



PORTLAND MAINE

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

December 18, 2012

The Planning and Zoning Resource Corporation
100 NE 5th Street
Oklahoma City, OK 73104
Attn: Katherine Loving
Ref. No: 64896-1

RE: Hampton Inn - 207- 209 Fore Street - 029-L-1 & 2 (the "Property")– B-3 Zone
with a Downtown Entertainment Overlay Zone

Dear Ms. Loving,

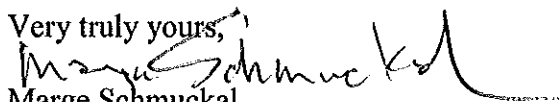
I am in receipt of your request for a determination letter concerning the Property. The Property is located in a B-3 Business Zone with a Downtown Entertainment Overlay Zone which limits entertainment licenses issued through the City Clerk's office. All the abutting properties (North, South, East, West) are in a B-3 Zone. The Property was not developed as a Planned Unit Development.

The Property was reviewed and approved in compliance with the current B-3 zoning requirements. There are no legal nonconforming issues regarding the Property. The Property was granted a waiver of 14-220(c) for the street wall build-to line by the Planning Board. The Planning Board also approved a conditional use appeal for the parking on an adjoining lot associated with the Property. Copies of the Planning Board approval are attached. To the best of my knowledge, I am not aware of any unresolved zoning code violations at this time. There are no open violations on file in our records. To the best of my knowledge, there are no open or unresolved building code violations on file in our records.

The Property was developed with a site plan approval. A copy of the Planning Board approval is enclosed. A Certificate of Occupancy was issued and a copy of such is enclosed. The Property was approved for a hotel with 122 rooms. There are other uses within the common building.

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

Very truly yours,


Marge Schmuckal
Zoning Administrator

*Editors Note: Section 14-218(b)(5), subparagraphs a-c shall apply to all applications filed on or after February 13, 2007

Sec. 14-219. Prohibited uses.

Uses not enumerated in sections 14-217 and 14-218 as either permitted uses or conditional uses are prohibited.
(Ord. No. 241-91, 3-11-91)

Sec. 14-220. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the B-3, B-3b and B-3c zones shall meet the following requirements:

- (a) *Minimum lot size:* None.
- (b) *Minimum street frontage:* Fifteen (15) feet.
- * (c) *Street wall build-to line:* All buildings or structures shall be located within five (5) feet of the property line along street frontages, unless the Planning Board requires or approves an additional distance to comply with the requirements of section 14-526 (d)9 and the City of Portland Design Manual.
- (d) *Minimum yard dimensions:* None required.
- (e) *Minimum lot width:* None required.
- (f) *Maximum length of undifferentiated blank wall along a public street or publicly accessible pedestrian way:*
 - 1. PAD overlay zone: Fifteen (15) feet.
 - 2. All other areas: Thirty (30) feet.
- (g) *Maximum lot coverage:* One hundred (100) percent.
- (h) *Minimum building height:* No new construction of any building shall be less than thirty-five (35) feet in height within fifty (50) feet of any street frontage,

CITY OF PORTLAND, MAINE

PLANNING BOARD

Bill Hall, Chair
Joe Lewis, Vice Chair
Lee Lowry, III
Carol Morrissette
Michael J. Patterson
David Silk
Janice Tevanian

April 21, 2010

Mark Woglom, President
Opechee Construction Corp.
11 Corporate Drive
Belmont, NH 03220

RE: Planning Board approval for Conditional Use Review for surface parking in the B-3 Zone, Subdivision and Site Plan, including a Traffic Movement Permit, for a hotel, restaurant, and residential development at 207-209 Fore Street (former Jordan's Meats site)

CBL: 029-L-001,002,003
Application ID: 99700001

Dear Mr. Woglom,

On April 13, 2010, the Portland Planning Board considered a plan by Opechee Construction, doing business as Old Port Hospitality Inc., for a six story 122 room hotel with a 7000 square foot first floor restaurant and twelve top floor residential condominiums. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use Review for surface parking in the B-3 Zone, Subdivision Ordinance and Site Plan Ordinance, including a Traffic Movement Permit. The Planning Board voted (5 to 0, Patterson and Morrissette absent) to approve the application with the following motion(s), waivers, and condition(s) as presented below.

