

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

Location of Construction: 207 Commercial St		Owner: A. Brewster Harding		Phone: 775-3057		Permit No: 980364	
Owner Address: 209 Commercial St		Lessee/Buyer's Name: Shipwreck & Cargo/Port Warehouse		Phone:		Business Name: Lawfall, LLC	
Contractor Name: The Theater Co.		Address: 55 Bell St Peld 04103		Phone: 678-3553		Permit Issued: APR 15 1998 CITY OF PORTLAND	
Past Use: Retail		Proposed Use: Same		COST OF WORK: \$ 190,000		PERMIT FEE: \$ 970.00	
				FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:	
Proposed Project Description: 13464 Sq. Ft (Approx.) addition as per plans				Signature: <i>[Signature]</i>		Signature: <i>[Signature]</i>	
Permit Taken By: Sherry Picard		Date Applied For: March 17, 1998		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied <input type="checkbox"/>		Zoning Approval: 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"/>	

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..

Site Plan

PERMIT ISSUED WITH REQUIREMENTS

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

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 2

032-V-002



Inspection Services
Samuel P. Hoffses
Chief

Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

May 13, 1991

Port Bake House
P.O. Box 7522
Portland, ME 04112

RE: 205 Commercial Street

Dear Sir:

Your application to construct a free-standing deck has been reviewed and a permit is herewith issued subject to the following requirements:

No certificate of occupancy can be issued until all the requirements of this letter are met.

1. This permit is being issued with the understanding that this is a temporary deck and will be removed at the end of six (06) months.
2. This deck shall be constructed on your property and met the setback as per city ordinance.

If you have any questions regarding these requirements, please do not hesitate to contact this office.

Sincerely,

P. Samuel Hoffses
Chief of Inspection Services

cc: William Giroux, Zoning Administrator

/kb

032-V-002

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

19980018

I. D. Number

Archetype

Applicant

48 Union Wharf, Portland, ME 04101

Applicant's Mailing Address

David Lloyd

Consultant/Agent

772-6022 **772-4056**

Applicant or Agent Daytime Telephone, Fax

3/17/98

Application Date

Shipwreck & Cargo/Port Bakehou

Project Name/Description

207 Commercial St

Address of Proposed Site

032-V-002

Assessor's Reference: Chart-Block-Lot

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

1,464 Addition

Proposed Building square Feet or # of Units

Acreage of Site

B-3

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 **\$300.00** Subdivision _____ Engineer Review _____ Date: **3/17/98**

Inspections Approval Status:

Reviewer **Marge Schmuckal**

- Approved
- Approved w/Conditions** see attached
- Denied

Approval Date **4/13/98** Approval Expiration _____ Extension to _____ Additional Sheets Attached

Condition Compliance _____ signature _____ 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	4/8/98 date	\$25,464.00 amount	4/7/00 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	_____ date	<input type="checkbox"/> Conditions (See Attached)	
<input type="checkbox"/> Final Inspection	_____ date	_____ signature	
<input type="checkbox"/> Certificate Of Occupancy	_____ date		
<input type="checkbox"/> Performance Guarantee Released	_____ date	_____ signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date	_____ amount	_____ expiration date
<input type="checkbox"/> Defect Guarantee Released			

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM**

19980018

I. D. Number

Archetype

Applicant

48 Union Wharf, Portland, ME 04101

Applicant's Mailing Address

David Lloyd

Consultant/Agent

772-6022

772-4056

Applicant or Agent Daytime Telephone, Fax

3/17/98

Application Date

Shipwreck & Cargo/Port Bakehou

Project Name/Description

207 Commercial St

Address of Proposed Site

032-V-002

Assessor's Reference: Chart-Block-Lot

DRC Conditions of Approval

Final site alterations to be reviewed & approved by DRC, Planning Staff & Historic Preservation Committee.

Planning Conditions of Approval

Final site alterations to be reviewed and approved by DRC, Planning Staff & Historic Preservation Committee.

