

PORTLAND MAINE

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*Greg Mitchell - Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

November 17, 2011

Bernstein Shur
100 Middle Street
PO Box 9729
Portland, ME 04104-5029
Attn: Susan Osborne

RE: 127 Fore Street – 20-C-9 – Shipyard Brewing Co. (the “Property”) B-5b Zone

Dear Ms. Osborne,

I am in receipt of your request for a determination letter concerning the Property. The Property is located within a B-5b Urban Commercial Mixed Use Zone. The B-5b zone permits breweries, including associated bottling and warehouse activities.

Research of our files leads me to believe that all required permits have been applied for and approved. I am including copies of permits and a certificate of occupancy concerning the Property.

To the best of my knowledge the Property is in compliance with all applicable zoning codes, regulations and ordinances. There are no pending or contemplated legal actions concerning the Property.

Very truly yours,

Marge Schmuckal
Zoning Administrator

attachments

BERNSTEIN SHUR

COUNSELORS AT LAW

207 774-1200 main
207 774-1127 facsimile
bernsteinshur.com

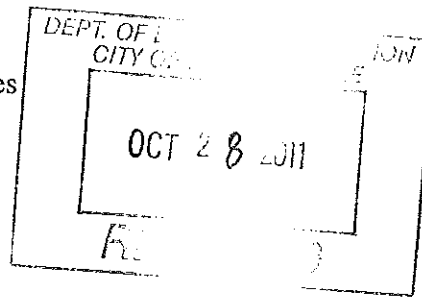
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Susan Osborne
Paralegal
207 228-7215 direct
sosborne@bernsteinshur.com

October 27, 2011

Via Hand Delivery

Marge Schmuckal
Assistant Chief of Inspection Services
Zoning Administrator
Planning & Urban Development
CITY OF PORTLAND
389 Congress Street
Portland, ME 04101



Re:

127 Fore Street / 20-C-9 / Property of Shipyard Brewing - *B-5b*
184 Commercial / 31-J-30-31-32 / Property of GEF LLC - *WCZ*
47 India Street / 20-E-26-27 / Property of India & Middle LLC -

Dear Marge:

Please issue a letter confirming what zone the buildings and improvements located at the above property are located in and that each is in compliance with all laws, ordinances, codes, rules and regulations applicable to the use, occupancy and operation thereof. Please attach all copies of Certificates of Occupancy that have been issued along with any other filings.

Enclosed please find our 2 checks in the total amount of \$450 to cover the fees related to issuing this letter. Thank you very much for your assistance in this matter. Please call me if you have any questions.

Sincerely yours,

Susan Osborne

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Zoning Copy

2007-0068

Application I. D. Number

4/11/2007

Application Date

Shipyard Brewery Expansion

Project Name/Description

Shipyard Brewing Company

Applicant

86 Newbury St, Portland, ME 04101

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (207) 761-0807 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

86 - 86 Newbury Street, Portland, Maine

Address of Proposed Site

020 C009001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): ☐ New Building ☒ Building Addition ☐ Change Of Use ☐ Residential ☐ Office ☐ Retail
☐ Manufacturing ☒ Warehouse/Distribution ☐ Parking Lot ☐ Apt 0 ☐ Condo 0 ☐ Other (specify) _____

82764

B5b

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Site Plan (major/minor) | <input type="checkbox"/> Zoning Conditional - PB | <input type="checkbox"/> Subdivision # of lots _____ |
| <input type="checkbox"/> Amendment to Plan - Board Review | <input type="checkbox"/> Zoning Conditional - ZBA | <input type="checkbox"/> Shoreland |
| <input type="checkbox"/> Amendment to Plan - Staff Review | | <input type="checkbox"/> Historic Preservation |
| <input type="checkbox"/> After the Fact - Major | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Flood Hazard |
| <input type="checkbox"/> After the Fact - Minor | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Traffic Movement |
| | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| | | <input type="checkbox"/> DEP Local Certification |
| | | <input type="checkbox"/> Site Location |
| | | <input type="checkbox"/> Other _____ |

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 4/11/2007

Zoning Approval Status:

Reviewer Margaret S. - Insp.