CONDITIONAL USE

The Planning Board voted (5 to 0, Patterson and Morrissette absent) that the proposed plans are in conformance with the applicable conditional use standards for surface parking in the B-3 Zone, Section 14-474 and 14-218(b)5 of the Land Use Code, subject to the following condition(s):

That the condominium documents for the site contain a provision that allows surface parking to transition to structured parking or be relocated to allow future development of the easterly portion of the site.

WAIVERS

The Planning Board considered waivers relevant to the Portland's Technical and Design Standards and other regulations as presented below.

1. Planning Board waived the Technical Standard for the Driveway curb radius, Section III, 2 (c). (5 to 0, Morrissette and Patterson absent)
2. The Planning Board waived the Technical Standard for Parking Layout, Section III, 3 C on the basis that the hotel will employ valet parking. (5 to 0, Morrissette and Patterson absent)

3. The Planning Board waived the Technical Standard requiring full cut off light fixtures, Section XV: Site Lighting Standards, 3.

Subject to the following condition:

That the lighting plans and specifications provided for architectural up-lighting require additional evaluation of illumination levels and potential light pollution impacts. Architectural lighting for the development is subject to staff review and approval prior to issuance of an electrical permit.

(4 to 1, Silk opposed, Morrisette and Patterson absent)

4. The Planning Board waived the Technical Standard for maximum illumination levels, Section XV: Site Lighting Standards, 4 for the areas near the restaurant main entrance and the rear entrance at the residential lobby at the northeasterly corner of the structure.
5. The Planning Board found that the increased building setback beyond the requirements set forth in Section 14-220 (c), namely that *all buildings or structures shall be located within five (5) feet of the property line along street frontages:*
 - (a) (Does) Provide substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest;
 - (b) (Does not) substantially detract from the prevailing street wall character;
 - (c) (Does not) detract from existing publicly accessible open space; and,
 - (d) The area of setback (is) of high quality and character of design and of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.

Therefore the Board waived the 5-foot maximum building set back as per Site plan standard 14-526(a)16 b.2.

(5 to 0, Morrisette and Patterson absent)

SITE PLAN REVIEW

The Planning Board voted (5 to 0, Morrisette and Patterson absent) that the plan is in conformance with the site plan standards of the Land Use Code and for a Maine Department of Transportation Traffic Movement Permit, subject to the following condition(s) of approval:

1. Prior to issuance of a building permit, the applicant shall provide a revised site plan for staff review and approval showing revised pavement striping and installation of parking meter posts on Fore Street. The pavement markings shall remove on-street parking stalls and turning demarcations and shall adjust the center line markings to reflect proposed curb and parking adjustments to Fore Street.
2. Prior to issuance of a building permit, the applicant shall post a performance guarantee equal to the value of installing brick sidewalk for the entire length of the Middle Street frontage of the subject parcel. The term of the performance guarantee shall be no-longer than 2 years after the date of approval for the subject development, as may be extended at the City's sole discretion.

If after 2 years following the date of site plan approval, the applicant has not installed a brick sidewalk along the entire Middle Street lot frontage, the City may draw on the Performance Guarantee funds to complete such and improvement.

3. Prior to the issuance of a building permit, the applicant should make a contribution of \$1,200.00 towards improvements at the India Street/Middle Street intersection.
4. Prior to the issuance of a certificate of occupancy, the applicant shall develop and implement a signal timing plan for Franklin Street subject to Public Services review and approval that ensures optimal operations, including coordination with other intersections as may be necessary to mitigate impacts of the development.
5. Prior to issuance of a certificate of occupancy, the applicant shall submit to the Planning Authority evidence of right, title and interest by ownership or lease for 10 off-street parking spaces within reasonable walking distance of the development.
6. Prior to issuance of a building permit the applicant shall provide an revised glazing sample for review and approval of the Planning Staff showing clear or virtually clear glass for the street level openings and a suitable glass for upper floors consistent with the building program
7. Prior to issuance of a building permit the applicant shall provide material details and design specifications for the roof cornice canopy and brackets at the Fore and Franklin Street corner of the building.
8. Public pedestrian access shall be maintained through the site from Middle Street to Fore Street over stairs and passageways shown on the site plans and noted on the subdivision plat note 38. Such access shall not be removed or interrupted, except for routine safety or maintenance reasons without prior written request by the applicant or subsequent property owner subject to review and approval by the Planning Board.
9. Based on the applicant's representation to the Board, short-term development landscaping is satisfactory; but, if the applicant does not apply for further development of the site within 2 years of this approval, with a possibility for a 2 year extension, the applicant shall submit for implementation to the Planning Authority for review and approval a revised landscaping plan to satisfy applicable site plan landscaping standards.