Inspections Conditions of Approval

1. Separate permits are required for signage.

Fire Conditions of Approval

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

19980018

I. D. Number

Archetype

Applicant
48 Union Wharf, Portland, ME 04101

Applicant's Mailing Address
David Lloyd

Consultant/Agent
772-6022 **772-4056**

Applicant or Agent Daytime Telephone, Fax

3/17/98

Application Date

Shipwreck & Cargo/Port Bakehou

Project Name/Description

207 Commercial St

Address of Proposed Site

032-V-002

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):
 New Building Building Addition Change Of Use Residential
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) _____
3,092 sq. ft.

Proposed Building square Feet or # of Units Acreage of Site **B-3**
 Zoning

Check Review Required:

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

Fees Paid: Site Plan **\$300.00** Subdivision _____ Engineer Review _____ Date: **3/17/98**

Inspections Approval Status:

Reviewer _____

- Approved
- Approved w/Conditions see attached
- Denied
- Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached
- Condition Compliance _____
signature _____ date _____

Performance Guarantee Required* Not Required

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

- Performance Guarantee Accepted _____ _____ _____
date amount expiration date
- Inspection Fee Paid _____ _____
date amount
- Building Permit Issued _____
date
- Performance Guarantee Reduced _____ _____ _____
date remaining balance signature
- Temporary Certificate of Occupancy _____ Conditions (See Attached)
- _____ date
- Final Inspection _____ _____
date signature
- Certificate Of Occupancy _____
date
- Performance Guarantee Released _____ _____
date signature
- Defect Guarantee Submitted _____ _____ _____
submitted date amount expiration date
- Defect Guarantee Released _____ _____
date signature

307 Commercial St

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

19980018

I. D. Number

Archetype

Applicant

18 Union Wharf, Portland, ME 04101

Applicant's Mailing Address

David Lloyd

Consultant/Agent

772-6022 772-4066

Applicant or Agent Daytime Telephone, Fax

3/17/98

Application Date

Shipwreck & Cargo/Port Bakehou

Project Name/Description

207 Commercial St

Address of Proposed Site

032-V-002

Assessor's Reference: Chart-Block-Lot

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

1,464 Addition

Proposed Building square Feet or # of Units

Acreage of Site

B-3

Zoning

Check Review Required:

- | | | | |
|--|---|---|--|
| <input checked="" type="checkbox"/> Site Plan
(major/minor) | <input type="checkbox"/> Subdivision
of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input checked="" type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input checked="" type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input checked="" type="checkbox"/> Zoning Conditional
Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | | <input type="checkbox"/> Other _____ |

Fees Paid: Site Plan \$300.00 Subdivision _____ Engineer Review _____ Date: 3/17/98

JRC Approval Status:

Reviewer D. Andrews for J. Wendel

- Approved Approved w/Conditions
see attached Denied
- Approval Date 4/8/98 Approval Expiration _____ Extension to _____ Additional Sheets Attached
- Condition Compliance D. Andrews for J. Wendel 4/8/98
signature date

Performance Guarantee Required* Not Required

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

- | | | | |
|--|-------------------------|--|----------------------------------|
| <input checked="" type="checkbox"/> Performance Guarantee Accepted | <u>4/8/98</u>
date | <u>\$25,464.00</u>
amount | <u>4/7/00</u>
expiration date |
| <input type="checkbox"/> Inspection Fee Paid | _____
date | _____
amount | |
| <input type="checkbox"/> Building Permit | _____
date | | |
| <input type="checkbox"/> Performance Guarantee Reduced | _____
date | _____
remaining balance | _____
signature |
| <input type="checkbox"/> Temporary Certificate Of Occupancy | _____
date | <input type="checkbox"/> Conditions (See Attached) | |
| <input type="checkbox"/> Final Inspection | _____
date | _____
signature | |
| <input type="checkbox"/> Certificate Of Occupancy | _____
date | | |
| <input type="checkbox"/> Performance Guarantee Released | _____
date | _____
signature | |
| <input type="checkbox"/> Defect Guarantee Submitted | _____
submitted date | _____
amount | _____
expiration date |
| <input type="checkbox"/> Defect Guarantee Released | _____
date | _____
signature | |

