



Planning & Urban Development Department

*Jeff Levine, AICP, Director**Ann Machado, Acting Zoning Administrator*

February 24, 2015

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

Re: 145 Commercial Street (141-151) – Fleming Portland, LLC & Peter, LLC – the “Property” - 029-S-001 – B-3 Downtown Business Zone with a Historic Overlay Zone, a Pedestrian Activities District Overlay Zone and a Downtown Entertainment Overlay Zone

To Bernstein Shur; Monument Title Company; and American Bankers Insurance of Florida:

The Property is located within the B-3 Downtown Business Zone with a Historic Overlay Zone, a Pedestrian Activities District Overlay Zone and a Downtown Entertainment Overlay Zone. The most current building permits on file address the uses on the first floor. Permit #2013-00156 was issued on March 5, 2013 to change the use of first floor, front left tenant space to a Starbucks Coffee Shop/Restaurant. The certificate of occupancy was issued on April 17, 2013. Permits #2013-02017, #2013-02048 and #2013-02418 were all issued in 2013 for the first floor, to fit up the middle tenant space, the right tenant space and left rear tenant space as retail spaces. All three permits gave the use as restaurant and retail on the first floor with offices above. Certificates of occupancy were also issued for the middle and right side spaces. I have determined that the current legal use of the property is restaurant and retail use on the first floor with offices above, and therefore, the building is in compliance with all applicable Municipal zoning and land use codes, regulations and ordinances.

I am not aware of any pending or threatened violations against the Property.

If you have any questions regarding this matter, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado
Acting Zoning Administrator
Planning and Urban Development Department
City of Portland
207.874.8709

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

Location of Construction: 143 Commercial Street, 141-151 Fore St, 1-11 Market St. Eric Cianchette ELC Mgmt 774-1000 Phone:		Owner: 42 Market Street Portland, ME Phone:	
Owner Address: 42 Market Street Portland, ME Contractor Name: Cianbro Corp		Lessee/Buyer's Name: N/A Business Name: N/A	
Address: 328 W. Commercial Street Proposed Use: Retail Office Bldg.		Ptld, ME 04102 Phone: 773-5852 ext.110	
Past Use: Vacant/Demolished Site		PERMIT FEE: \$3,172,260 ALL FEES ALREADY HAVE BEEN PAID	
Proposed Project Description: Construction of 3 story, steel framed, brick & granite clad retail office building as approved by Planning Board on Sept. 14, 1999. Building Permit Number is #991102. Addition of pile caps and tie-beams. This is a Continuation of Work.		FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied Use Group: Type: Signature: <i>ACS 9/6/99</i> Signature: <i>[Signature]</i> PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied	
Permit Taken By: UB		Date Applied For: 10-28-99	

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.

** Call for Pick Up Ernie Selberg 253-1561

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 provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT _____ ADDRESS: _____ DATE: 10-28-99

PHONE: _____

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE _____ PHONE: _____

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

Permit No: **991202**

Permit Issued: **NOV - 1 1999**

Zone: CBL: 029-S-001

Zoning Approval: *[Signature]* 11/1/99

Special Zone or Reviews: *Previous*

Shoreland
 Wetland
 Flood Zone
 Subdivision
 Site Plan maj Minor mm

Zoning Appeal

Variance
 Miscellaneous
 Conditional Use
 Interpretation
 Approved
 Denied

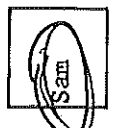
Historic Preservation

Not in District or Landmark
 Does Not Require Review
 Requires Review

Action:

Approved
 Approved with Conditions
 Denied

Date: _____



CEO DISTRICT
ub

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

Location of Construction: 145 Commercial St. Owner Address:	Owner: Cianchetti & Family LLC Lessee/Buyer's Name:	Phone: Business Name:	Permit No: 000933
Contractor Name: Payton Construction Past Use: Commercial	Address: 75 Market St. Portland, 04101 Proposed Use: Commercial/ XXXXXX	Phone: 772-7222 COST OF WORK: \$ 563,000.00 PERMIT FEE: \$ 3,402.00	Permit Issued: AUG 29 2000
Proposed Project Description: Tenant fit-up of vacant floor for Merrill Lynch		FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Signature: <i>[Signature]</i> Use Group: B Type: 13 INSPECTION: Signature: <i>[Signature]</i> PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)	Zoning Approval: Zoning: B-3 CBL: 029-S-001 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"/>
Permit Taken By: Gayle		Date Applied For: August 8, 2000 gg	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
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.		Historic Preservation <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review Action: <i>interior work only</i> <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied Date:	
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 provisions of the code(s) applicable to such permit		PERMIT ISSUED WITH REQUIREMENTS	
SIGNATURE OF APPLICANT		ADDRESS:	PHONE:
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE: August 8, 2000	Issued <i>[Signature]</i> PERMIT ISSUED WITH REQUIREMENTS CEO DISTRICT <i>[Signature]</i>