(5 to 0, Morrisette and Patterson absent)

SUBDIVISION REVIEW

The Planning Board voted (5 to 0, Morrisette and Patterson absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

1. Public pedestrian access shall be maintained through the site from Middle Street to Fore Street over stairs and passageways shown on the site plans and noted on the subdivision plat note 38. Such access shall not be removed or interrupted, except for routine safety or maintenance

reasons without prior written request by the applicant or subsequent property owner subject to review and approval by the Planning Board.

2. The applicant shall submit a revised recording plat for Public Services review and approval prior to signature by the Planning Board. Plat revisions will include citations for recorded parking and access easements between the subdivision lots and shall address bearing and elevation datum revisions issues addressed in the Public Services review memo dated April 7, 2010, included in Attachment 4 of this report.
3. That the applicants provide copies of the condominium documents for City Legal staff review and approval prior to recording the subdivision plat.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #7-10 which is attached.

Please note the following provisions and requirements for all site plan and subdivision approvals:

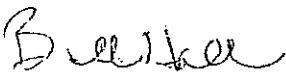
1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification 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 the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. Pursuant to 30-A MRSA section 4406, notice of any waiver(s) must be recorded in the Cumberland County Registry of Deeds within 90 days of the granting of said waiver(s).
5. A performance guarantee covering the site improvements as well as an 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 Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
6. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.

7. The subdivision approval is valid for three (3) years.
8. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
9. Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.
10. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
11. Prior to construction, a pre-construction meeting shall be held at the project site 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 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.
12. 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.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 Bill Needelman, Senior Planner at 874-8722.

Sincerely,



Bill Hall, Chair
Portland Planning Board

Attachments:

1. (applicable staff memo's)
2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Bill Needelman, Senior Planner
Philip DiPierro, Development Review Coordinator



PORTLAND MAINE

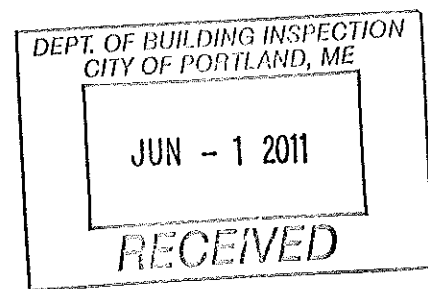
Strengthening a Remarkable City, Building a Community for Life www.portlandmaine.gov

Planning and Urban Development Department
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

May 26, 2011

Mark Woglom, President
Opechee Construction Corp.
11 Corporate Drive
Belmont, NH 03220



RE: Approval of amended parking lot grade at 207-209 Fore Street
CBL: 029 1003001 and 029 1001001
Application ID: 2011-255

Dear Mr. Woglom,

On May 26, 2011, the Portland Planning Authority approved an amendment to the hotel, restaurant and residential site plan located at 207-209 Fore Street as submitted by Fore India Middle, LLC (formerly doing business as Old Port Hospitality, Inc.) and shown on the approved plan prepared by Opechee Construction Corporation dated 05-10-11. These plans amend plans approved by the Portland Planning Board on April 13, 2010. The intent of the amendment is to allow a lowering of the elevation for the approved surface parking lot and to document field changes made to the Franklin Street curb and sidewalk. No other amendments are intended or approved.

Approval for the amendment is subject to the following conditions, which are in addition to conditions of approval established by the Planning Board on April 13, 2010:

The applicant shall provide a revised plan set with all of the construction details included with the previously approved site plan.

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

Please note the following provisions and requirements for all site plan approvals:

1. The site shall be developed and maintained as depicted in the site plan and 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 the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
4. The current performance guarantee covering site improvements apply to this approval and remain in effect. If you need to make any modifications to the approved plans, you must submit a revised subdivision or site plan application for staff review and approval.
5. The site plan approval will be deemed to have expired if work in the development lapses for one (1) year or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. 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.)

The Development Review Coordinator must be notified five (5) working days prior to 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 Bill Needelman, Senior Planner at 874-8722.

