



Planning & Urban Development Department

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

October 8, 2014

TO: Gorham Savings Bank
10 Wentworth Drive
Gorham, ME 04038

50 Portland Pier, LLC
c/o DiMillos Marina
2 Long Wharf
Portland, ME 04101

RE: 60 Portland Pier, LLC – Purchase of 60 Portland Pier, Portland, Maine – 30-B-4 & 30-H-5 & 21-
(the “Property”) – WCZ Waterfront Central Zone – Zoning Determination Letter

Dear Sir or Madam:

The undersigned hereby certifies with respect to the above-referenced Property to be purchased by 60 Portland Pier, LLC and described as Tax Map 30, Chart B Lot 4 and Map 30 Chart H Lots 5 and 21:

1. Zoning District: Pursuant to the current City of Portland Code of Ordinances effective as of the date hereof (the “Code”), the Property is located in the WCZ, Waterfront Central Zone (the “Zoning District”) as set forth in Division 18, WATERFRONT CENTRAL ZONE, §§ 14-305 thru 14-317 of Article III, Zoning §§ 14-46 –14-490 (the “Zoning Ordinance”) under Chapter 14, Land Use (the “Land Use Ordinance”) of the Code.
2. Permitted Use: The current use(s) of the Property by Owner is a lobster processing plant on the 1st floor with a 2nd floor office and primary owner residence of the marine related business (the “Use”). The lobster processing plant on the 1st floor and the 2nd floor office are permitted uses under the Zoning District. The 2nd floor residence is limited to the primary owner of the marine related business and is currently an approved conditional use in the Zoning District. It is further noted that the residential use is not transferable to friends, family, or anyone other than the primary business owner. No such residential space shall be leased out by or allowed to be used for occupancy other than the primary owner of the marine related business.
3. Code Enforcement: There are no known, unresolved violations or pending enforcement actions with respect to any applicable zoning codes, City ordinances, or building, environmental, or energy codes, ordinances or regulations except as follows:
[X] NONE [] UNRESOLVED VIOLATIONS EXIST
4. Permits and Approvals: With respect to the Use of the Property, the following permits and approvals are required with the status of each indicated, and copies of such permits and approvals are attached hereto (as applicable) subject to any notes, conditions, or qualifications specified with respect thereto:

Permits and Approvals – Required [X] or Not Applicable [N/A]

- | | | |
|-----|-------------|--------------------------|
| (a) | [X] [] | Building Permit |
| (b) | [X] [] | Conditional Use Approval |
| (c) | [X] [] | Site Plan Approval |
| (d) | [] [N/A] | Subdivision Approval |



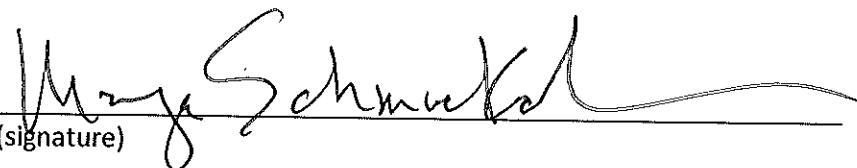
Planning & Urban Development Department

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- (e) [N/A] **Condominium Conversion Permit**
- (f) [] **Certificate of Occupancy**
- (g) [] **Change of Use Permit**
- (h) [N/A] **Other: _____**

Dated this 8th day of October, 2014

By: 
 (signature)

Name: Marge Schmuckal
 Title: Zoning Administrator
 City of Portland, Maine
 Planning & Urban Development Department
 Inspections Division
 (207) 874-8695

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

PERMIT ISSUED

Permit No: 02-0748	Issue Date: AUG 13 2002
CBL: 030 B004001	

Location of Construction: 60 Portland Pier	Owner Name: Mcaleney's New Meadows Lobster	Owner Address: Po Box 10275 CITY OF PORTLAND	Phone: 207-775-1612
Business Name: n/a	Contractor Name: CRM Construction, Services, Inc.	Contractor Address: 94 Washington Street Auburn	Phone:
Lessee/Buyer's Name: n/a	Phone: n/a	Permit Type: Alterations - Commercial	Zone: WJLZ

