

31-L-34

2000-0216

250 Commercial St.

Photo Studio

Peter Macomber

added to Spreadsheet

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Planning Department Copy**

20000216

I. D. Number

Peter Macomber

Applicant

380 Cumberland Ave, Portland, ME 04101

Applicant's Mailing Address

SAA

Consultant/Agent

772-1208

761-8227

Applicant or Agent Daytime Telephone, Fax

11/29/00

Application Date

Photo Studio

Project Name/Description

250 - 250 Commercial St, Portland Maine 04101

Address of Proposed Site

031-L-034

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):
 Office Retail Manufacturing New Building Warehouse/Distribution Building Addition Change Of Use Residential Parking Lot Other (specify) _____

Proposed Building square Feet or # of Units

15,000

Acreage of Site

wcz

Zoning

Check Review Required:

- Site Plan (major/minor)
- Flood Hazard
- Zoning Conditional Use (ZBA/PB)
- Subdivision # of lots _____
- Shoreland
- Zoning Variance
- PAD Review
- Historic Preservation
- 14-403 Streets Review
- DEP Local Certification
- Other _____

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date: 11/29/00

Planning Approval Status:

Reviewer _____

- Approved
- Approved w/Conditions See Attached
- Denied

Approval Date _____

Approval Expiration _____

Extension to _____

Additional Sheets Attached

OK to Issue Building Permit

[Signature]
signature

1/4-01
date

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

| | | | |
|---|-------|--|-----------------|
| <input type="checkbox"/> Performance Guarantee Accepted | _____ | _____ | _____ |
| | date | amount | expiration date |
| <input type="checkbox"/> Inspection Fee Paid | _____ | _____ | |
| | date | amount | |
| <input type="checkbox"/> Building Permit Issued | _____ | | |
| | date | | |
| <input type="checkbox"/> Performance Guarantee Reduced | _____ | _____ | _____ |
| | date | remaining balance | signature |
| <input type="checkbox"/> Temporary Certificate of Occupancy | _____ | <input type="checkbox"/> Conditions (See Attached) | _____ |
| | date | | expiration date |
| <input type="checkbox"/> Final Inspection | _____ | _____ | |
| | date | signature | |
| <input type="checkbox"/> Certificate Of Occupancy | _____ | | |
| | date | | |
| <input type="checkbox"/> Performance Guarantee Released | _____ | _____ | |
| | date | signature | |

Defect Guarantee Submitted

submitted date

amount

expiration date

Defect Guarantee Released

date

signature



CITY OF PORTLAND

February 14, 2001

Mr. Peter Macomber
380 Cumberland Avenue
Portland, Maine 04101

RE: 250 Commercial Street – CBL 031 L 034
Change of use

Dear Mr. Macomber:

On February 14, 2001, the Portland Planning Authority granted minor site plan approval for a change of use from commercial fish processing to photography studio and professional office at 250 Commercial Street.

The approval is subject to the following conditions:

That the applicant provides five off-site parking spaces within 100 feet of the subject property as provided by letter from Mr. Parker Poole representing the Proprietors of Union Wharf dated January 11, 2001. The requirement for these parking spaces runs with the approved use and the applicant must receive approval from the City Planning Authority prior to changing the location or reducing the number of parking spaces.

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:

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. A one-year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. As no site work is proposed with this application, no site inspection fee or performance guarantee is required. Any future site work, including but not limited to the development of additional on-site parking, would require review and approval by the City Planning Authority.
3. 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 the Planning Staff.

Sincerely,



Alexander Jaegerman, Chief Planner

cc:

- ✓ William B. Needelman, Senior Planner
- P. Samuel Hoffses, Chief of Building Inspections
- Marge Schmuckal, Zoning Administrator
- Tony Lombardo, Project Engineer
- Jay Reynolds, Development Review Coordinator
- Nancy Knauber, Associate Engineer
- Penny Littell, Associate Corporation Counsel
- Lt. Gaylen McDougall, Fire Prevention
Inspections Department
- John Lufkin, Economic Development
- Don Hall, Appraiser, Assessor's Office
- Susan Doughty, Assessor's Office
- Approval Letter File

250 Commercial Street
2nd Floor
Planned



Scale: 1" = 16'



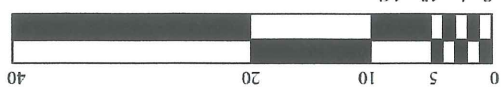
2/1/01



250 Commercial Street
2nd Floor
Planned

2/1/01

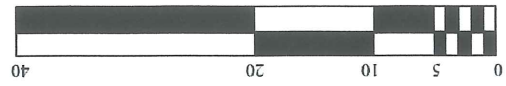
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250 Commercial Street
2nd Floor
Planned

2/1/01

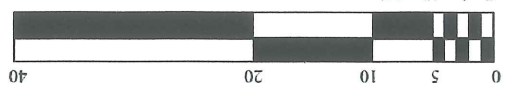
Scale: 1" = 16'



250 Commercial Street
2nd Floor
Planned

2/1/01

Scale: 1" = 16'