Sincerely,



Alexander Jaegerman, Planning Division Director

Attachments:

1. April 2010 approval letter

Electronic Distribution:

Penny St. Louis, Director of Planning and Urban Development

Alexander Jaegerman, Planning Division Director

Barbara Barhydt, Development Review Services Manager

William Needelman, Senior Planner

Philip DiPierro, Development Review Coordinator

Marge Schmuckal, Zoning Administrator

Tammy Munson, Inspections Division Director

Gayle Guertin, Inspections Division

Lisa Danforth, Inspections Division

Lannie Dobson, Inspections Division

Michael Bobinsky, Public Services Director

Kathi Earley, Public Services

Bill Clark, Public Services

David Margolis-Pineo, Deputy City Engineer

Todd Merkle, Public Services

Greg Vining, Public Services

John Low, Public Services

Jane Ward, Public Services

Keith Gautreau, Fire

Jeff Tarling, City Arborist

Tom Errico, Wilbur Smith Consulting Engineers

Dan Goyette, Woodard & Curran

Assessor's Office

Approval Letter File



Hard Copy: Project File

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

Permit No: 10-0447	Issue Date:	CBL: 029 L001001
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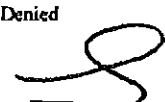
Location of Construction: 231 Fore St	Owner Name: Old Port Hospitality Llc	Owner Address: 11 Corporate Dr	Phone: 603-527-9090
Business Name: Hampton Inn	Contractor Name: Opechee Construction Corp	Contractor Address: 11 Corporate Drive Belmont	Phone: 6033877145
Lessee/Buyer's Name	Phone:	Permit Type: Commercial	Zone: B-3

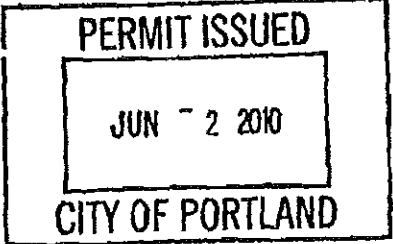
Past Use: Commercial / Jordans Meats	Proposed Use: New Commercial Project for hotel (Hampton Inn) Phase One for concrete foundation, slab, structural steel joist and deck.	Permit Fee: \$7,520.00	Cost of Work: \$749,140.00	CEO District: 1
		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied *See Conditions	INSPECTION: Use Group: R1, 2/A2 Type: 1B Foundation & steel w/ Decks	

Proposed Project Description: New Commercial Project for Hotel (Hampton Inn) Phase One for concrete foundation, slab, structural steel joist and deck.	Signature: 	Signature:  6/2/10
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: gg	Date Applied For: 04/30/2010	Zoning Approval
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- 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 <input type="checkbox"/> Shoreland <i>N/A</i> <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <i>Panel A Zone C</i> <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i>D-99700001</i> Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>5/5/10</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use <i>Panel C</i> <input type="checkbox"/> Interpretation <i>PB</i> <input checked="" type="checkbox"/> Approved <i>Street Red-line</i> <input type="checkbox"/> Denied Date: <i>6/2/10</i>	Historic Preservation <input checked="" 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
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: 10-1056	Issue Date:	CBL: 029 L001001
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Location of Construction: 231 FORE ST	Owner Name: OLD PORT HOSPITALITY LLC	Owner Address: 11 CORPORATE DR	Phone:
Business Name:	Contractor Name: Opechee Construction Corp	Contractor Address: 11 Corporate Drive Belmont	Phone: 6033877145
Lessee/Buyer's Name	Phone:	Permit Type: Commercial	Zone: B-3

Past Use: Vacant Land Connected w/ permit# 100265, 100447 & 100265	Proposed Use: Commercial - New Hotel, (Hampton Inn) Restaurant & 12 residential Condominium Construction	Permit Fee: \$62,995.00	Cost of Work: \$6,290,000.00	CEO District: 1
		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i># see Conditions</i>	INSPECTION: Use Group: R-1/R-2 Type: IB IBC-2003	

Proposed Project Description: New Hotel, Restaurant & Condominium Construction	Signature: <i>KG</i>	Signature: <i>JMB 10/7/10</i>
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: 08/26/2010	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 <i>N/A</i> <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <i>Pamela zone C</i> <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i># 10-97700001</i> Major <input checked="" 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 checked="" 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: <i>8/27/10</i>	Date: _____	Date: _____