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 145 COMMERCIAL STREET 029-5-001

Issued to CLANCHETT & FAMILY

Date of Issue NOV. 17 2000

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. 000933, 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

SECOND FLOOR

APPROVED OCCUPANCY

USE GROUP B TYPE 2B BOCA 99

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

1

CITY OF PORTLAND, MAINE
Department of Building Inspection



Certificate of Occupancy

Issued to **GLANCHETT & FAMILY LLC** **LOCATION 145 COMERCIAL STREET 029-S-001**
Date of Issue **DECEMBER 14 2000**

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. 000933, 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

1ST & 3RD FLOOR

APPROVED OCCUPANCY

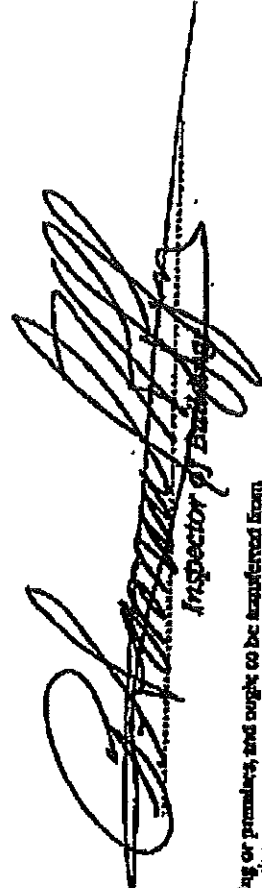
USE GROUP B TYPE 1B BOCA 99

Limiting Conditions:

SEE REQUIREMENTS FROM DRC

This certificate supersedes certificate issued

Approved: 
14 Dec 24 (Date) Inspector


Inspector of Building

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.

WPF
01/22/01
10/15/00

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

Permit No: 06-0590	Issue Date: PERMIT ISSUED MAY 15 2006	CB#: 029 S001001
-----------------------	--	------------------

Location of Construction: 145 COMMERCIAL ST	Owner Name: HIGHLAND BAY LLC ETALS	Owner Address: 150 METRO PARK	Phone: [Blank]
Business Name:	Contractor Name: Monaghan Woodworks, Inc.	Contractor Address: 111 Commercial St Portland	Phone: 207-752683
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Commercial	Zone: B-3

Past Use: Commercial/ office	Proposed Use: Commercial/ office - Divide office space, relocate door, enlarge phone room <i>3rd Floor Howard Pelgrim Health Care offices</i>	Permit Fee: \$57.00	Cost of Work: \$4,000.00	CEO District: 1
Proposed Project Description: Divide office space, relocate door, enlarge phone room		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>B</i> Type: <i>5/8/06</i> Signature: <i>[Signature]</i>	
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: <i>[Signature]</i> Date: <i>5/2/06</i>		

Permit Taken By: Idobson	Date Applied For: 04/27/2006	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"/> Date: <i>5/2/06</i>	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 <i>any exterior work requires a separate review and approval</i> 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
---	------	-------

SHEET NOTES

1. REPAIR ALL EXISTING PARTITIONS AND CONNECTIONS TO BE REPAIRED.

2. REPAIR ALL EXISTING WALLS AT ALL INTERSECTIONS WITH PARTITIONS AND CONNECTIONS TO BE REPAIRED.

3. REPAIR ALL EXISTING PARTITIONS AND CONNECTIONS TO BE REPAIRED.

4. REPAIR ALL EXISTING PARTITIONS AND CONNECTIONS TO BE REPAIRED.

5. REPAIR ALL EXISTING PARTITIONS AND CONNECTIONS TO BE REPAIRED.

6. REPAIR ALL EXISTING PARTITIONS AND CONNECTIONS TO BE REPAIRED.

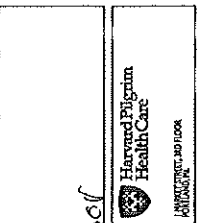
7. REPAIR ALL EXISTING PARTITIONS AND CONNECTIONS TO BE REPAIRED.