Massage Therapy Office

Office
640 sf

Storage
225 sf

Darkroom
216 sf

Office
330 sf

File Storage
385 sf

Circ.
860 sf

Storage
838 sf

S & R
220 sf

Plant
60 sf

Restroom

Restroom

Employee Rooms
812 sf

Kitchen / Lounge

Open to
below

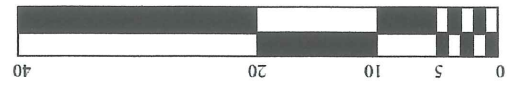
Photo Studio 3
2315 sf

Photo Studio 2
2178 sf

250 Commercial Street
2nd Floor
Planned

2/1/01

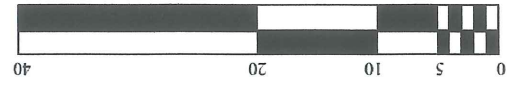
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250 Commercial Street
2nd Floor
Planned

2/1/01

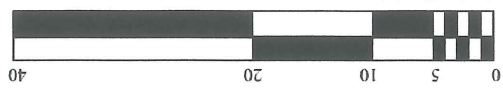
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250 Commercial Street
2nd Floor
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2/1/01

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2178 sf

Open to
below

PROPRIETORS OF UNION WHARF

36 UNION WHARF — P.O. BOX 7467 DTS

PORTLAND, MAINE 04112

January 11, 2001

Macomber, Inc.
380 Cumberland Ave.
Portland, Maine 04101

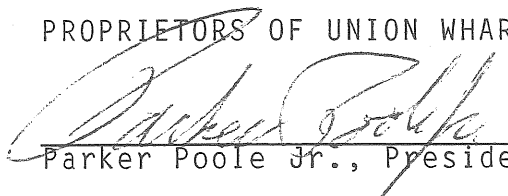
Attention: Mr. Peter Macomber, Pres.

Gentlemen:

The Proprietors of Union Wharf, as owners of Union Wharf, authorize Macomber, Inc. to use 6 parking spaces on Union Wharf adjacent to building located at 250 Commercial Street and owned by Macomber, Inc.

Very Truly yours,

PROPRIETORS OF UNION WHARF



Parker Poole Jr., President

PPjr./p

SITE PLAN

granted to the same applicant by any agency of the city with respect to the same development is appealed to any court by an opponent of the development, the applicant shall be granted further extensions, beyond the expiration of said period, where the applicant has exercised due diligence with respect to defending such appeal, which extensions shall not last beyond one (1) year from entry of final judgment.

(g) *Amendments to approved plans for development.* If at any time before or during development the applicant requests minor amendments to an approved plan for major development, the planning authority may approve such minor amendments under the procedures for minor development, provided that they do not amount to a waiver or substantial alteration of the site plan, do not change the developer, and do not affect any condition or requirement of the planning board. The applicant shall supply a written statement of the proposed amendment(s) and proposed amended plans to the planning authority, whose decision as to whether the amendment is minor shall be final.

(h) *Referral of plans to planning board.* If at any time before approval or disapproval of a plan for minor development, the planning authority determines that, due to its nature or location, the development should be reviewed by the planning board, the planning authority may refer the plan to the planning board, whose decision shall be substituted for the planning authority's unless it declines jurisdiction. The planning board may decline jurisdiction and refer the matter back to the planning authority at any public meeting, including a workshop.

(i) *Improvements made in accordance with public works standards.* All improvements which would otherwise be subject to the standards of the public works authority if the development were a subdivision within the meaning of article IV of this chapter shall be made or constructed in accordance with the technical and design standards promulgated by the public works authority pursuant to section 14-498(a). In applying said standards, the planning board or authority, as applicable, may vary or modify them as provided in section 14-506.

(j) *Site plan performance guarantee, improvement inspection fee, engineering review fee and administrative costs.* No land use permits or applications of any kind shall be processed, reviewed or

SUBDIVISIONS

- (1) All streets shall be graded in conformity with the requirements set out in section 14-498 and in accordance with article III of chapter 25.
- (2) On all streets, side streets, and alleys, a suitable hard surfaced permanent pavement shall be installed meeting the requirements set forth in article III of chapter 25.
- (3) Water, gas and sanitary sewer mains and storm drains shall be constructed prior to the installation of paving with all mains being extended from all lots having sufficient stub outs to avoid subsequent breaking of pavement.
- (4) Sidewalks and curbs shall be constructed as required in section 14-498.
- (5) Adequate storm drains shall be constructed subject to the provisions of section 14-496 and in accordance with the department of public works specifications.
- (6) A total of two (2) trees per lot, which shall be street trees, shall be planted near the street line in full public view on private property, as directed by the city arborist pursuant to "Arboricultural Specifications and Standards of Practice" contained in the public works authority's "Technical and Design Standards." Existing healthy trees may be credited toward this requirement, subject to the approval of the city arborist.
- (7) Permanent markers will be set as prescribed by the public works authority.
- (8) All utility lines shall be placed underground unless otherwise approved by the planning board.
- (9) Street lighting shall be installed in accordance with the standards of the public works authority.
- (10) A public water supply shall be installed subject to the approval of the Portland Water District.
- (11) Erosion control measures shall be taken both during and after construction in accordance with the standards of the public works authority.

the Maine Rules

(Code 1968, § 6), 5-6-68; Ord. No.
149-79, 6-6-79)

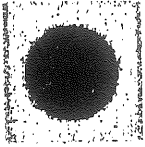
Sec. 14-506. Modifications.