PERMIT ISSUED

OCT 12 2010

City of Portland

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 _____

Applicant: OLD Port Hospitality LLC Date: 2/16/10

Address: 207 & 209 Fore St (Old Jordan ^{C.B.L. meats}) 29-L-1-2
29-L-3
#10-0447

CHECK-LIST AGAINST ZONING ORDINANCE

Date -
Zone Location - B-3
Interior or corner lot -
Proposed Use/Work -
Sewage Disposal - City
Lot Street Frontage - 15' min - 255.83
123.41
379.24 # shown

not in PAD - PAD Encouragement along middle of
change of use - yes
redevelop site - New restaurant - 122 Rm Hampton Inn
uses permitted 180 seats
residential ~~work~~ - up to 12 DU
surface parking on top floor - showing 35' set

Front Yard - PB
Street Build-to line - 14.220(c) - within 5' of street line - wants more for outdoor eating for the restaurant
10' scaled

Rear Yard - N/A
Side Yard - N/A
Projections -

where is the property line behind the building

Width of Lot - N/A
Height - 65' ~~max~~ want to confirm - Average grade to top of roof beam the 65' height max
3/17/10 information submitted - appears to meet

Lot Area - $\approx 76,209$ # given - No min lot size req

Lot Coverage / Impervious Surface - 100% OK

Area per Family - B-3 doesn't require a certain amount of ~~land~~ ^{land} area per DU

Off-street Parking - PB given square footage = 96,953 # - PB determines parking
225 spaces for bikes proposed 93 parking spaces counted

Loading Bays - N/A

Site Plan - #10-99700001

Shoreland Zoning / Stream Protection - N/A

Flood Plains - Panel 14 - ZONE C

Conditional Use App -
subdivision required
for parking - showing 35' setback
/ separate permit for Demos & signs



Certificate of Occupancy



CITY OF PORTLAND, MAINE

Department of Planning and Urban Development

Building Inspections Division

Issued to: 209 Fore Street, LLC.

Location: 209 Fore St.

Date Issued: September 28, 2011

CBL: 029 L001001

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. 10-1056, has had a final inspection, has been found to conform substantially to the requirements of the Building Code and the Land Use Code of the City of Portland, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

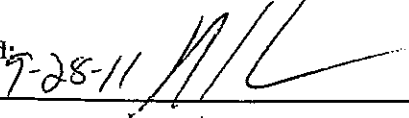
PORTION OF BUILDING OR PREMISES

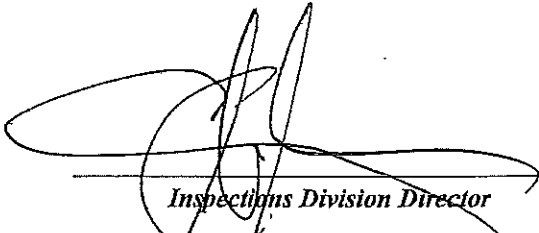
1st Floor Right Side
Entire 2nd, 3rd, 4th, and 5th Floors

