

Site Plan - 2013-104 - August 13, 2013
Two floors building at North end

KENNETH M. COLE III
DAVID J. JONES
RICHARD H. SPENCER, JR.
LAWRENCE R. CLOUGH
RONALD A. EPSTEIN
WILLIAM H. DALE
F. BRUCE SLEEPER
DEBORAH M. MANN
LESLIE E. LOWRY III
PATRICIA M. DUNN
MICHAEL J. QUINLAN
R. LEE IVY

ROGER P. ASCH
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MARK A. BOWER
MARCIA G. CORRADINI
ALYSSA C. TIBBETTS
J. CASEY MCCORMACK
TUDOR N. GOLDSMITH

TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112-4510
(207) 775-7271 (Phone)
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RAYMOND E. JENSEN
(1908-2002)

KENNETH BAIRD
(1914-1987)
M. DONALD GARDNER
(1918-2003)

YORK COUNTY
OFFICE
11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676 (Phone)
(207) 985-4932 (Fax)

30-P-09!002

Waterfront Central Zone

May 29, 2015

RECEIVED

MAY 29 2015

Ms. Ann Machado
City of Portland
Zoning Administration
389 Congress St, Room 315
Portland, Maine 04101
amachado@portlandmaine.gov

Dept. of Building Inspections
City of Portland Maine

Re: Amended Request for Zoning Determination Letter
68 Commercial Street - Maine Wharf / Tax Map 30, Block D, Lot 1-2

Dear Ms. Machado:

Please accept this letter as an amendment to a previous zoning determination request that I forwarded to you. As previously indicated, I am requesting this zoning determination on behalf of Maine Wharf, LLC ("Maine Wharf") for 68 Commercial Street (Tax Map 30, Block D, Lot 1-2) (the "Property"). This request is being made in connection with certain credit facilities being lent by Bank of America to Maine Wharf, LLC related to the Property.

Please note that my office has conducted its own due diligence with respect to zoning and land use matters involving the Property, but would like confirmation of certain aspects of our due diligence for purposes of an opinion to be issued to and relied upon by Bank of America.

Our due diligence has revealed that (1) the Property is located within the Waterfront Central Zone, as described in Division 18, §§14-305 through 14-317 of the City of Portland's Land Use Ordinance; (2) the current and anticipated uses on the Property consisting of (a) a first floor restaurant and craft shops, and second floor museum with ancillary retail in Building 1, and (b) first floor seafood processing and shipping, and second floor offices in Building 2, are permitted uses in the Waterfront Central Zone; (3) Site Plan approval (2013-104) was granted by the City of Portland Planning Board on August 13, 2013; and (4) the issuance of several building permits in connection with and subsequent to such Site Plan approval, as follows: Permit ID 2013-01163 issued December 5, 2013 (Phase I core and shell construction); Permit ID 2014-02676 issued January 29, 2014 (Phase II interior and exterior renovations); Permit ID 2013-02755 issued February 7, 2014 (Phase III interior and exterior renovations); Permit ID 2014-01013 issued August 5, 2014 (Change of use and interior fit up for 1st floor restaurant and store).

~ Over 60 Years of Service ~

Jensen Baird
Gardner Henry

May 29, 2015
Page 2

We also found a reference to Permit ID 2013-00256 in Permit ID 2013-01163, but we were unable to locate such a permit.

I would appreciate it if you would independently review the files that you have at your disposal, and verify our determinations. (Additionally, please include in your zoning determination letter confirmation that the Property, as developed, conforms with all requirements of the City of Portland's Land Use Ordinance, including applicable building, land use and subdivision regulations, and that all required City permits, licenses and approvals have been issued for the current uses and development of the Property. I would also request that you confirm our findings that there are no current violations or enforcement actions involving the Property as to (a) area, width or depth of the Property as a building site for the existing Buildings; (b) floor space area of the Buildings; (c) setbacks of the Buildings from the Property lines; (d) height of the buildings; (e) number of parking spaces; and (f) any other space, bulk or other requirements of the City of Portland's Land Use Ordinance.

I have not included with this letter copies of any of the documentation referenced above, as they are already on file with the City. I have, however, included preliminary plan entitled "Plan of Land at Maine Wharf 68 Commercial Street, Portland, Maine" made for Maine Wharf, LLC by Owen Haskell, Inc., dated May 27, 2015, Job No. 2012-197P for further reference.

You should find a check in the amount of \$150.00 payable to the City of Portland together with my original request for a zoning determination. If I can provide any additional information to assist you in your determination, please feel free to contact me by email at nmorrill@jbgh.com or by telephone at (207) 775-7271.

Very truly yours,

Nicholas J. Morrill

Att.
cc: Mr. Stephen P. Goodrich
Lawrence R. Clough, Esq.

2015-01114 -
Permit in review



Attorneys at Law

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May 26, 2015

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MAY 28 2015

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City of Portland Maine

Ms. Ann Machado
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Zoning Administration
389 Congress St, Room 315
Portland, Maine 04101

Re: Zoning Determination Letter
68 Commercial Street – Maine Wharf / Tax Map 30, Block D, Lot 1-2

Dear Ms. Machado:

On behalf of Maine Wharf, LLC (“Maine Wharf”), I am submitting this zoning determination request for 68 Commercial Street (Tax Map 30, Block D, Lot 1-2) (the “Property”). This request is being made in connection with certain credit facilities being lent by Bank of America to Maine Wharf, LLC related to the Property.

Please note that my office has conducted its own due diligence with respect to zoning and land use matters involving the Property, but would like confirmation of certain limited aspects of our due diligence for purposes of an opinion to be issued to and relied upon by Bank of America.

Our due diligence, which included a review of all currently available physical and other files on record at the City of Portland Code Enforcement Office, has revealed the issuance of several building permits, as follows: Permit ID 2013-01163 issued December 5, 2013 (Phase I core and shell construction); Permit ID 2014-02676 issued January 29, 2014 (Phase II interior and exterior renovations); Permit ID 2013-02755 issued February 7, 2014 (Phase III interior and exterior renovations); Permit ID 2014-01013 issued August 5, 2014 (Change of use and interior fit up for 1st floor restaurant and store). We also found a reference to Permit ID 2013-00256 in Permit ID 2013-01163, but we were unable to locate such a permit. Our due diligence also determined that there were no known violations or enforcement actions involving the Property. Please independently review the files that you have at your disposal, and verify our determinations that all necessary permits have been issued, and that there are no known violations or enforcement actions involving the Property.

Jensen Baird
Gardner Henry

May 26, 2015
Page 2

Enclosed herewith you also find a check in the amount of \$150.00 payable to the City of Portland for payment of the necessary zoning determination letter fee. If I can provide any additional information to assist you in your determination, please feel free to contact me by email at nmorrill@jbggh.com or by telephone at (207) 775-7271.

Very truly yours

A handwritten signature in black ink, appearing to read 'N. Morrill', written over the 'Very truly yours' text.

Nicholas J. Morrill

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

INVOICE OF FEES

Application No: 0000-2216	Applicant: MAINE WHARF LLC
Project Name: 68 COMMERCIAL ST	Location: 68 COMMERCIAL ST
CBL: 030 D001001	Application Type: Determination Letter
Invoice Date: 05/28/2015	

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

CBL 030 D001001
Bill To: MAINE WHARF LLC
 PO BOX 535
 BUXTON, ME 04093

Application No: 0000-2216
Invoice Date: 05/28/2015
Invoice No: 49398
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.
 Check the status of your permit or schedule an inspection on-line at <http://www.portlandmaine.gov/792/Permit-Status>

[Click Here to Pay On Line](#)