- ☐ Approved ☐ Approved w/Conditions See Attached ☐ Denied

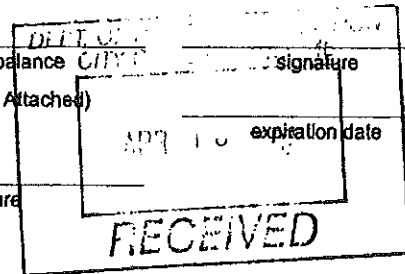
Approval Date _____ Approval Expiration _____ Extension to _____ ☐ Additional Sheets Attached

☐ Condition Compliance _____ signature _____ date _____

Performance Guarantee ☐ Required* ☐ Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	_____
	date	amount	
<input type="checkbox"/> Building Permit Issue	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____		
	date		
<input type="checkbox"/> Temporary Certificate of Occupancy	_____		
	date		
<input type="checkbox"/> Final Inspection	_____		
	date		
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____		
	date		
<input type="checkbox"/> Defect Guarantee Submitted	_____		
	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____		
	date	signature	



City of Portland, Maine - Building or Use Permit Application

9 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Location of Construction: 27 FORE ST		Owner Name: SHIPYARD BREWING COMPAN	Owner Address: 86 NEWBURY ST	Phone: 2077671866
Business Name: Ledgewood Construction		Contractor Name: Ledgewood Construction	Contractor Address: 27 Maine St. So. Portland	
License/Buyer's Name		Phone:	Permit Type: Demolitions - Building	
Proposed Use: Vacant Warehouse - Vacant Warehouse - Ledgewood & Shaw Brothers no handling the permit		Proposed Use: Vacant Land - Demolish existing Structure and all adjacent foundation, remove buried foundation from		Permit Fee: \$270.00
Proposed Project Description: Demolish existing Structure and all adjacent foundation, remove buried foundation from		Cost of Work: \$25,000.00		CEO District: 1
FIRE DEPT:		INSPECTION:		Type:
Signature:		Signature:		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)
Action:		Approved w/Conditions		Denied
Signature:		Date:		Date:

Permit Taken By: Idobson	Date Applied For: 01/23/2008	Zoning Approval		
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"/>	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	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:		Date:	Date:	

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

 RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE

 DATE PHONE

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 07-0828	Issue Date:	CBL: 020 C009001
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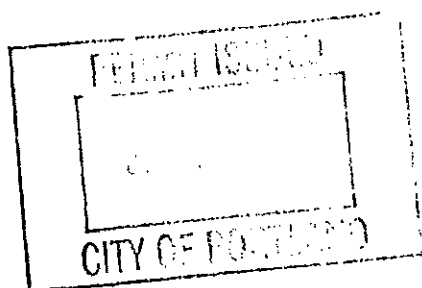
Location of Construction: 127 FORE ST	Owner Name: SHIPYARD BREWING COMPAN	Owner Address: 86 NEWBURY ST	Phone:
Business Name:	Contractor Name: Irish Span	Contractor Address: 14 Clair Street Lewiston	Phone: 2072292092
Lessee/Buyer's Name	Phone:	Permit Type: Foundation Only/Commercial	Zone: B2B

Past Use: Commercial -New warehouse addition 9600 sq ft- Foundation ONLY permit connected tp permit #070718	Proposed Use: warehouse addition 9600 sq ft- Foundation ONLY permit connected to permit #070718	Permit Fee:	Cost of Work: \$0.00	CEO District: 1
		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: 52 Type: 2B Foundation Only	

Proposed Project Description: Foundation ONLY- warehouse addition 9600 sq ft	Signature:	Signature: JMB for WCN
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: Idobson	Date Applied For: 07/09/2007	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	Zoning Appeal	Historic Preservation
<input type="checkbox"/> Shoreland	<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Not in District or Landmark
<input type="checkbox"/> Wetland	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Does Not Require Review
<input type="checkbox"/> Flood Zone	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Requires Review
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Approved
<input checked="" type="checkbox"/> Site Plan	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Conditions
Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/>	<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
Date: JMB 7/10/07	Date:	Date: JMB

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
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