APPROVED OCCUPANCY

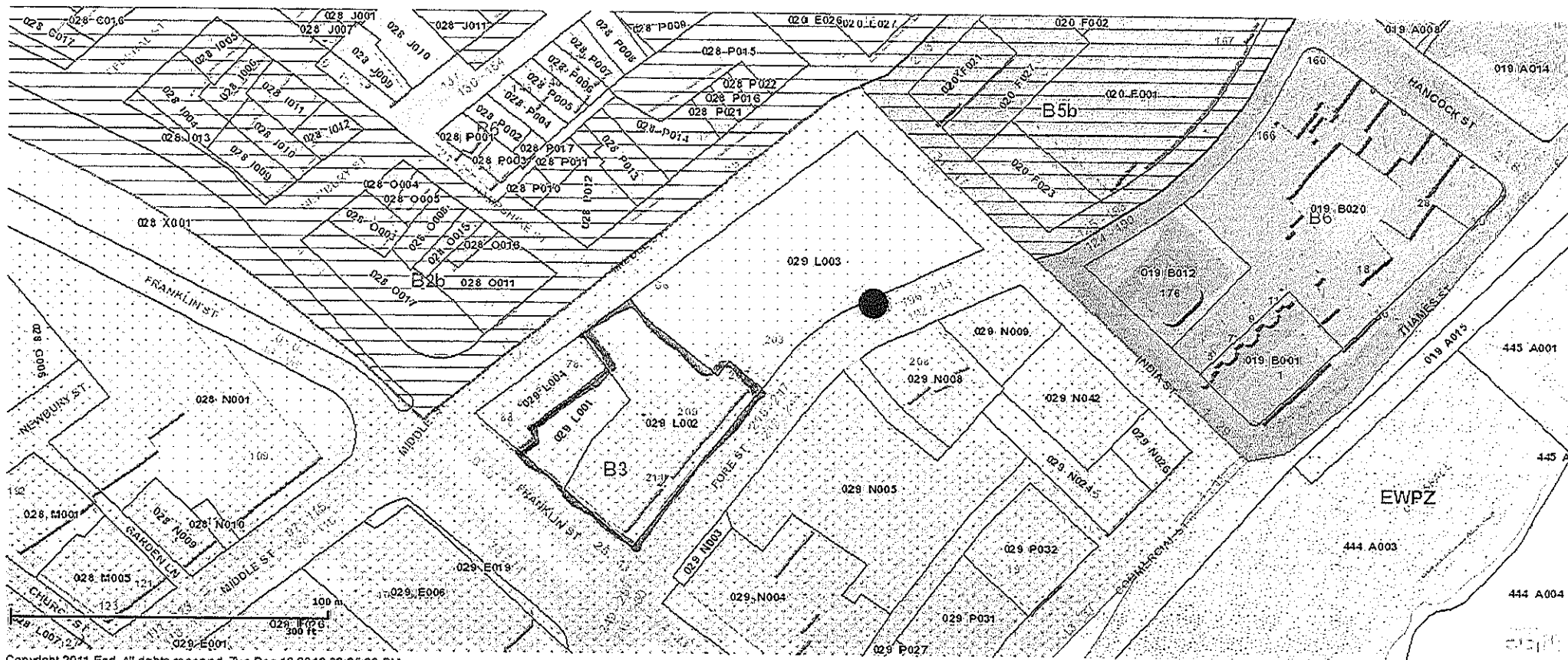
Hotel
Use Group R-1
Type 1B
IRC-2003

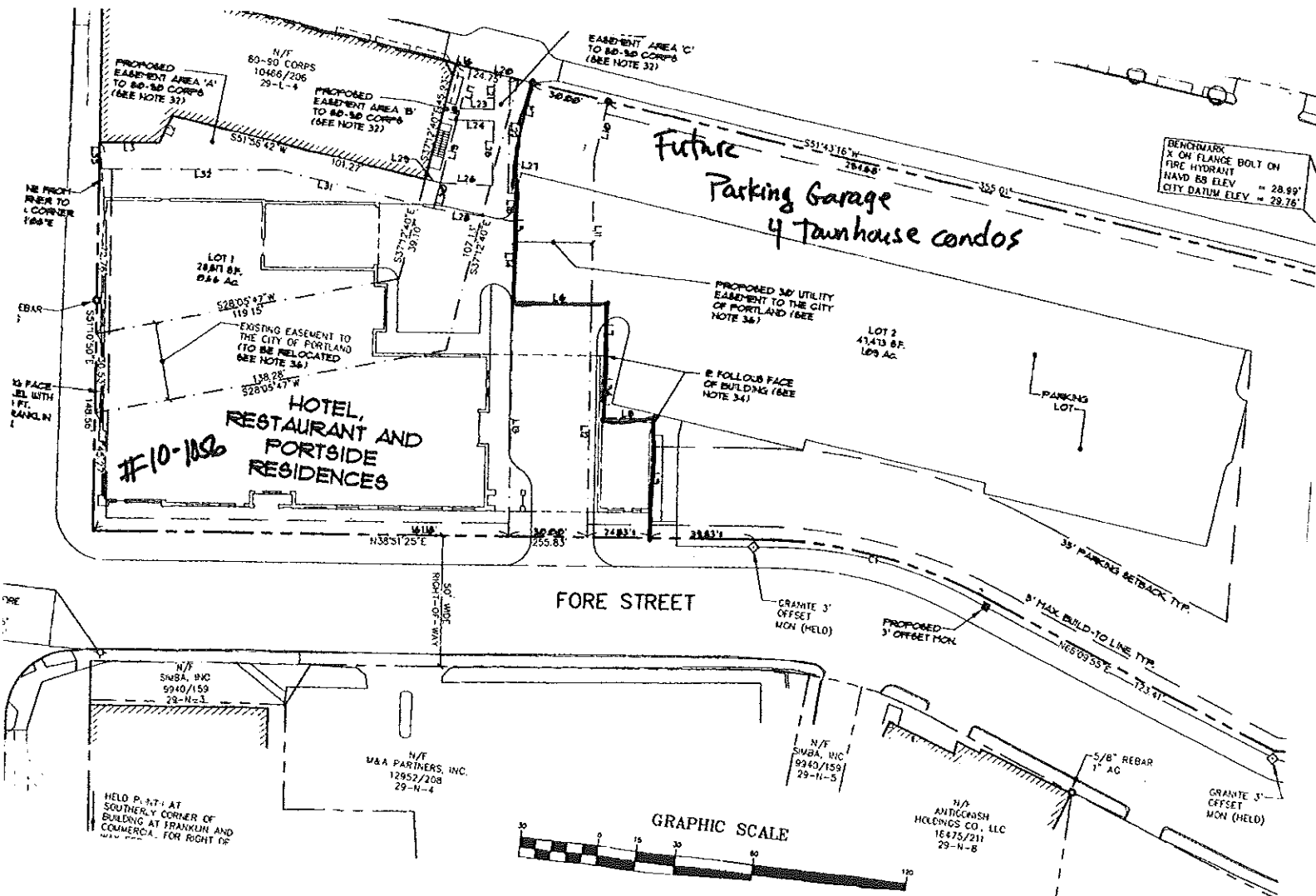
Limiting Conditions: NONE

Approved: 7-28-11 
Inspector


Inspections Division Director

Notice: This certificate identifies the legal use of the building or premises, and ought to be transferred from owner to owner upon the sale of the property.





PROPOSED EASEMENT AREA 'A' TO 80-30 CORPS (SEE NOTE 37)

PROPOSED EASEMENT AREA 'B' TO 80-30 CORPS (SEE NOTE 37)

EASEMENT AREA 'C' TO 80-30 CORPS (SEE NOTE 37)

Future Parking Garage 4 Townhouse condos

BENCHMARK X ON FLANGE BOLT ON FIRE HYDRANT
 NAVD 89 ELEV = 28.99'
 CITY DATUM ELEV = 29.76'

LOT 1
 28,871 SQ. FT.
 0.66 AC

LOT 2
 47,473 SQ. FT.
 1.09 AC

HOTEL, RESTAURANT AND PORTSIDE RESIDENCES
 #10-1026

PROPOSED 30' UTILITY EASEMENT TO THE CITY OF PORTLAND (SEE NOTE 36)

E FOLLOW FACE OF BUILDING (SEE NOTE 34)

FORE STREET

CRANITE 3' OFFSET MON (HELD)

PROPOSED 3' OFFSET MON

3' MAX BUILD-TO LINE TYP.

N/F SWSA, INC 5940/159 29-N-3

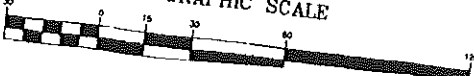