(a) Except for the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and sidewalks, the planning board if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan and the regulations of this article.

(b) Where the planning board finds that extraordinary conditions exist or that undue hardship may result from strict compliance with the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and sidewalks, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of creating potentially hazardous vehicle and pedestrian conflict or nullifying the intent and purpose of the land development plan and the regulations of this article. For purposes of this subsection, the planning board may, but need not, consider such circumstances as where a street is a dead-end street, or where an alternative walking route is reasonably available, or where a street is scheduled for major reconstruction, or where the development of abutting land is substantially restricted.

(c) The standards and requirements of this article may be modified by the planning board in the case of a plan and program for a planned unit development which in the judgment of the planning board provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the land development plan.

(d) If at any time before or during the construction of the required improvements the subdivider demonstrates to the



macomber^{INC.}
100 Commercial Ave
Portland, ME
Maine 04101

16 November 2000

Fred Forsley
Fisherman's Wharf Associates
86 Newbury Street
Portland, ME 04101

Dear Fred:

Thank you for your offer to provide 8 - 10 parking spaces on Fisherman's Wharf for my business.

Regards,

Peter Macomber
Macomber, Inc.

Seen and agreed to.

Fred Forsley

From: Marge Schmuckal
To: William Needleman
Date: Wed, Jan 3, 2001 12:37 PM
Subject: 250 Commercial St - LL Bean studio shoot

Bill, using the square footage given for this project, I determined the parking requirements. It is less than what is shown in their proposal.

The WCZ zone states that the parking requirements shall be determined at 50% of that outlined in section 14-332.

There is 15,261 sq ft of business, mftg, & industrial space. At one space per 2000 sq. ft. it would require 8 spaces.

There is 3,390 sq. ft. of office space. At one space per 800 sq. ft., it would require ~~4~~ ⁵ spaces.

A total of **12 parking spaces** is required for this property. Presently 8 spaces are shown on site. For zoning purposed, only 4 off-site leases would be required to be shown.

CC: PENNY LITTELL; Sarah Hopkins



250 Commercial Street
Portland, Maine

Applicant: Peter Macomber
380 Cumberland Avenue
Portland, ME 04101
772-1208

Project location: 250 Commercial Street
Portland, ME

Property owner: Gerald Knecht d/b/a Atlantic Holdings, Inc.
250 Commercial Street
Portland, ME 04101

Estimated cost of project: \$550,000.00

Overview

A project to renovate an existing structure at 250 Commercial Street to make it suitable for a commercial photography operation. Since this project will require a change of use of the building, this application is being made to the City of Portland Planning Dept. This change of use will be considered as a minor development since the total change of use is more than 5,000 square feet but less than 10,000 square feet.

Business description

Macomber, Inc. is a commercial photography business based in Portland, Maine. The president is Peter B. Macomber. The business has been in operation since 1974 in various locations in the city.

The studio is geared towards major direct mail and catalog clients, including L.L. Bean, Garnet Hill, G.H. Bass, Cole-Haan, Dover Saddlery and a number of local advertising clients. We photograph people, clothing, shoes, computer chips, sleeping bags, elephants and everything in between. Our annual sales volume is roughly \$2.1 million.

Our full time staff of 17 includes photographers, stylists, assistants, prep and administrative support people. All of our employees are extremely talented and dedicated individuals who take great pride in their work. The studio is highly regarded not only for our high quality photography and styling, but also for outstanding customer service and professionalism.

We currently occupy 14,500 square feet at 380 Cumberland Avenue. While this space meets our current needs, it doesn't provide for further expansion. We have specific requirements for our operation, including tall ceilings, open space and minimal windows – a difficult combination to find on the peninsula in Portland.

Building description

Located at the corner of Commercial Street and Union Wharf, 250 Commercial Street is actually composed of two attached buildings: one built in the 1920s and the other in the early 70s. The older portion is of brick construction; the newer is a steel-framed concrete block building. Originally built for the Cudahy Co., it was a meat packing plant until the late 1980s, when it was converted into a seafood processing facility.

The building has a total of 20,000+/- square feet on two floors; the usable interior square footage is about 19,000. It sits on a 15,000 +/- square foot site. There are 4 loading docks on the northern side of the property facing Commercial Street and one additional loading dock in the rear of the building.

The current use of the building is mixed: while some seafood processing occurs in a portion of the first floor and an office occupies a small part of the second floor, the bulk of the building is unused or is utilized for dead storage. The basement, which can become damp at extreme high tides, is unused.

