EXHIBIT



NOTES: ALL NEW ARE PLACED WITHIN AND YEAR BEGIN TO OCCUR

GRAPHIC SCALE 0 10 20 40 60 80 FEET

ENLARGED SITE PLAN
SCALE 1" = 20'-0"



L-2

REGISTERED ENGINEER
PORTLAND 3 ME
475 SUMMIT STREET
PORTLAND, ME 04103

ENLARGED SITE PLAN

REV	DATE	DESCRIPTION
0	03/28/14	ISSUED FOR REVIEW
1	03/28/14	ISSUED FOR REVIEW
2	04/22/14	ISSUED FOR REVIEW
3	05/27/14	ISSUED FOR REVIEW
4	06/03/14	ISSUED FOR REVIEW

PREPARED BY
Hudson
Design Group
100 GORHAM STREET
PORTLAND, ME 04103
TEL: (207) 734-3333
FAX: (207) 734-3333

3-7

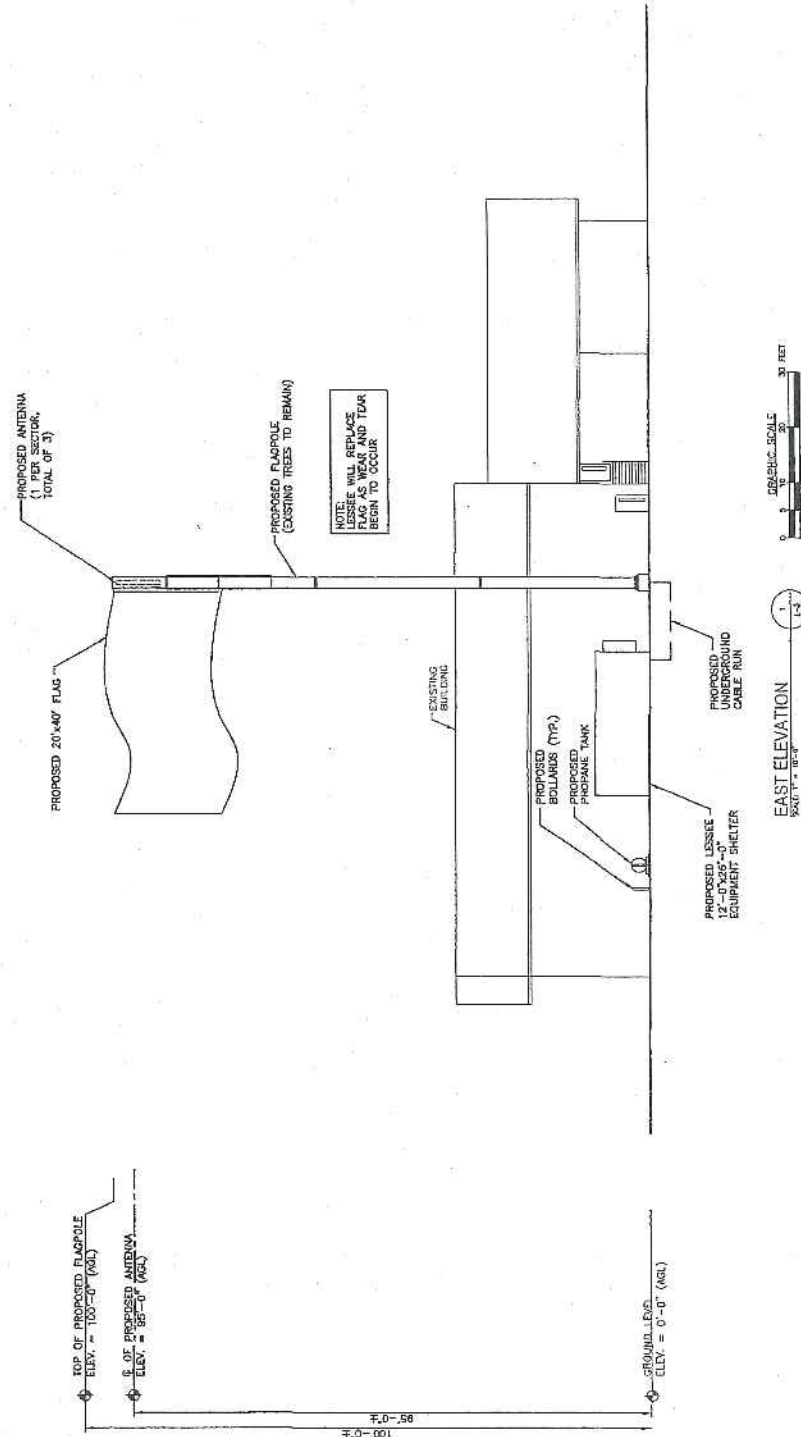
APPROVED BY
475 SUMMIT STREET
PORTLAND, ME 04103

REGISTERED SURVEYOR

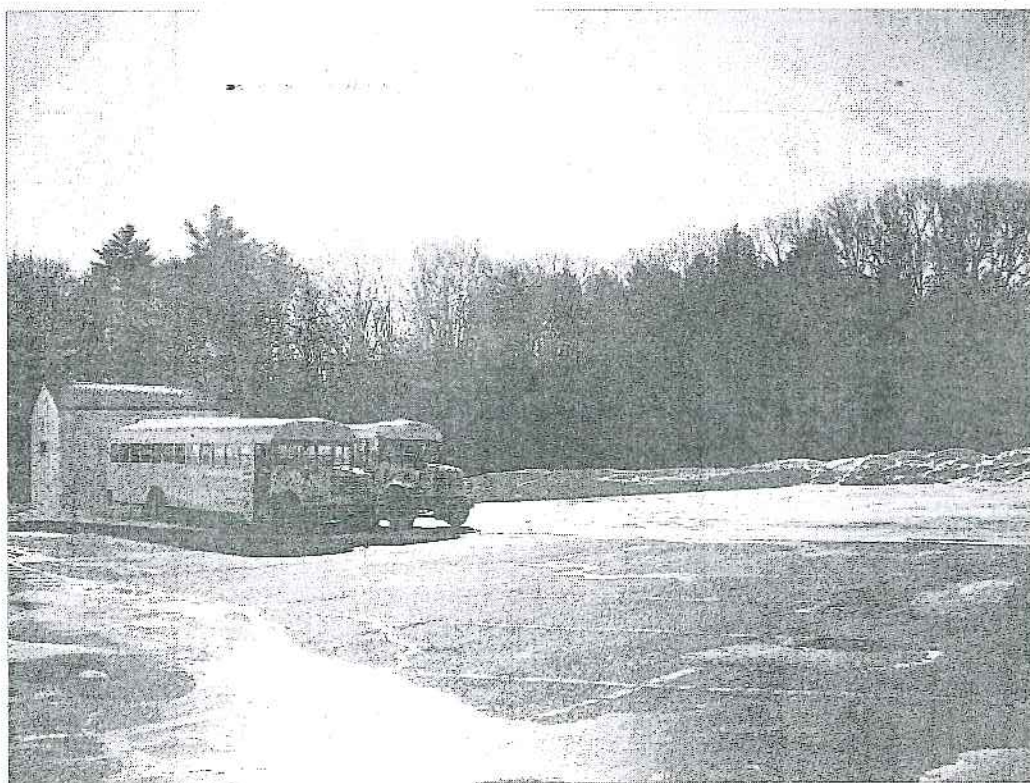
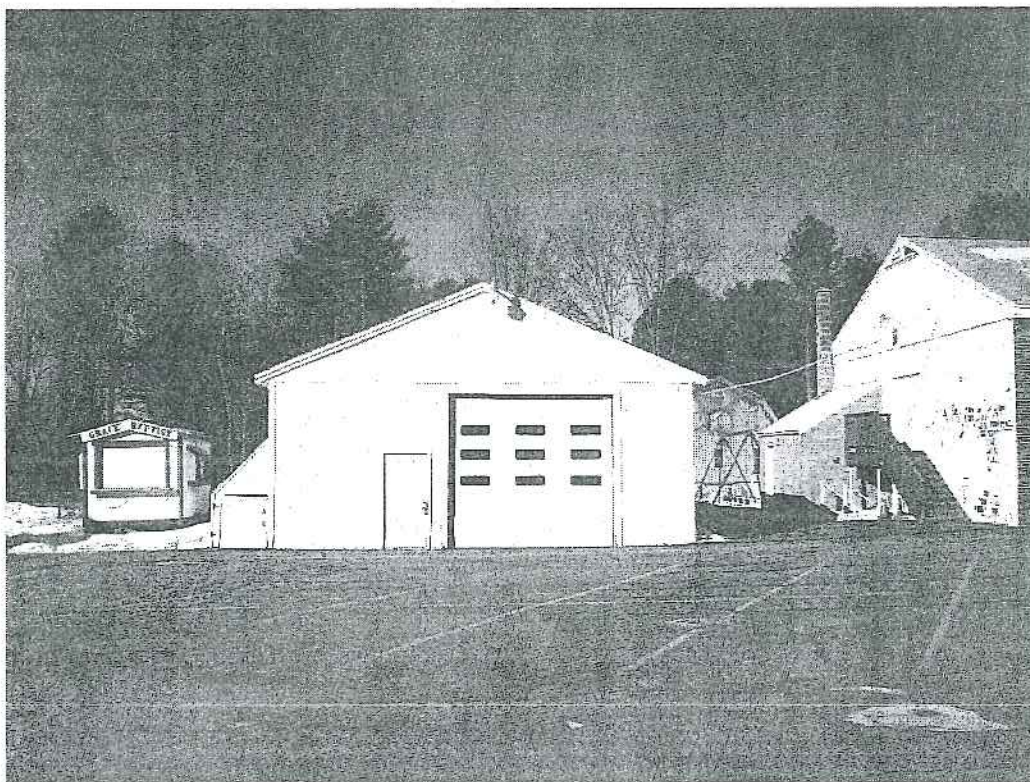
ELEVATION

