



PORTLAND MAINE

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*Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator*

July 15, 2013

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

Attn: Tabatha J. Berube

RE: 25 Pearl Street – 029-E-009 – B-3 Zone with and Entertainment Overlay Zone

Dear Ms. Berube,

I am in receipt of your request for a determination letter concerning the property located at 25 Pearl Street. The property is located within a B-3 Downtown Business Zone with a Downtown Entertainment Overlay Zone which limits those properties with Entertainment licenses.

To the best of my knowledge, the property is in compliance with all applicable Land Use Zoning codes, regulations and ordinances. There are no pending or threatened legal actions against the property. I am attaching copies of all found certificates of occupancies concerning the property. Also enclosed is a current permit application for a new Subway restaurant that is in the process of being reviewed and approved.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very Truly Yours,

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

Marge Schmuckal
Zoning Administrator
City of Portland, Maine

enclosures

Recent Application - Still Under Review

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

Permit No: 2013-01323	Issue Date:	CBL: 029 E009001
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Location of Construction: 25 PEARL ST		Owner Name: 25 PEARL MHR LLC		Owner Address: PO BOX 7488 PORTLAND, ME 04112		Phone:	
Business Name: Subway		Contractor Name: BRE Services Inc/Mike Chase		Contractor Address: 430 Old Portland Road Brunswick ME 04011		Phone: (207) 837-3264	
Lessee/Buyer's Name: Peter Beaudoin, peter@mainesubwa		Phone: (207) 761-7386		Permit Type: Change of Use - Commercial		Zone: B3	
Past Use: Vacant Retail (rental office)		Proposed Use: Restaurant		Permit Fee: \$1,495.00		Cost of Work: \$140,000.00	
Proposed Project Description: Convert 1500 sf vacant retail space to a Subway restaurant				INSPECTION:			
				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: 06/25/2013	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"/> Variance	<input 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 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: _____	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) 8716

Job No: 2012-05-3994-ALTCOMM	Date Applied: 5/14/2012	CBL: 029- E-009-001	
Location of Construction: 25 PEARL ST	Owner Name: 25 PEARL MHR LLC	Owner Address: PO BOX 7488 PORTLAND, ME 04112	Phone: 232-9836
Business Name:	Contractor Name: CAP SERVICES, LLC	Contractor Address: 49 BRUCE HILL RD, CUMBERLAND CTR MAINE 04021	Phone: (207) 939-8838
Lessee/Buyer's Name: Cumberland County Registry of Deeds	Phone:	Permit Type: BLDG ALT	Zone: B-3
Past Use: Offices	Proposed Use: Offices with public access - to make alterations to space 1st floor	Cost of Work: \$22,000.00	CEO District:
		Fire Dept: <input checked="" type="checkbox"/> Approved w/conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Inspection: Use Group: B Type: IBC 09
		Signature: <i>Capt. P. P. P.</i>	Signature: <i>[Signature]</i>
Proposed Project Description: Re-work Interior layout		Pedestrian Activities District (P.A.D.) <i>within</i> <i>see conditions</i>	
Permit Taken By: Lannie	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>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland</p> <p><input type="checkbox"/> Wetlands</p> <p><input type="checkbox"/> Flood Zone</p> <p><input type="checkbox"/> Subdivision</p> <p><input type="checkbox"/> Site Plan</p> <p>___ Maj ___ Min ___ MM</p> <p>Date: <i>OK with conditions</i> Date: <i>5/19/12</i></p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p>	<p>Historic Preservation</p> <p><i>within</i></p> <p><input type="checkbox"/> Not in Dist or Landmark</p> <p><input type="checkbox"/> Does not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p><i>any exterior work requires a separate review & approval</i></p>
	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



Certificate of Occupancy

LOCATION 21 Pearl Street

Issued to Old Port Parking Associates

Date of Issue 10/6/89

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. 88/1053, 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

Entire parking ramp only

780 parking spaces

Limiting Conditions:

This certificate supersedes certificate issued

Approved:

10-6-89 *Thomas Collet*
(Date) Inspector

Mary Schmedel
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.