The owner of the building is Gerald Knecht d/b/a Atlantic Holdings, Inc. Mr. Knecht is planning to construct a new suitably sized building at the Portland Fish Exchange for his business.

I will lease the property for two years and purchase the property at the end of the lease term. Please see the enclosed purchase & sale agreement for details.

Project Description

Architect David Hembre and general contractor Hardypond Construction have been retained for this project.

Most of the renovations planned for the structure are interior in nature. Exterior changes planned are an ADA-compliant ramp and replacement of three of the existing loading dock doors with windows. No exterior signage is anticipated.

Since open space without many partitions is the most desirable for our operation, most of the interior changes will consist of removing partitions and renovating the space to make it suitable for a photography operation. A new entryway will be constructed. The current refrigeration system will be removed and replaced with HVAC units. The concrete floors in the newer portion of the building currently slope toward floor drains and will be leveled and surfaced. Storage areas will be constructed to both house products that we photograph and store numerous backgrounds and photo equipment.

The project will require the change of use of 9890 square feet of the building. Please refer to enclosed plans.

Existing Easements

The only restrictions or easements on the property consist of a party wall agreement on the west side of the property and two obsolete restrictions that reference a railway track that no longer exists.

Water & Sewer

The property is currently connected to municipal utilities. The projected usage should be considerably less than the current usage.

Construction plans & dates

Please see enclosed plans for project overview. Detailed plans are currently being prepared for permitting and estimating. Construction is scheduled to begin in early spring 2001 and be completed by July 2001.

State & Federal approvals required

There are no federal or state approvals necessary for this project.

Financial capacity

We have currently received financing proposals from Key Bank and Camden National Bank. See attached.