N/F M&A PARTNERS, INC. 12952/208 29-N-4

N/F SWSA, INC 5940/159 29-N-5

N/F ANTICASH HOLDINGS CO, LLC 16475/211 29-N-8

HELD P. INT. AT SOUTHERLY CORNER OF BUILDING AT IRANJUN AND COMMERCIAL FOR RIGHT OF WAY

GRAPHIC SCALE



5/8" REBAR 1" AG

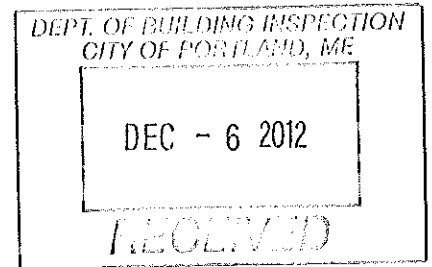
CRANITE 3' OFFSET MON (HELD)



The Planning & Zoning Resource Corporation

100 NE 5th Street · Oklahoma City, Oklahoma 73104
Telephone (405) 840-4344 · Fax (405) 840-2608
Toll Free (800) 344-2944 · Toll Free Fax (888) 523-9008
Please fax to my direct fax number 405-595-3655

To: Marge Schmuckal
Fax: 207 874 8716
Email:
Date: 12/05/2012
Subject: Zoning Verification Letter and Associated Documents
Ref. Number: 64896-1
RE: Hampton Inn Portland, 207 and 209 Fore Street, Portland, Maine
Add'l Info:



*29-L-2
Old Post Hospitality B-3 zone
Downtown
Entertainment
district*

Attached is our request for property information on the above-mentioned property. Please copy it onto your letterhead, provide the requested information, sign and return to me via either my direct fax, shown above or via email to katherine.lovings@pZR.com.