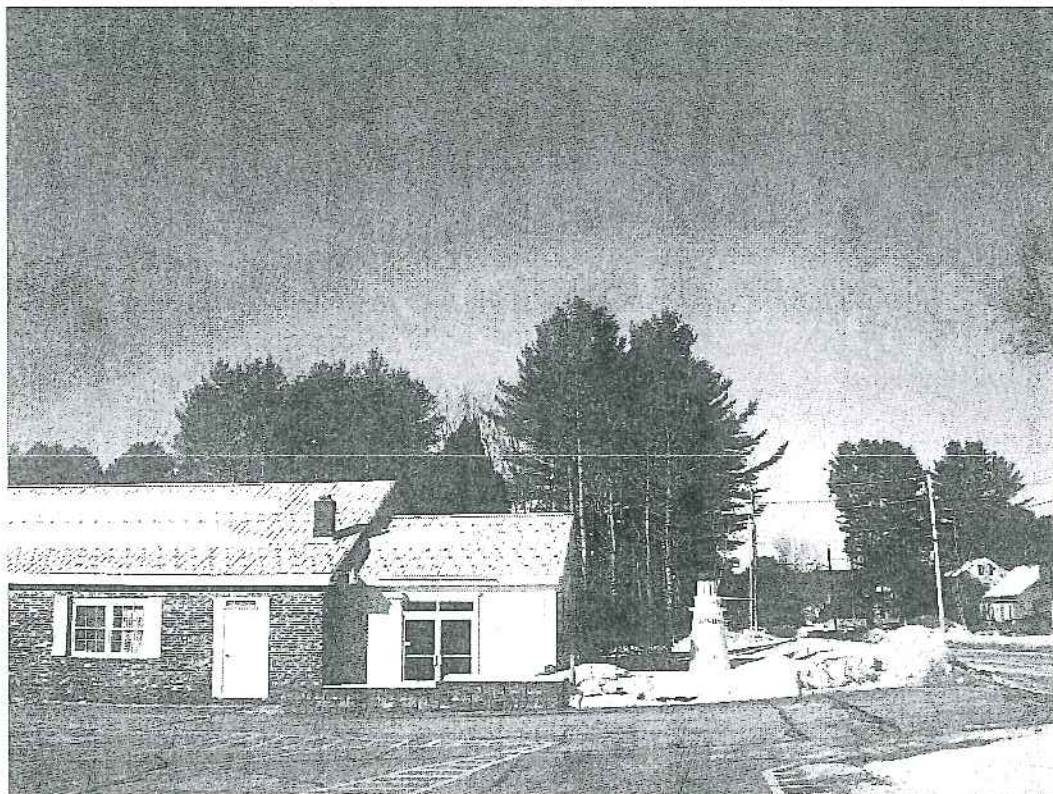
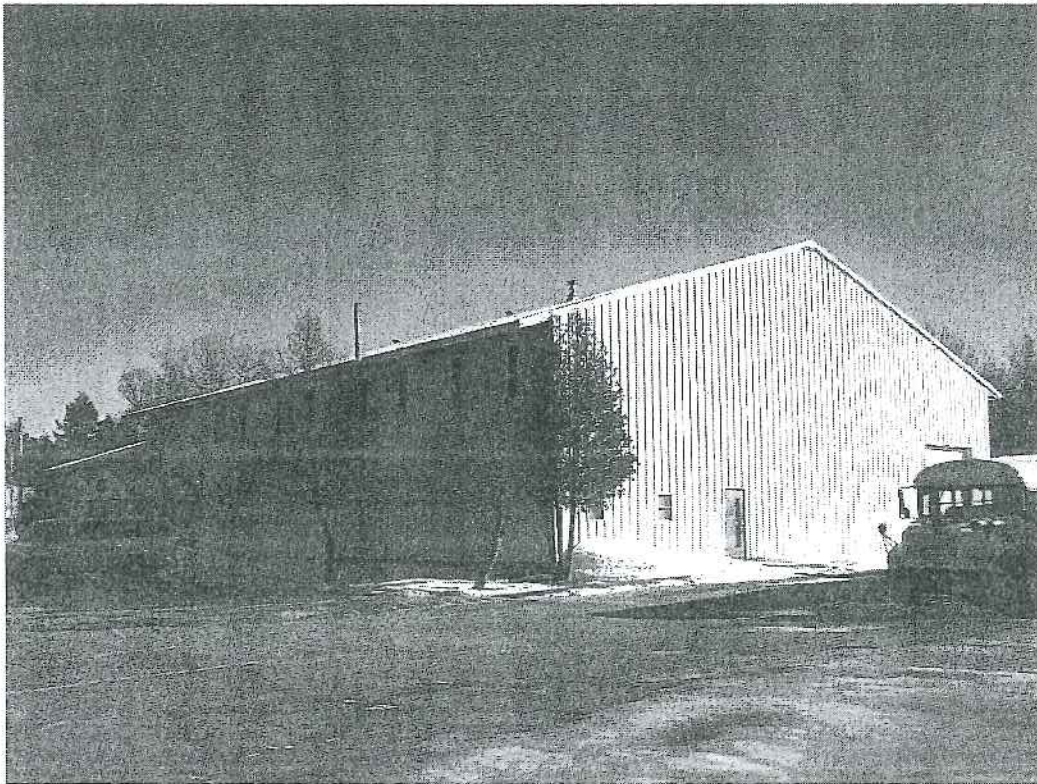
REV	DATE	DESCRIPTION
0	02/05/14	ISSUED FOR REVIEW
1	03/26/14	REVISED FOR CLIENT COMMENTS
2	07/27/14	REVISED FOR CLIENT COMMENTS
3	09/27/15	REVISED FOR CLIENT COMMENTS
4	02/03/17	REVISED FOR CLIENT COMMENTS
REV	DATE	DESCRIPTION
01	07/10/17	ISSUED FOR REVIEW
02	07/10/17	REVISED FOR CLIENT COMMENTS
03	07/10/17	REVISED FOR CLIENT COMMENTS
04	07/10/17	REVISED FOR CLIENT COMMENTS
05	07/10/17	REVISED FOR CLIENT COMMENTS
06	07/10/17	REVISED FOR CLIENT COMMENTS
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15	07/10/17	REVISED FOR CLIENT COMMENTS
16	07/10/17	REVISED FOR CLIENT COMMENTS
17	07/10/17	REVISED FOR CLIENT COMMENTS
18	07/10/17	REVISED FOR CLIENT COMMENTS
19	07/10/17	REVISED FOR CLIENT COMMENTS
20	07/10/17	REVISED FOR CLIENT COMMENTS