Lease/P&S agreement

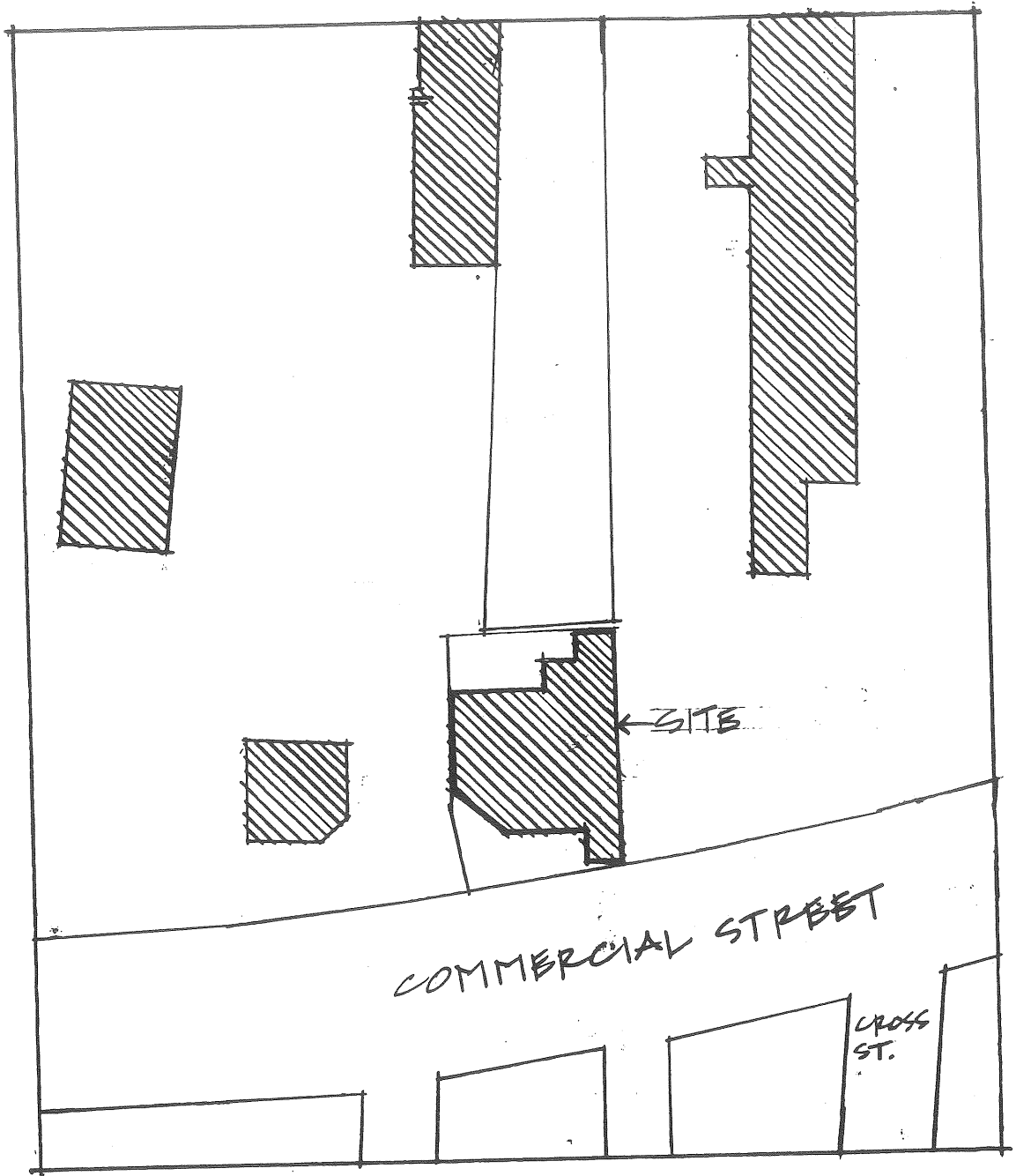
Please see attached

Parking

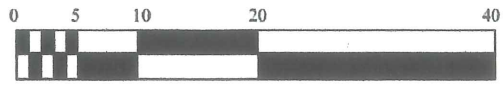
Utilizing a formula of 1 parking space for every 400 sf of office space and every 800 sf of other usable space, it appears that the project will require 21 parking spaces. Seven parking spaces are available on the property. Six spaces are currently leased by the owner from Union Wharf; we will continue that arrangement. Eight to ten spaces will be provided by Fisherman's Wharf. We will also retain about 15 parking spaces at our current location at 380 Cumberland Avenue.

Change of use

| Category | Existing | Planned | Change |
|----------------------|----------|---------|--------|
| Seafood processing | 8345 | 0 | 8345 |
| Storage | 4405 | 3546 | 859 |
| Circulation | 933 | 1297 | 364 |
| Shipping & receiving | 1127 | 975 | 152 |
| Employee rooms | 812 | 812 | 0 |
| Office | 2408 | 2578 | 170 |
| Plant/mechanical | 870 | 870 | 0 |
| Photo studios | - | 8573 | - |
| Totals | 18900 | 18651 | 9890 |



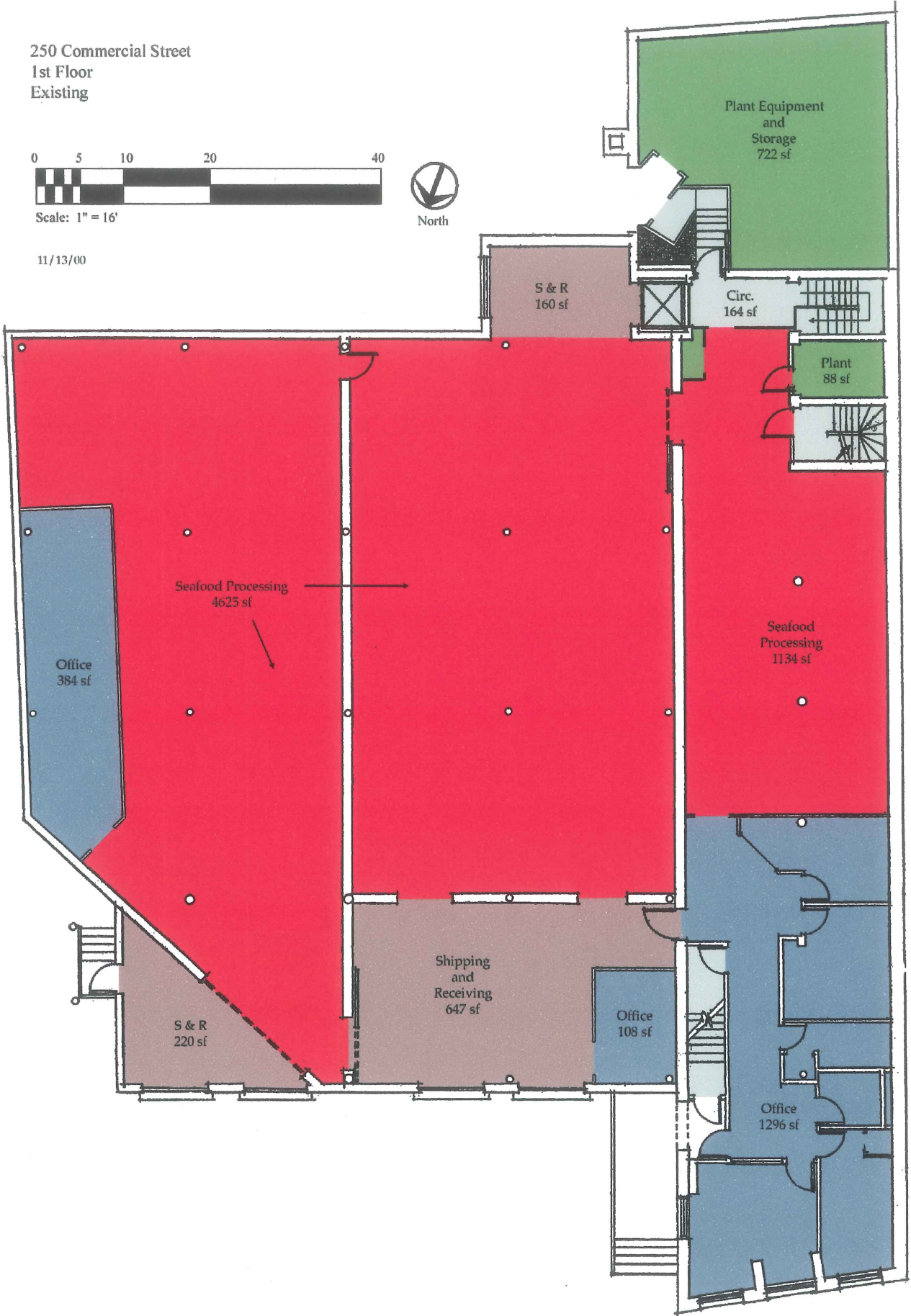
250 Commercial Street
1st Floor
Existing