It is my understanding that there will be fees associated with this request. Please be advised that the total fees are not to exceed \$150.00 without my approval. If you should expect the fees to exceed this amount, please notify me as soon as possible. Furthermore, any additional costs associated with this request must be approved, in writing, prior to their incurrence.

Thank you in advance for your time and consideration on the above matter. If there are any questions you are unable to answer please let me know who I should contact. If you have any questions or concerns, do not hesitate to contact me at the toll free number 800-344-2944, extension 3244. You may also reach me by email at: katherine.lovings@pZR.com.

Sincerely,
Katherine Loving

(PLEASE COPY ONTO YOUR LETTERHEAD)

The Planning & Zoning Resource Corporation
100 NE 5th Street
Oklahoma City, OK 73104

12/05/2012

ATTN: Katherine Loving

Ref. No. 64896-1

RE: Hampton Inn Portland, 207 and 209 Fore Street, Portland, Maine

Add'l Info.

What is the current Zoning of the property? _____

What are the abutting zoning designations? North _____ South _____ East _____ West _____

Was this a Planned Unit Development? Yes No

If so, could we please get a copy of the PUD?

Is the property in any special, restrictive or overlay district?

Is this site in compliance with the current Zoning Ordinance?

Are there any legal nonconforming issues?

Was this property granted any variances, special exceptions, conditional use permits, or zoning relief of any kind? If yes, please provide a copy of all the documents. If copies are unavailable, would you briefly outline the conditions of the applicable document (excluding signage)? Yes No

To the best of your knowledge, do your records show any unresolved zoning code violations?

- Yes, there are open violations on file in our records. (See attached list and/or copies/cases)
 No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made.

To the best of your knowledge, do your records show any unresolved building code violations and/or complaints?

- Yes, there are open violations on file in our records. (See attached list and/or copies/cases)
 No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made.

Was this property developed with a Site Plan approval? Yes No

If so, could we get a copy of the approved plan and/or conditions, which includes information pertaining to: use, density, setbacks, height and parking?

Were Certificates of Occupancy issued? If so, please provide all available copies. If copies are unavailable, please fill out our attached form letter.

Please call the undersigned at _____, extension _____ if you have questions or concerns.

Sincerely:

Name: _____

Title: _____

(PLEASE COPY ONTO YOUR LETTERHEAD)

12/5/2012

Ref. No. 64896-1

RE: Hampton Inn Portland, 207 and 209 Fore Street, Portland, Maine

Add'l Info:

Based on our records [choose one]:

- A valid final certificate of occupancy has been issued and is now outstanding for the Project. For any certificate of occupancies not found, the absence of a certificate of occupancy for the Project will not give rise to any enforcement action affecting the Project. (See Attached Copy Issued)
- Certificates of Occupancy are not required. Final Building Permits have been issued and are now outstanding for the Project. (See Attached Copy Issued)
- Certificates of Occupancy for projects constructed prior to the year _____ are no longer on file with this office. The Project was constructed in _____. The absence of a certificate of occupancy for the Project will not give rise to any enforcement action affecting the Project. A certificate of occupancy for the Project will only be required to the extent of any construction activity (such as restoring, renovating or expanding the Project or any part thereof).
- We are unable to locate a certificate of occupancy for the Project from our records. We have evidence in our records, however, one was issued and has been subsequently lost or misplaced. The absence of a certificate of occupancy for the Project will not give rise to any enforcement action affecting the Project. A certificate of occupancy for the Project will only be required to the extent of any construction activity, restoring, renovating or expanding the Project or any part thereof.
- This site is still being constructed. The absence of a certificate of occupancy for the Project will not give rise to any enforcement action affecting the Project. A certificate of occupancy for the Project will be issued when all final inspections have been passed.

Please call the undersigned at _____, extension _____ if you have questions or concerns.

Sincerely:

Name: _____

Title: _____

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1580	Applicant:
Project Name: 209 FORE ST	Location: 209 FORE ST
CBL: 029 L00100H	Application Type:
Invoice Date: 12/06/2012	

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:	\$0.00

Bill to: 209 FORE STREET LLC
 11 CORPORATE DR
 BELMONT, NH 03220

CBL 029 L00100H
Application No: 0000-1580
Invoice Date: 12/06/2012
Invoice No: 39289
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.