



Planning & Urban Development Department

Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator
July 15, 2014

Jessica M. Scherb
c/o Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480

RE: 130 Eastern Promenade -003-C-001 & 002 (the "Property") - R-6 Zone

Dear Ms. Scherb,

I am in receipt of your request for a determination letter concerning the Property. The Property is located in an R-6 residential zone. It abuts a Historic District along the Eastern Promenade.

The Property owners have gone through a planning and building process to allow a change of use from previously 11 residential dwelling units to four (4) residential dwelling units. I have attached a copy of the site plan approval letter from the planning division. I have also attached a copy of the building permit application. All zoning requirements have been met. The application is in the process of being reviewed by Fire and Building Codes reviewers.

It is understood that the current structure has been unoccupied for years. It is anticipated that the proposed work on the Property that is being approved, will bring the Property into complete compliance with all zoning, building and fire codes. After the work is completed a certificate of occupancy will be issued to indicate all codes compliance.

If you have any questions regarding this matter, please feel free to contact me at 874-8695.

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal".

Marge Schmuckal
Zoning Administrator
City of Portland, Maine



December 19, 2013

Eileen Simko-Minte
130 Eastern Promenade LLC
110 Marginal Way #212
Portland, ME 04101

Patrick Carroll
Carroll Associates
217 Commercial Street #200
Portland, ME 04101

Project Name: 130 Eastern Promenade Plan Amendments
Address: 130 Eastern Promenade
Applicant: Eileen Simko-Minte
Planner: Nell Donaldson

Project ID: 2013-236
CBL: 003 C001001

Dear Ms. Simko-Minte:

On December 19, 2013, the Planning Authority approved with conditions the proposed amendments to the approved Level II site plan for renovation and conversion of the existing three-story residential structure at 130 Eastern Promenade. This decision is based upon the plans as submitted by Carroll Associates on December 4, 2013 and dated November 20, 2013. For reference, the original approval letter, dated June 30, 2011, is attached. The amendments have been reviewed subject to the Site Plan Ordinance, Article V of the Land Use Code.

SITE PLAN REVIEW

The Planning Authority found that the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval, which must be met prior to the issuance of a building permit:

1. The applicant shall provide specifications relating to noise generated from condensing units and rooftop mechanicals for review and approval by the zoning administrator, and
2. The applicant shall set all property corner pins for review and approval by the Department of Public Services.

The approval is based on the plans submitted December 4, 2013. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Stormwater Management** The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines. The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater

Management, which specifies the annual inspections and reporting requirements. A maintenance agreement for the stormwater drainage system shall be submitted and signed prior to the issuance of a building permit with a copy to the Department of Public Services.

2. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
3. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
5. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
6. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.



Planning & Urban Development Department

8. **Department of Public Services Permit** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
9. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,

Alexander Jaegerman, FAICP
Planning Division Director

Attachments

1. 130 Eastern Promenade Approval Letter to Fish House Realty, June 30, 2011

Electronic Distribution

Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jennifer Thompson, Associate Corporation Counsel
Marge Schumuckal, Zoning Administrator
Katherine Bartley, City Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer
Captain Chris Pirone, Fire
Jeff Tarling, City Arborist
Tom Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard & Curran

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 2014-01165	Issue Date:	CBL: 003 C001001
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Location of Construction: 130 EASTERN PROMENADE	Owner Name: 130 EASTERN PROMENADE LLC	Owner Address: 110 MARGINAL WAY STE 212 PORTLAND, ME 04101	Phone: (914) 325-3678
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Business Name:			
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Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Multi Family	Zone: R6
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Past Use: Vacant Residential 11 multi-family unit	Proposed Use: Convert to 4 residential condominiums and associated site and interior work	Permit Fee: \$8,030.00	Cost of Work: \$801,000.00	CEO District: 1
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Proposed Project Description: Convert to 4 residential condominium properties with building alterations	INSPECTION: Use Group: R-2 Type: 5B Residential Single Family Condominiums (4 Units) Occupant load = 33 Sprinkler system NFPA 13 R (required)			
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ENTIRE MUBEC/IBC 2009				
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PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied				
Signature:			Date:	

Permit Taken By: bjs	Date Applied For: 05/29/2014	Zoning Approval		
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1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date:	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	Historic Preservation <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:
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CERTIFICATION

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

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
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RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE	DATE	PHONE
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DrummondWoodsum

ATTORNEYS AT LAW

Jessica M. Scherb

jscherb@dwmlaw.com

84 Marginal Way, Suite 600
Portland, ME 04101-2480

(207) 772-1941
(207) 772-3627 Fax
(800) 727-1941

www.dwmlaw.com

June 19, 2014

RECEIVED

JUN 20 2014

Ms. Marge Schmuckal
Zoning Administrator
City of Portland
389 Congress Street
Room 315
Portland, ME 04101

Dept. of Building Inspections
City of Portland Maine

*R-6 about Historic
003-C-122*

Re: Letter of Compliance in connection with 130 Eastern Promenade, LLC

Dear Ms. Schmuckal:

This firm represents 130 Eastern Promenade, LLC (the "LLC") in connection with the real estate it owns that is located at 130 Eastern Promenade in Portland (the "Property") and the financing to be provided to the LLC by The Bank of Maine in connection with the Property. Closing on this financing is tentatively scheduled for June 24. The Property is shown on the City of Portland Tax Map Block C Lot 1 and designated for zoning purposes as located within the R-6 Residential Zone applicable to that parcel.