Past Use: Commercial / Offices	Proposed Use: Commercial / Renovate 2nd floor offices & residence. (Conditional Use site Plan was granted May 28, 2002)	Permit Fee: \$1,073.00	Cost of Work: \$150,000.00	CEO District: 1
Proposed Project Description: Renovate 2nd floor offices & residence.		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: <i>MIXED B/R-3</i> Type: <i>JB</i> <i>8/10/02</i>
		Signature: <i>[Signature]</i>		Signature: <i>[Signature]</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: gg	Date Applied For: 07/09/2002	Zoning Approval
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<ol style="list-style-type: none"> 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.. 	<p style="text-align: center;">Special Zone or Reviews</p> <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>7/19/02</i>	<p style="text-align: center;">Zoning Appeal</p> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Date: <i>5/28/02</i>	<p style="text-align: center;">Historic Preservation</p> <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>[Signature]</i>
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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
PLANNING BOARD

Jaimey Caron, Chair
Deborah Krichels, Vice Chair
Mark Malone
Orlando E. Delogu
Sarah Luck
Kevin Beal
Lee Lowry III

May 31, 2002

Mr. Peter L. McAleney
McAleney's New Meadows Lobster Pound
60 Portland Pier
Portland, ME 04101

RE: Conditional Use and Site Plan Approval for 60 Portland Pier.

CBL: 030-B-004

Dear Mr. McAleney:

On May 28, 2002, the Portland Planning Board voted 4-0 (Delogue, Malone, and Krichels absent) to approve a conditional use for introduction of an owners living unit on the second floor of 60 Portland Pier. The approval was granted for the project with the following conditions:

- i. That the dumpster be relocated to a location that does not block the existing Shoreway Access pedestrian gate and that the dumpster be screened by four-side opaque fencing.
- ii. That if access to the pedestrian gate and the end of the pier are not maintained, the applicant shall be returned to the Planning Board by staff for reconsideration of the conditional use approval.

Additionally, the Portland Planning Board voted 4-0 (Delogue, Malone, and Krichels absent) to approve the site plan for the owner's living unit and the expansion of a second floor deck. The approval was granted for the project with the following condition:

- i. That all new exterior lighting, including fixture specifications, locations, and photometrics be submitted to the Planning Office for staff review and approval.

The approval is based on the submitted site plan and the findings related to site plan review

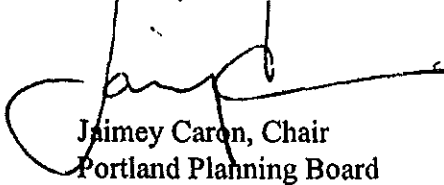
standards as contained in Planning Report #40-02, which is attached.

This project will require a building permit from the City Inspections office and please note the following provisions and requirements for all site plan approvals:

1. 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.
2. 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.)

If there are any questions, please contact William B. Needelman, Senior Planner at 874-8722

Sincerely,



Jaimey Caron, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Program Manager
William B. Needelman, Senior Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jodine Adams, Inspections
William Bray, Director of Public Works
Larry Ash, Traffic Engineer
Tony Lombardo, Project Engineer
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File
Correspondence File

CITY OF PORTLAND, MAINE

The five specific criteria are discussed below for McAleney's New Meadows Lobster Co. at 60 Portland Pier, Portland, Maine

- (1) *The residential living space shall not exceed one thousand (1,000) square feet.*

On this revised plan (see attached), that I submit to you today, the square footage of the residential living space is 995.41 square feet.

As per my conversation with Marge Schmuckal on April 22, 2002, I have included the laundry room in the business portion of the building. As I explained to Ms Schmuckal because of the nature of the lobster business, at the end of the day Peter's clothes have a fowl working waterfront smell. By having the laundry outside of the small resident, Peter can shower and change before leaving the office portion of the building.

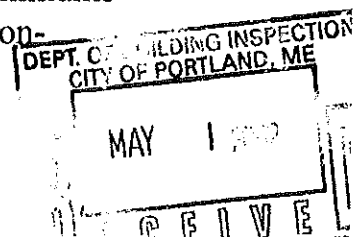
I also talked to Marge Schmuckal in the same conversation about using French doors on both sides of the joint foyer. Because the foyer has no windows, it is a dark area in the middle of the building. When I spoke to Ms Schmuckal about this, she suggested that I put in writing the reasons for wanting the French doors. If the city will approve the use French doors on both sides of the foyer, it will allow natural lighting to flood into the area.