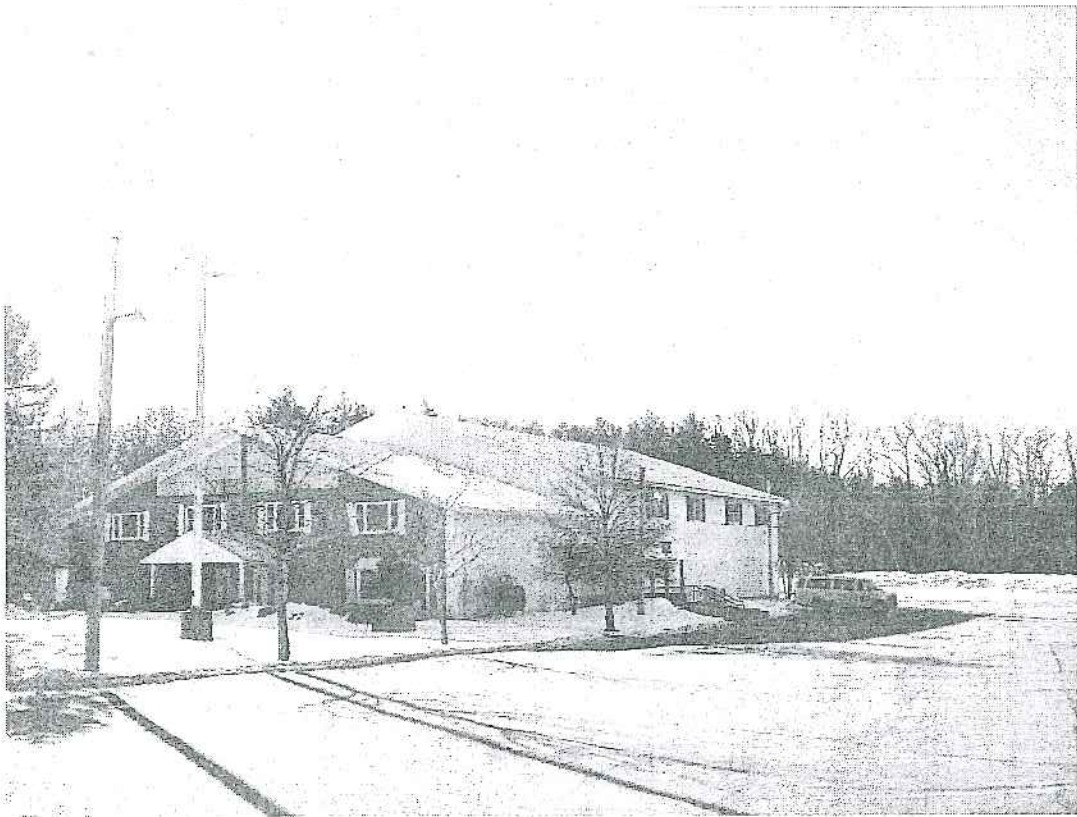
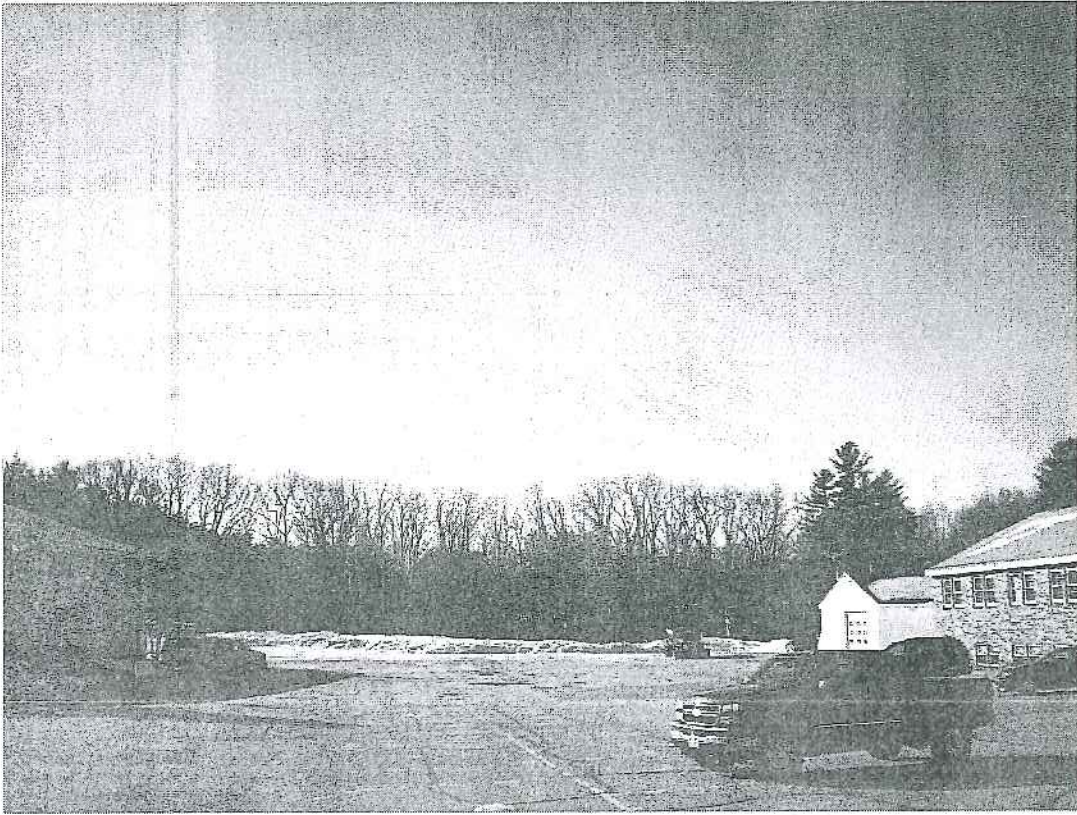
DESIGNED BY:
Hudson
Design Group
1000 GORHAM STREET
PORTLAND, ME 04103
TEL: (207) 734-5554
FAX: (207) 734-5554











476 Summit St.