8. REPAIR ALL EXISTING PARTITIONS AND CONNECTIONS TO BE REPAIRED.

9. REPAIR ALL EXISTING PARTITIONS AND CONNECTIONS TO BE REPAIRED.

10. REPAIR ALL EXISTING PARTITIONS AND CONNECTIONS TO BE REPAIRED.

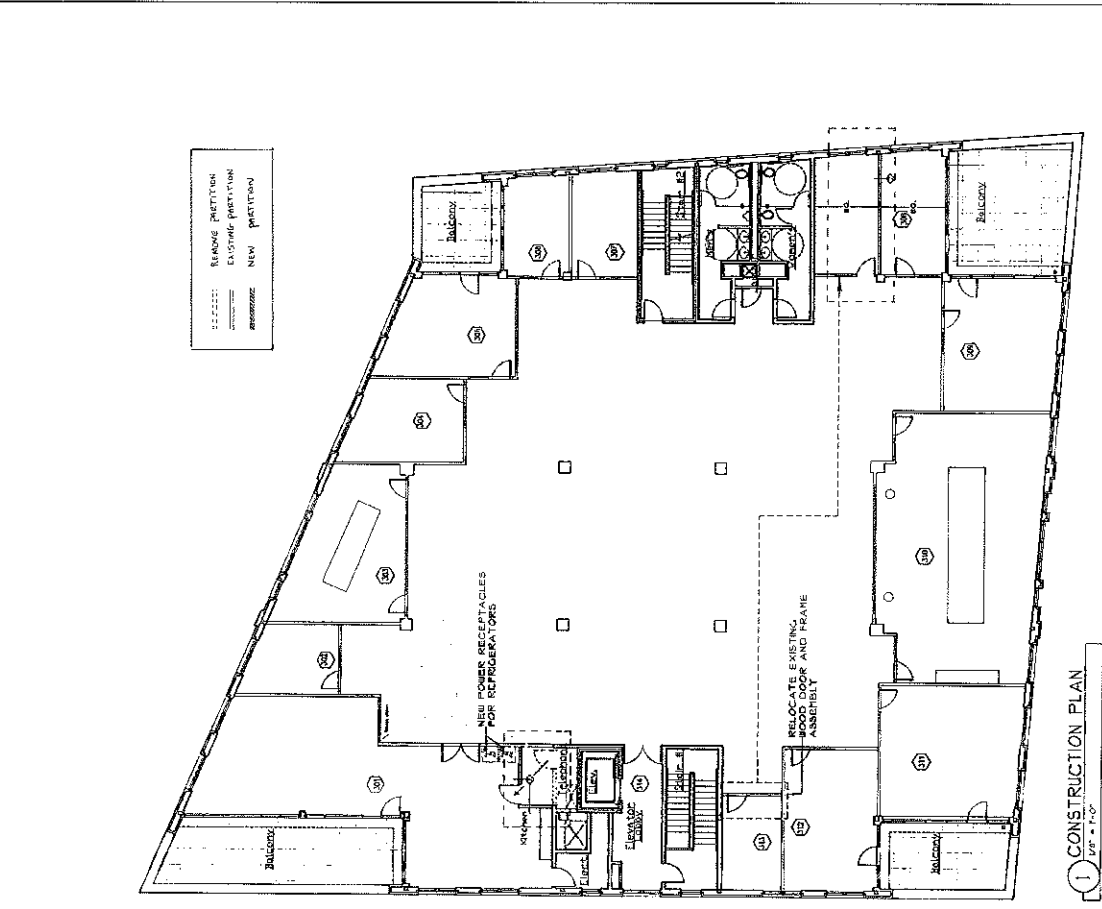
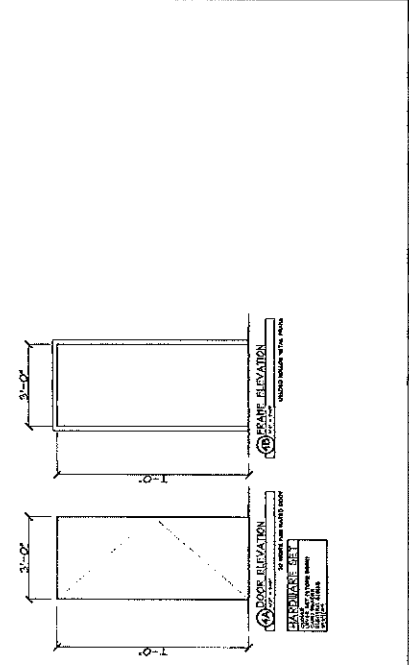
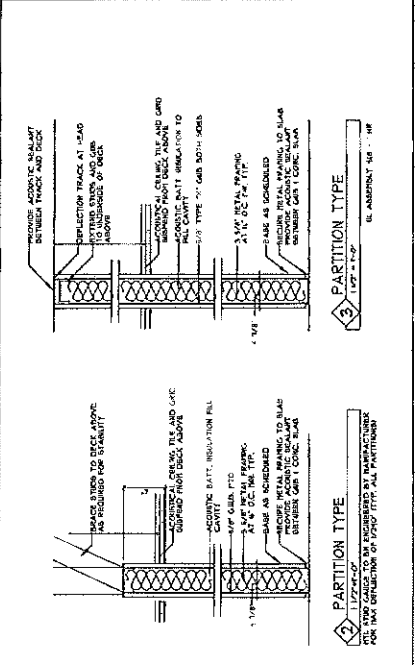
Sliver Hirtz ARCHITECTS
 200 West
 South 1400 W
 ST 42 428
 SALT LAKE CITY, UT 84115
 801.462.1111
 sliverhirtz.com