- (2) *The occupancy of said space shall be limited to the primary owner of the marine related business. The residential use is not transferable to friends, family, or anyone other than the primary business owner. No such residential space shall be leased out by or allowed to be used for occupancy other than the primary owner of the marine related business.*

Peter L. and Kathleen W. McAleney will be the residents of the unit. For verification that the McAleney's do own the business please find attached the Articles of Incorporation Report and our 2002 Annual Report.

- (3) *The residential use shall be limited to one unit per wharf.*

"There are no other marine related business owner residential units proposed for Portland Pier. The pier contains a complex of residential condominiums that were constructed prior to the current zoning and exist as legal non-



conforming uses.” This quote was taken from the memorandum dated February 26, 2002 from William B. Needelman, Senior Planner.

(4) The residential use shall be year round use only, and shall not be used on a seasonal basis.

Peter and Kathleen McAleney do plan to occupy the space over the business year round.

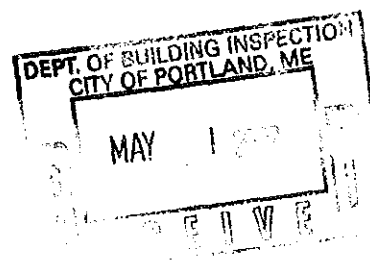
(5) Upon the vacancy in excess of three (3) months of the residential living space by the primary owner of the marine related business, the residential use shall automatically terminate and shall not be continued without new conditional use approval under this subsection.

Right of Way Issues

Portland Pier is part of the Shoreway Access Trail system and public access is allowed to the end of the pier from sun up to sundown. There will be no problem with pier access. With the McAleney’s living on the pier it will be very easy to comply with the sun up to sundown rule.

Lighting

Please note the exterior lighting proposed as part of this project. There will be five (5) wall pack lights total. One 150 watt light at the corner of the company bathroom, two 150 watt lights at the office outside corners, one 100 watt light at the kitchen corner at the front of the building, and one 100 watt light at the other front corner of the building. There will also be outdoor decorative lighting outside the door leading from the office onto the deck.



From: Marge Schmuckal
To: William Needleman
Subject: 60 Portland Pier - McAleney's New Meadows Lobster

Bill,

I have reviewed the most recent submittals for the proposed marine related residential unit in the Waterfront Central Zone (WCZ) under section 14-315(d).

The proposed changes now appear to meet the given criteria. I am convinced that the decks would not be counted towards the square footage of the interior residential unit. The owners have given evidence that these decks are primarily for business security.

However, I understand that the final approval on all the given criteria is with the Planning Board under the Conditional Use appeal standards.

Marge Schmuckal
Zoning Administrator
5/21/02

CC: MARK ADELSON; PENNY LITTELL; Sarah Hopkins

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Urban Development



CITY OF PORTLAND

February 22, 2002

Peter L. McAleney
C/o McAleney's New Meadows Lobster
60 Portland Pier
Portland, ME 04101

RE: 60 Portland Pier – 030-B-004 – W-C Zone -

Dear Mr. McAleney,

I am in receipt of your permit application to add a living space on the second floor of your building at 60 Portland Pier. As you are aware, this is a conditional use appeal that is reviewed and approved by the Planning Board. By ordinance, there are specific conditions that must be met before the Board can approve your proposal. As the Zoning Administrator, I have been reviewing the square footage restrictions for the Planning Board.

Section 14-315(d) limits the square footage of this business related residential unit to no more than 1,000 square feet of area. My analysis of your proposal shows that there would actually be 1,646 square feet of area devoted to your residential use. This is over the allowance provided within the ordinance. Within my calculations I have included an area that has been labeled "unheated archival storage" and the closet space adjoining it. This space is only accessed first thru the residential "bedroom suite" and then thru the "master bath". As presently designed, I can only consider it as part of the residential area and not part of the office area. I have also included the "new covered deck" within total square footage calculation. This deck is only accessible from the residential unit and not the office area. In determining lot coverage and setbacks for single family dwellings, I have consistently considered decks as part of the use and structure. I am continuing that principal here.

You have the right to appeal my determination concerning the dimensional requirements to the Zoning Board of Appeals. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to apply. I have included the necessary paperwork that you would need to apply for such an appeal. Please note that this variance and/or interpretation appeal is separate and distinct from the conditional use appeal that you have presently applied for before the Planning Board.

During my analysis of your proposal I have notice other discrepancies with the listed conditions for this use. Our records show a building permit for a new addition that was constructed in 1997. This is the addition in which half of your proposed residential unit is located. The ordinance restricts a residential use to the "upper story of a building in existence on January 4, 1993". This section of the building was not in existence at that time.