City of Portland, Maine - Building or Use Permit Application

89 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 07-0718		Issue Date: 08/16/2007		CBL: 020 C009001	
Location of Construction: 127 FORE ST		Owner Name: SHIPYARD BREWING COMPAN		Owner Address: 86 NEWBURY ST	
Business Name:		Contractor Name: Irish Span		Contractor Address: 14 Clair Street Lewiston	
Applicant/Buyer's Name		Phone:		Permit Type: Additions-Commercial	
Proposed Use: Commercial		Proposed Use: Commercial - New warehouse addition 9600 sq ft		Permit Fee: \$4,595.00	
				Cost of Work: \$450,000.00	
				CEO District: 1	
				FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
				INSPECTION: Use Group: Type:	
				Signature:	
				Signature:	
				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: Idobson	Date Applied For: 06/18/2007	Zoning Approval		
<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>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..</p>		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"/>	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	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:	Date:	Date:

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

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE

DATE

PHONE

City of Portland, Maine - Building or Use Permit Application

189 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 07-1414	Issue Date: 11/29/2007	CBL: 020 C009001
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Location of Construction: 127 FORE ST	Owner Name: SHIPYARD BREWING COMPAN	Owner Address: 86 NEWBURY ST	Phone:
Business Name:	Contractor Name: Irishspan Industries Inc.	Contractor Address: 22 Davis Street, Suite 3 Lisbon Falls	Phone: 2077610807
Lessee/Buyer's Name	Phone:	Permit Type: Additions--Commercial	Zone:

Current Use: Commercial - Shipyard Brewing	Proposed Use: Commercial - Shipyard Brewing - New proposed entrance off Newbury Street 12.5 x 36' covering stairwells	Permit Fee: \$170.00	Cost of Work: \$15,000.00	CEO District: 1
		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: Type:	

Proposed Project Description: New proposed entrance off Newbury Street 12.5 x 36' covering stairwells	Signature:	Signature:
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: Idobson	Date Applied For: 11/19/2007	Zoning Approval		
<ol style="list-style-type: none"> This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. Building permits do not include plumbing, septic or electrical work. 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	Zoning Appeal	Historic Preservation
		<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:	<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:	<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:

CERTIFICATION

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SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
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RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE	DATE	PHONE
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CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 127 FORE ST

CBL 020 C009001

Issued to SHIPYARD BREWING COMPANY LIMITED LIABILITY Date of Issue 11/15/2007

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. 07-0718, 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

Entire

APPROVED OCCUPANCY

Warehouse
Use Group F2
Type 2B
IBC 2003

Limiting Conditions: Temporary occupancy certificate only. Add steps and handrails at Fore Street entry door. Obtain permit to rebuild and enclose stairway at Newbury Street entry door. Expires January 1, 2008.

This certificate supersedes
certificate issued

Approved:

11/15/2007: Michael A. Collins
(Date) Inspector

11/20/07
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.

Applicant: Shipyard Brewing Co.

Date: 7/2/07

Address: 127 Fore Street

C-B-L: 020-C-009

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - B5b

Interior or corner lot - Mountfort St.

Proposed Use/Work - to construct new warehouse addition 9,600^{sq}

Sewage Disposal - City

Lot Street Frontage - No min req.

Front Yard -

Rear Yard -

Side Yard -

None Required

MAX front yard setback: 10' max -
≈ 2 1/2' scaled

Projections -

Width of Lot - N/A

Height - 65' max - 32' 4" to the highest point

Lot Area - No min req

Lot Coverage/Impervious Surface - 100% allowed

Area per Family - N/A

Off-street Parking -

73 pkgs required See Analysis - 120 spaces on site
originally approved on site
plan 10/16/95