PA
3
FD
W



Certificate of Occupancy

LOCATION 25 Pearl St. - 2nd. Floor Only

Issued to Old Port Parking Association

Date of Issue December 22, 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. , 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

2nd. Floor Only

offices

Limiting Conditions:

This certificate supersedes certificate issued

Approved:

12-22-89 *Thomas Collet*
(Date) Inspector

Paul Meekoff
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.

C.B.
3B



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 25 Pearl Street - 3rd Floor

Issued to Old Port Parking Association

Date of Issue 3 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. 89/2936, 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

3rd Floor Only

Offices

Limiting Conditions:

TEMPORARY = 30 Days (2/2/90)

This certificate supersedes
certificate issued

Approved:

1-3-90

(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.

OK Paul M...
SB

CITY OF PORTLAND, MAINE
Department of Building Inspection



Certificate of Occupancy

LOCATION 25 Pearl Street

Issued to Old Port Parking Assoc.

Date of Issue May 31, 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

Third floor only

Offices

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

5-31-90

(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.



Certificate of Occupancy

LOCATION - 25 Pearl St (029-E-009)

Issued to Custom House Lmt'd Partnership

Date of Issue 24 July 1998

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. 980468, 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

1st fl - NW Office

Office

Limiting Conditions:

This certificate supersedes certificate issued

Approved:

7/24/98

(Date)

[Signature]
Inspector

[Signature]
Inspector of Buildings

FOR
SAM
HOFFES

[Handwritten initials]

[Handwritten initials]

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 25 PEARL ST 3rd floor CBL 029 E009001

Issued to 25 Pearl Mhr Llc /Monaghan Woodworks, Inc. Date of Issue 01/05/2010

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. 10-1061, 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 Third Floor

APPROVED OCCUPANCY

Commercial Offices
Use Group B
Type 2A
IBC-2003

Limiting Conditions: None

This certificate supersedes
certificate issued

Approved:

1-5-10 [Signature]
(Date) Inspector

CAPT. [Signature]
1-5-10

[Large Signature]

Inspector of Buildings

Alle

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 25 Park St. Portland, ME

Issued to Center House Limited Partnership Date of Issue 21 October 1998

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. 980632, 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

Entire first floor

Office Space
"Baller Brook"

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

10/21/98

(Date)

[Signature]

Inspector

[Signature]

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.

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

Tabatha J. Berube
Paralegal
207 228-7377 direct
tberube@bernsteinshur.com

July 3, 2013

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

Re: 25 Pearl MHR LLC
25 Pearl Street, Portland, Maine
29-E-9

Dear Marge:

Please issue a letter confirming what zone the building and improvements located at the above property are located in and that the entire building is in compliance with all applicable Municipal zoning and land-use codes, regulations and ordinances, that there currently are no pending or threatened violations against it and also please attach all copies of Certificates of Occupancy that have been issued along with any other filings.

Enclosed please find our check in the amount of \$150 to cover the fee 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,

Tabatha J. Berube
Tabatha J. Berube

*Subway 1st floor - not issued
2nd floor - not issued
2012 Cumberland County Reg. B Deed
Garage with 2nd floor above
on the House Grant*

RECEIVED

JUL 09 2013

Dept. of Building Inspections
City of Portland Maine

*B-3 not
Historic Entertainment*

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

RECEIPT OF FEES

Application No: 0000-1751	Applicant: 25 PEARL MHR LLC
Project Name: 25 PEARL ST	Location: 25 PEARL ST
CBL: 029 E009001	Application Type: Determination Letter
Invoice Date: 07/09/2013	

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
		\$150.00
Total Current Fees:	+	\$150.00
Total Current Payments:	-	\$150.00
Amount Due Now:		\$0.00

CBL 029 E009001
Bill to: 25 PEARL MHR LLC
 PO BOX 7488
 PORTLAND, ME 04112

Application No: 0000-1751
Invoice Date: 07/09/2013
Invoice No: 41747
Total Amt Due: \$0.00
Payment Amount: \$150.00

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