CONSTRUCTION PLAN

DATE	REVISION

A1.1



3rd Floor

1 CONSTRUCTION PLAN
1/8" = 1'-0"

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



CITY OF PORTLAND BUILDING PERMIT



This is to certify that

FLEMING CREEK LLC ETALS /Daniel Brennan

Located at

145 COMMERCIAL ST

PERMIT ID: 2013-00156

CBL: 029 S001001

has permission to change of use for a new Starbucks Coffee

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statues of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise cloed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner before this building or part thereof is occupied. If a certificate of occupancy is required, it must be procured prior to occupancy.

A handwritten signature in black ink, appearing to read 'Jamie Bonke'.

Fire Prevention Officer

Code Enforcement Officer / Plan Reviewer

**THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY
THERE IS A PENALTY FOR REMOVING THIS CARD**

PERMIT ID: 2013-00156

Located at: 145 COMMERCIAL ST

CBL: 029 S001001

Certificate of Occupancy

CITY OF PORTLAND, MAINE

Department of Planning and Urban Development
Building Inspections Division



Location: 145 COMMERCIAL ST

CBL: 029 S001001

Issued To: Fleming Creek Lic Etals /Daniel Brennan

Issued Date: 04/17/2013

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. 201300156 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

FRONT LEFT
STE 101

APPROVED OCCUPANCY

USE GROUP: B RETAIL
TYPE: 2B
IBC 2009 (MUBEC)

LIMITING CONDITIONS:

NONE

Approved:

Inspector

Inspection 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.

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



CITY OF PORTLAND BUILDING PERMIT



This is to certify that

FLEMING CREEK LLC ETALS /Unknown

Located at

145 COMMERCIAL ST

PERMIT ID: 2013-02017 ISSUE DATE: 09/16/2013 CBL: 029 S001001

has permission to **Interior fitup of existing vacant space into retail space; Change of use done on previous permit For Ethan Allen (#2013-01458).**

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statues of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise elsoed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner before this building or part thereof is occupied. If a certificate of occupancy is required, it must be procured prior to occupancy.

N/A

Fire Official

/s/ Tammy Munson

Building Official

**THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY
THERE IS A PENALTY FOR REMOVING THIS CARD**

Approved Property Use - Zoning

Building Inspections

Fire Department

restaurant/(Starbucks) and retail
(furnature) on first floor with offices above

Certificate of Occupancy

CITY OF PORTLAND, MAINE

Department of Planning and Urban Development
Building Inspections Division



Location: 145 COMMERCIAL ST

CBL: 029 S001001

Issued To: Fleming Creek Llc Etals

Issued Date: 11/05/2013

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. 201302017 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

First Floor Right

APPROVED OCCUPANCY

Use Group: M - Furniture Retail

Type: 2B

IBC 2009 / MUBEC

LIMITING CONDITIONS: None

Approved: _____

Inspector

Inspection 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.