The Bank of Maine has requested a letter of compliance indicating that the Property complies with all applicable code provisions of the City of Portland.

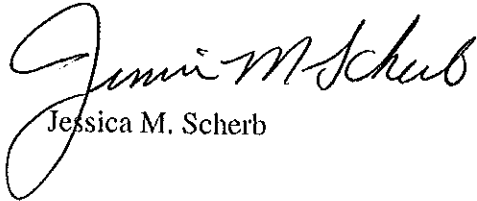
We seek confirmation that the use of the property for purely residential purposes meets with all requirements governing use; that the structure upon the Property meets all other applicable zoning requirements; and that no outstanding code violations with respect to the Property have been reported by or to or are known to the City of Portland.

If you agree with the above, please sign this letter in the space indicated below and return to me via email; if you do not agree, please contact me as soon as possible to discuss what changes may be required in order for you to be able to provide the letter of compliance requested by our client's lender. You can reach me on my direct line at 253-0574.

June 19, 2014
Page 2

Many thanks for your assistance.

Very Truly Yours,



Handwritten signature of Jessica M. Scherb in cursive script.

Jessica M. Scherb

SEEN AND AGREED TO this ____ day of June, 2014

City of Portland, Maine

By: _____

Its _____, thereunto duly authorized

Ann Machado - Zoning compliance letter request

From: "Jessica M. Scherb" <JScherb@dwmlaw.com>
To: "amachado@portlandmaine.gov" <amachado@portlandmaine.gov>
Date: 6/20/2014 3:33 PM
Subject: Zoning compliance letter request
Attachments: Zoning compliance letter.PDF

Hi Ann,

It was a pleasure speaking with you earlier. As we discussed, I am attaching here our form of zoning compliance letter for Marge's review. Please have your billing folks call me directly at 253-0574 and I will give them credit card information to process the payment. If you or Marge have any questions, please don't hesitate to contact me. I appreciate the help! Have a wonderful weekend.

Best,
Jessica

DrummondWoodsum

Maine | New Hampshire

Jessica M. Scherb | Attorney

84 Marginal Way, Suite 600, Portland, Maine 04101-2480

voice (207) 772-1941 ext. 574 • fax (207) 772-3627 • (800) 727-1941

JScherb@dwmlaw.com | www.dwmlaw.com

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For purposes of compliance with Internal Revenue Service requirements, we inform you that any Federal tax advice contained in this communication (including any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (including any attachment).

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

RECEIPT OF FEES

Application No: 0000-1951	Applicant: 130 EASTERN PROMENADE LLC
Project Name: 130 EASTERN PROMENADE	Location: 130 EASTERN PROMENADE
CBL: 003 C001001	Application Type: Determination Letter
Invoice Date: 06/23/2014	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		<u>\$150.00</u>
	Total Current Fees:	+ \$150.00
	Total Current Payments:	- \$150.00
	Amount Due Now:	<u>\$0.00</u>

CBL 003 C001001
Bill to: 130 EASTERN PROMENADE LLC
 110 MARGINAL WAY STE 212
 PORTLAND, ME 04101

Application No: 0000-1951
Invoice Date: 06/23/2014
Invoice No: 45548
Total Amt Due: \$0.00
Payment Amount:


Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.
 Check the status of your permit or schedule an inspection on-line at <http://www.portlandmaine.gov/planning/permitstatus.asp>

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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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:

<hr/> <p>Services</p> <p>Applications</p> <p>Doing Business</p> <p>Maps</p> <p>Tax Relief</p> <p>Tax Roll</p> <p>Q & A</p> <hr/> <p>browse city services a-z</p> <hr/> <p>browse facts and links a-z</p> <hr/>  <p>Best viewed at 800x600, with Internet Explorer</p>	<p>CBL 003 C001001</p> <p>Land Use Type ELEVEN TO TWENTY FAMILY Verify legal use with Inspections Division</p> <p>Property Location 130 EASTERN PROMENADE</p> <p>Owner Information 130 EASTERN PROMENADE LLC 110 MARGINAL WAY STE 212 PORTLAND ME 04101</p> <p>Book and Page 30887/077</p> <p>Legal Description 3-C-1-2 EASTERN PROM 128-132 WILSON ST 2-10 7775 SF</p> <p>Acres 0.1785</p>
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Current Assessed Valuation:

TAX ACCT NO.	436	OWNER OF RECORD AS OF APRIL 2013
LAND VALUE	\$126,600.00	FISH HOUSE REALTY LLC
BUILDING VALUE	\$486,400.00	PO BOX 15400
NET TAXABLE - REAL ESTATE	\$613,000.00	PORTLAND ME 04112
TAX AMOUNT	\$11,898.34	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

	Building 1
Year Built	1915
Style/Structure Type	APARTMENT - GARDEN
# Units	11
Square Feet	11652
View Sketch	View Map
	View Picture

Exterior/Interior Information:

	Building 1
Levels	B1/B1
Size	2653
Use	SUPPORT AREA
Height	6
Heating	NONE
A/C	NONE
	Building 1
Levels	01/01
Size	3693
Use	APARTMENT
Height	9
Walls	FRAME
Heating	HW/STEAM
A/C	NONE