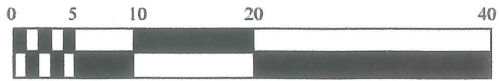
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11/13/00



250 Commercial Street
2nd Floor
Existing



Scale: 1" = 16'

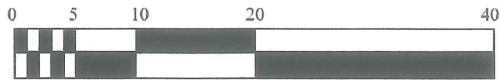


North

11/13/00



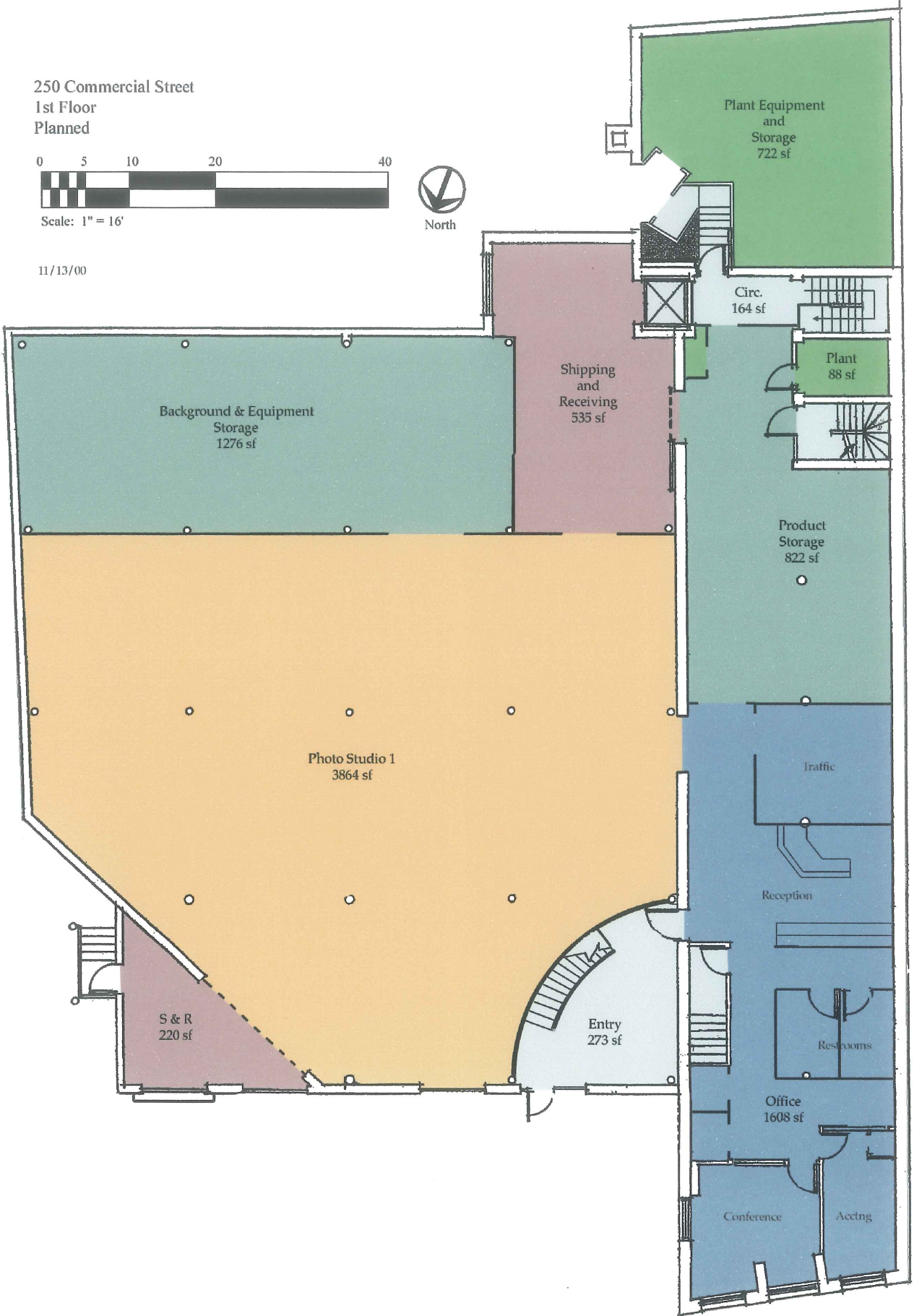
250 Commercial Street
1st Floor
Planned



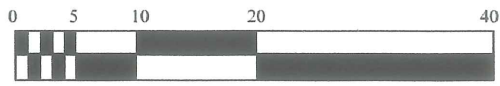
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11/13/00