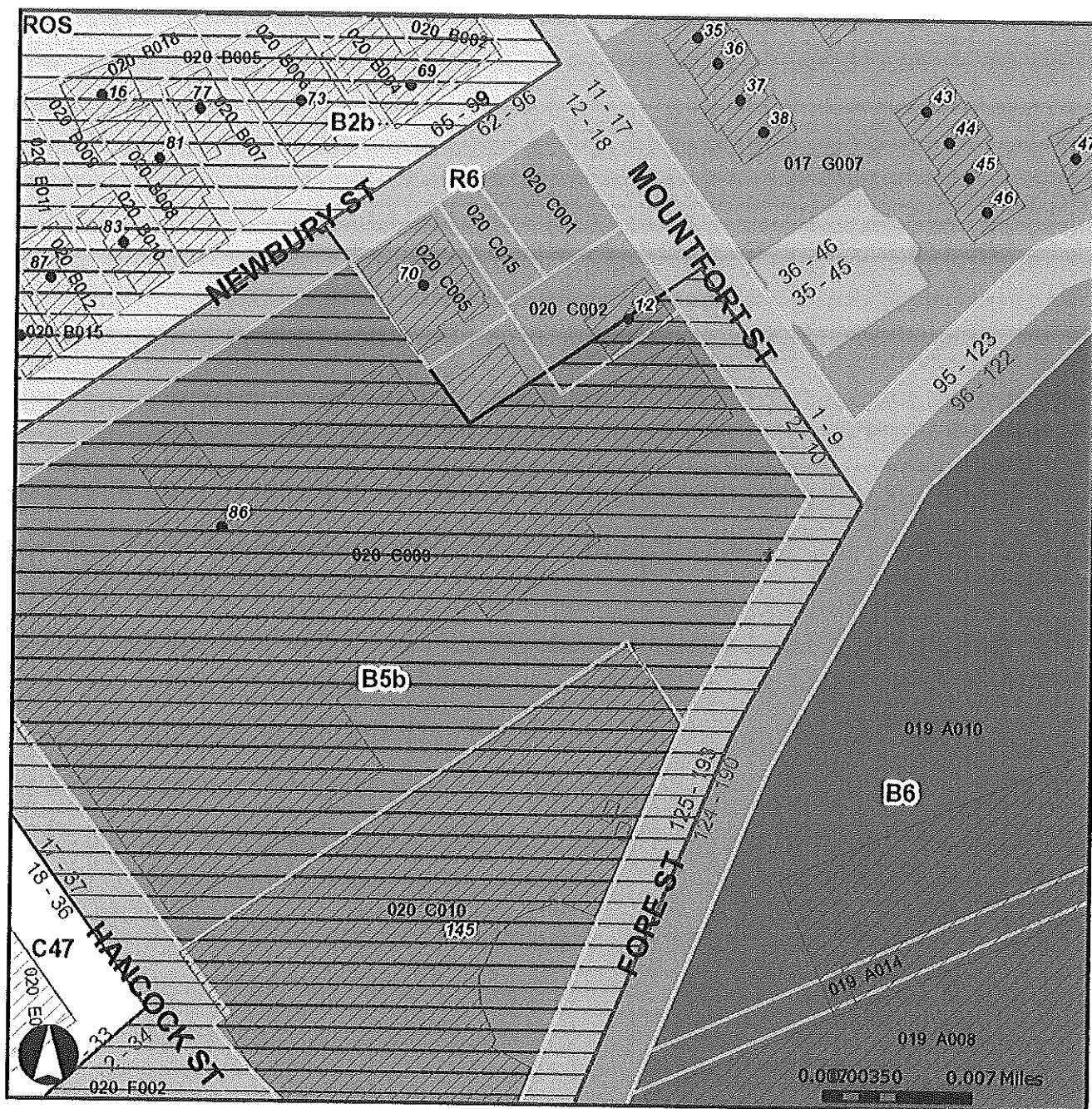
Loading Bays - N/A

Site Plan - # 2007-0068

Shoreland Zoning/Stream Protection - N/A

Flood Plains - panel 14 zone C

Map



Address Candidates



Address Candidates



Interstate



Streets

Shoreland Overlay Zone



Stream Overlay Zone



Stream_protection

Island Zoning



C43



I-B



I-TS

Zoning (continued)



OP Office Park



R1 Residential



R2 Residential



R3 Residential



R4 Residential



R5 Residential



R6 Residential

Zoning (continued)



C23



C24



C25



C26



C27



C28



C29



PORTLAND MAINE

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Receipts Details:

Tender Information: Check , BusinessName: Bernstein Shur, Check Number: 101597101715
Tender Amount: 150.00

Receipt Header:

Cashier Id: Ldobson
Receipt Date: 10/31/2011
Receipt Number: 11775

Receipt Details:

Reference ID:	266	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00
Job ID: Miscellaneous charges			
Additional Comments: 127 Fore St			

Thank You for your Payment!