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



CITY OF PORTLAND BUILDING PERMIT



This is to certify that

Located at

FLEMING CREEK LLC ETALS /ELC Inc. /Nicole Morton

145 COMMERCIAL ST

PERMIT ID: 2013-02048

ISSUE DATE: 09/19/2013

CBL: 029 S001001

has permission to **Interior tenant fit-up for Edgecomb Potters. Work to include a tenant demising wall(part of previous permit#2013-01458), rear office, built-in check out counter and mop sink. All display shelving to be movable**

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statues of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise cloed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner before this building or part thereof is occupied. If a certificate of occupancy is required, it must be procured prior to occupancy.

N/A

/s/ Tammy Munson

Fire Official

Building Official

**THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY
THERE IS A PENALTY FOR REMOVING THIS CARD**

Approved Property Use - Zoning

Building Inspections

Fire Department

restaurant/Starbucks and retail on first floor with offices above

Certificate of Occupancy

CITY OF PORTLAND, MAINE

Department of Planning and Urban Development
Building Inspections Division



Location: 145 COMMERCIAL ST

CBL: 029 S001001

Issued To: Fleming Creek Llc Etals

Issued Date: 11/04/2013

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. 201302048 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

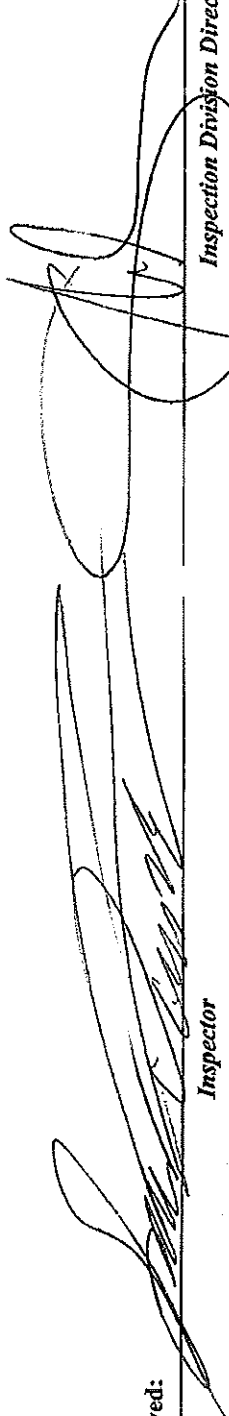
First Floor Center

APPROVED OCCUPANCY

Use Group: M Pottery Retail
Type: 2B
IBC 2009 / MUBEC

LIMITING CONDITIONS: None

Approved:



Inspector

Inspection 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.

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



CITY OF PORTLAND BUILDING PERMIT



This is to certify that

FLEMING CREEK LLC ETALS /TBA

Located at

145 COMMERCIAL ST

PERMIT ID: 2013-02418

ISSUE DATE: 12/16/2013

CBL: 029 S001001

has permission to **Interior fit up of existing vacant retail space, Space 4. Interior work and exterior work for new entry and windows along Market Street**

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise closed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner before this building or part thereof is occupied. If a certificate of occupancy is required, it must be procured prior to occupancy.

N/A

Fire Official

/s/ Tammy Munson

Building Official

**THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY
THERE IS A PENALTY FOR REMOVING THIS CARD**

Approved Property Use - Zoning

restaurant/Starbucks & retail/ethan Allen
on first floor with offices above

Building Inspections

Fire Department

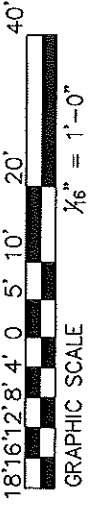
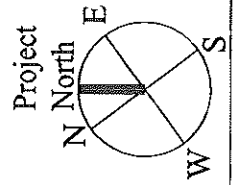