250 Commercial Street
2nd Floor
Planned



Scale: 1" = 16'



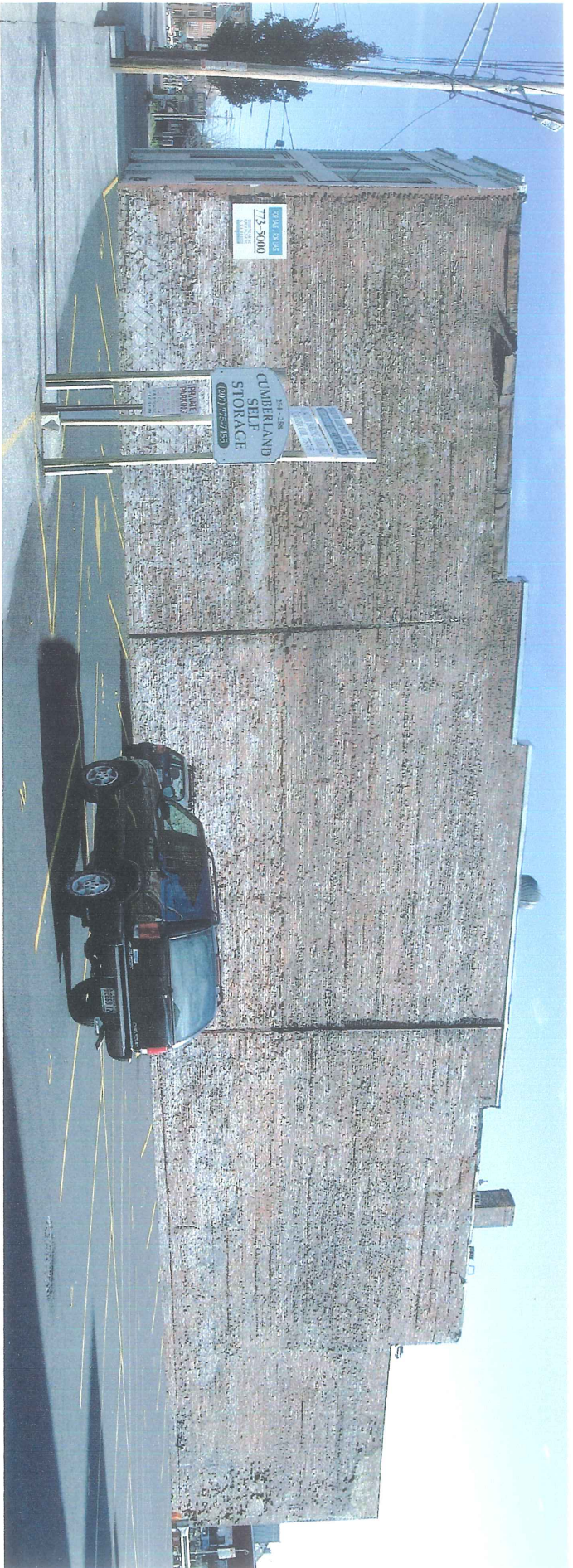
North

11/13/00





North Side



West Side



South Side



East Side



KeyBank National Association

179 John Robert Road
S. Portland, ME 04106
207-842-1058

October 18, 2000

Mr. Peter D. Macomber
380 Cumberland Avenue
Portland, ME 04101

Dear Mr. Macomber:

KeyBank National Association ("Bank") is pleased to inform you that it has approved the Mortgage requested by Peter D. Macomber ("Borrower") based on the representations made and the information provided by Borrower. We appreciate the opportunity to present this letter to you and welcome any questions you have regarding the loan and the terms set forth below.

BORROWER: *Peter D. Macomber*

AMOUNT: \$ 1,120,000.00

INTEREST RATE: **Variable Interest Rate.** A Variable Interest Rate equal to Wall Street Journal Prime Rate (currently 9.50%). The interest rate will change from time to time contemporaneously with any change in the Index.

TERM: 120 Months

LOAN PAYMENTS: Payments of principal and interest on the Mortgage in the approximate amount of \$10,536.56 are due monthly based on a 20 year amortization with remaining principal and interest due at maturity. (*IF VARIABLE RATE LOAN*) This payment may be changed from time to time to reflect increases or decreases in the variable interest rate. Loan payments will automatically be charged to Borrower's checking account on the due date.

PURPOSE OF LOAN AND USE OF FUNDS: Funds under the Mortgage will be used for:
Approximately \$1,120,000.00 Refinance existing mortgage and renovations

COLLATERAL:

Real Estate - First mortgage on real estate located at: 380 Cumberland Ave, Portland, ME 04101

Other Assets - Assignment of rents and leases

GUARANTYS:

Unlimited corporate guaranty of Macomber, Inc.