Your submittal also indicates that you would like to build a new covered deck around most of the outside of the structure. The current wording of this ordinance states that this residential use may only "occupy space within the upper story of a building". This new, covered deck is clearly on the exterior of the existing building.

If you have any questions regarding this matter, please do not hesitate to call

Very truly yours,



Marge Schmuckal
Zoning Administrator

Cc: Portland City Councilors
Lee Urban, Economic and Development Dept.
Mark Adelson, Housing and Neighborhood Services
Alex Jaegerman, Planning
Sarah Hopkins, Planning
William Needleman, Planning
Penny Littell, Corporation Counsel



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 60 Portland Pier CBL 030 B004001

Issued to Mcaleneys New Meadows Lobster/CRM Construction, Servic Date of Issue 06/10/2003

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.02-0748 , 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

Limiting Conditions:

None

APPROVED OCCUPANCY

Offices and Residence
Use Group: Mixed
Type: 5B BOCA: 1999

This certificate supersedes
certificate issued

Approved: *[Signature]*

(Date)

06/10/03
Inspector

06/10/03
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.

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

Location of Construction: 56 - 60 Portland ~~Street~~ Pier
 Owner Address: 60 Portland ~~Street~~ Pier
 Owner: Ronald Brooks
 Lease/Buyer's Name: Phone: Business Name: Phone:
 Contractor Name: CRM Construction Services, Inc. P.O. Box 2418 Lewiston, ME 04240 Phone: 784-0287/Robert
 Past Use: Seafood Processing/Office
 Proposed Use: Same
 COST OF WORK: \$ 30,000.00
 PERMIT FEE: \$ 170.00
 FIRE DEPT. Approved Denied
 INSPECTION: Use Group: B Type:
 Signature: *[Signature]* Signature: *[Signature]*
 PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)
 Action: Approved Approved with Conditions Denied
 Signature: _____ Date: _____
 Permit Taken By: Mary Gresik Date Applied For: 18 December 1996
 Zoning Approval: _____
 Special Zone or Reviews:
 Shoreland *yes*
 Wetland
 Flood Zone *A-2, 2, 10*
 Subdivision
 Site Plan major minor mm

Permit No: **970177**
 Permit Issued: **MAR - 6 1997**
 Zone: *WCZ* CBL: -030-B-004

PERMIT ISSUED WITH LETTER
 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: *2/26/97*
Kandi Salvati
Deb Andrews
 CEO DISTRICT **2**
A Rowe

Proposed Project Description:
 Construct Addition
 Demo portion of existing building
 Signature: _____ Date: _____
 Date Applied For: 18 December 1996
 1. This permit application doesn't 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 when permit is ready 784-0287
 30-3518/15361
PERMIT ISSUED WITH LETTER

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 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: *[Signature]* Robert Morin ADDRESS: _____ PHONE: _____
 DATE: 18 December 1996
 RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE: _____ PHONE: _____
 White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

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

Permit No: 07-1352	Issue Date:	CBL: 030 B004001
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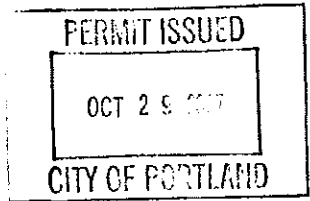
Location of Construction: 60 PORTLAND PIER	Owner Name: MCALENEY'S NEW MEADOWS	Owner Address: PO BOX 10228	Phone:
Business Name:	Contractor Name: CRM Construction, Services, Inc.	Contractor Address: 94 Washington Street Auburn	Phone 2076507860
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Commercial	Zone: WC2

Past Use: Commercial - Portland Pier - Whole Sale Lobster Pound (New Meadows)	Proposed Use: Commercial - Portland Pier - Whole Sale Lobster Pound (New Meadows) - Replace/ Repair cross bracing on Pier damaged from Patriots Day Storm	Permit Fee: \$320.00	Cost of Work: \$30,000.00	CEO District: 1
Proposed Project Description: Replace/ Repair cross bracing on Pier damaged from Patriots Day Storm		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied N/A	INSPECTION: Use Group: S/M Type: IRc-2003 Signature: JMB 10/29/07	
		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: 10/29/2007
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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..

Zoning Approval		
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 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 10/29/07	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 _____