Inspections Division

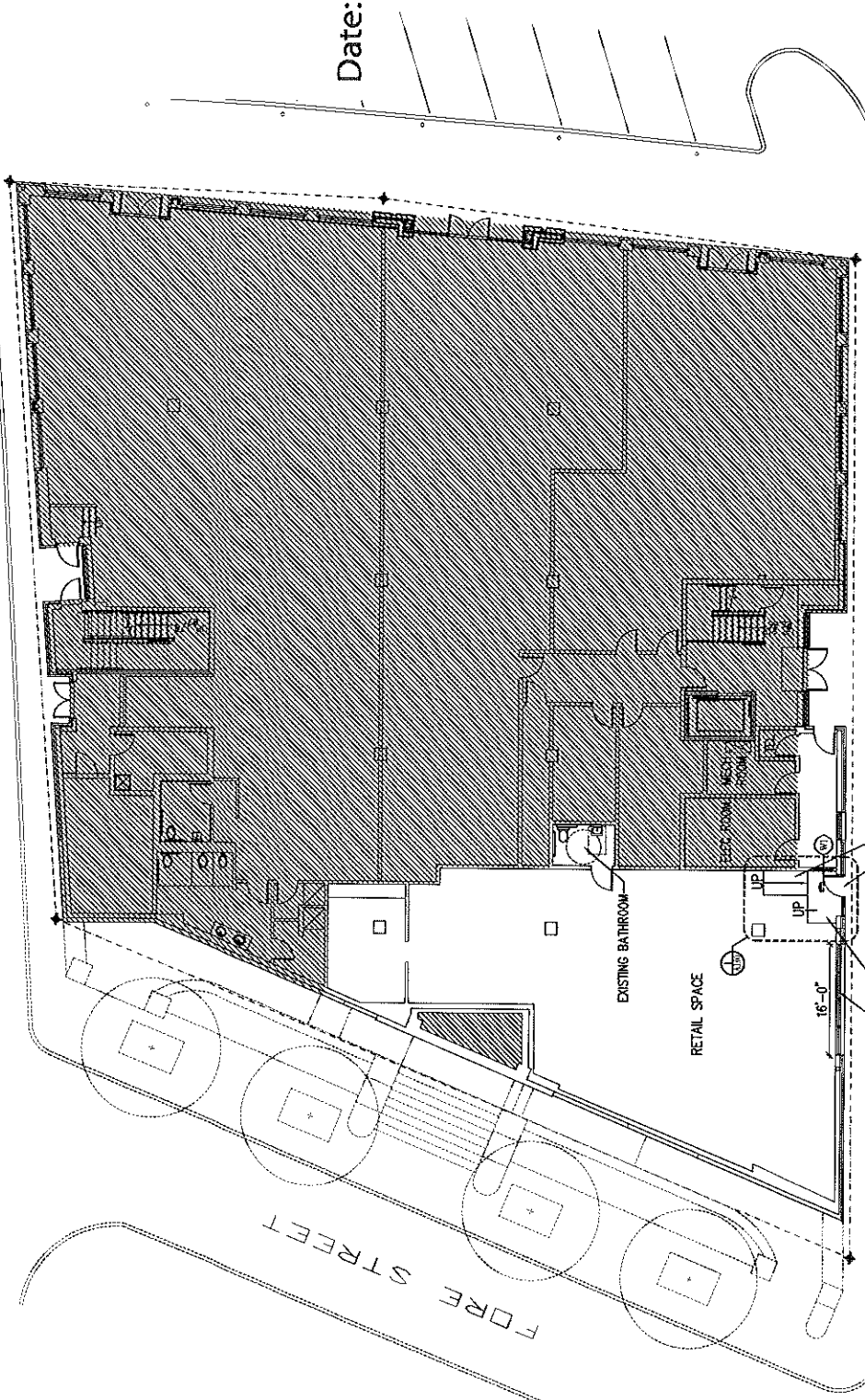
Date: 11/22/13

DATE: 24 OCT 2013	SCALE: 1/16"=1'-0"	PROJECT: 145 COMMERCIAL STREET PORTLAND, ME	PROPOSED FLOOR PLAN
ARCHER architects		48 Union Wharf Portland, (207) 773-6022 Fax (20	

COMMERCIAL



SILVER STREET



MARKET STREET

FORE STREET

1 | SPACE 4 PROPOSED FLOOR PLAN
SCALE: 1/16"=1'-0"