INSURANCE REQUIREMENTS: Borrower must maintain hazard, liability and flood insurance (if applicable) with an established insurance company in an amount that covers this loan. The insurance company must be acceptable to the Bank and "KeyBank National Association, its successors and assigns" shall be named in the mortgage loss payable clause with the address of "KeyBank National Association, Attn: OH-01-51-0541, 4910 Tiedeman Road, Brooklyn, OH 44144". Each policy shall provide that it cannot be canceled, reduced or terminated without thirty (30) days written notice to the Bank.



Camden National Bank

P.O. Box 310 • Camden, Maine 04843 • Member FD.I.C.

November 20, 2000

Peter Macomber VIA FAX 761-8227
C/O Macomber Inc.
380 Cumberland Ave.
Portland, ME. 04101

Re: 380 Cumberland Ave. / 250 St., Commercial Properties

Dear Peter:

I am pleased to confirm that Camden National Bank has a great deal of interest in expeditiously providing a mortgage loan(s) of up to \$3,000,000 to refinance the balance of the current loans on the Cumberland Ave. property and to purchase or rent with purchase option the Commercial Street property under the terms you and Dick McGoldrick requested.

The term of the loan(s) would twenty years. The interest rate would be Wall Street Journal Prime, as it may vary, except that for the first 10 years, the rate would not exceed 8.75%. A prepayment penalty would be required for five years of 1%.

The maximum loan would be 75% of the appraisals. Consolidated debt service coverage would be no less than 1.25 times, measured annually.

Collateral for the loan would be a first mortgage and security agreement on the properties, and assignment of the leases, sub leases, rents, etc. Your personal guaranty would be required.

A master loan agreement would be negotiated setting forth covenants, representations, and warranties. A commitment fee of 1% is required. I would recommend two separate loans.

Please note that while this is not an offer or commitment by Camden National Bank, the Bank is very excited about playing a major role in this project.

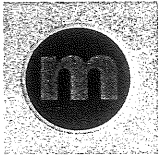
Very truly yours,

Richard E. Littlefield
Vice President

c. Dick McGoldrick

A close friend, close to home™

207-236-8821 800-860-8821 (in Maine)



macomber^{INC}
380 Cumberland Ave
Portland
Maine 04101

Marge Schmuckal
Zoning Administrator
City of Portland
389 Congress Street
Portland, ME 04101

*received
12/19/06*

December 13, 2000

Dear Ms. Schmuckal,

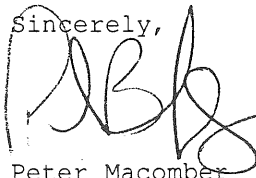
I'm writing at the suggestion of Lee Urban to assure you that the building at 250 Commercial Street, which I am acquiring, is within 35 feet of the southern edge of Commercial Street.

In addition, the enclosed letter from Karen Rich should satisfy the requirement that this property has been actively marketed for over 12 months to the waterfront/fishing related community with no success. The relocation of my business to this facility will not displace any waterfront related business as the only occupant of this building (the present owner) is relocating to a new facility on the Portland Fishing Pier, which I understand is being partially financed with City of Portland funds.

My acquisition of this building is part of a significant transaction involving CommTel, which is leasing my building on Cumberland Avenue and investing several million dollars in infrastructure to provide secure, 24/7 access and data storage facilities for the New England business community.

Please let me know if I can answer any other questions.

Sincerely,



Peter Macomber



December 13, 2000

Ms. Tina DiPietrantonio
Commercial Properties
Silver Street
Portland, Maine 04101

RE: 250 COMMERCIAL STREET, PORTLAND, MAINE

Dear Tina:

It was a pleasure working with you with regards to Peter Macomber's recent lease and purchase of 250 Commercial Street, Portland, Maine. I am confident that that property will be an ideal location for his commercial photography studio and related uses.

Please be aware that I had listed and marketed that property for over one year and had not secured a tenant or buyer nor even received any interest from a waterfront/fishing related use for that property. It is my belief that a seafood related use is better suited for locating on the Fish Pier or further down any of the working wharves. The location directly on Commercial Street lends itself more for retail/office type uses. If I can be of any assistance in the future, please do not hesitate to let me know.

Sincerely,

Karen L. Rich



Individual Member

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From: Marge Schmuckal
To: William Needleman
Date: Thu, Dec 7, 2000 10:01 AM
Subject: 250 Commercial Street

Bill, I am starting to review this application for Peter Macomber. We should require a stamped survey. I do not have one attached to my application, so I am assuming that none has been submitted. Secondly, we should get a statement from the existing owner, Gerald Knecht d/b/a Atlantic Holdings, Inc. explaining how he has tried to market this space and how long. Did any other fish processor want this space at all? I just want to be sure that no marine related use, such as another fish processor wasn't eliminated from a lease agreement because of this deal. I guess I need some sort of assurances that a good marine related use isn't being left out of the picture. I realize that the existing owner is moving on their own accord, and thus are not specifically being "displaced", but I need some more confidence on this. I am still reviewing the rest.