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

19980018

I. D. Number

Archetype

Applicant _____

18 Union Wharf, Portland, ME 04101

Applicant's Mailing Address _____

David Lloyd

Consultant/Agent _____

772-6022 **772-4056**

Applicant or Agent Daytime Telephone, Fax _____

3/17/98

Application Date _____

Shipwreck & Cargo/Port Bakehou

Project Name/Description _____

207 Commercial St

Address of Proposed Site _____

032-V-002

Assessor's Reference: Chart-Block-Lot _____

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

1,464 Addition

B-3

Proposed Building square Feet or # of Units _____ Acreage of Site _____ Zoning _____

Check Review Required:

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

Fees Paid: Site Plan **\$300.00** Subdivision _____ Engineer Review _____ Date: **3/17/98**

Planning Approval Status:

Reviewer **Deb Andrews**

- Approved Approved w/Conditions See Attached Denied

Approval Date **3/31/98** Approval Expiration _____ Extension to _____ Additional Sheets Attached

OK to Issue Building Permit **Deborah Andrews** **3/31/98**
signature date

Performance Guarantee Required* Not Required

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

<input checked="" type="checkbox"/> Performance Guarantee Accepted	4/8/98 date	\$25,464.00 amount	4/7/00 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	_____ date	<input type="checkbox"/> Conditions (See Attached)	
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<input type="checkbox"/> Performance Guarantee Released	_____ date	_____ signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date	_____ amount	_____ expiration date
<input type="checkbox"/> Defect Guarantee Released	_____ date	_____ signature	

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM

19980018

I. D. Number

Archetype

Applicant

18 Union Wharf, Portland, ME 04101

Applicant's Mailing Address

David Lloyd

Consultant/Agent

772-6022

772-4056

Applicant or Agent Daytime Telephone, Fax

3/17/98

Application Date

Shipwreck & Cargo/Port Bakehou

Project Name/Description

207 Commercial St

Address of Proposed Site

032-V-002

Assessor's Reference: Chart-Block-Lot

DRC Conditions of Approval

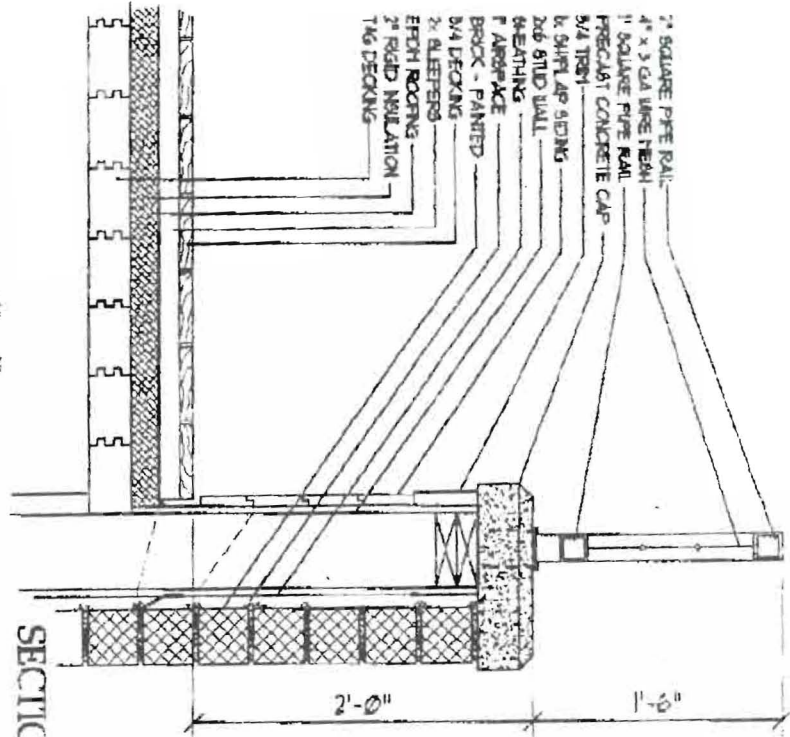
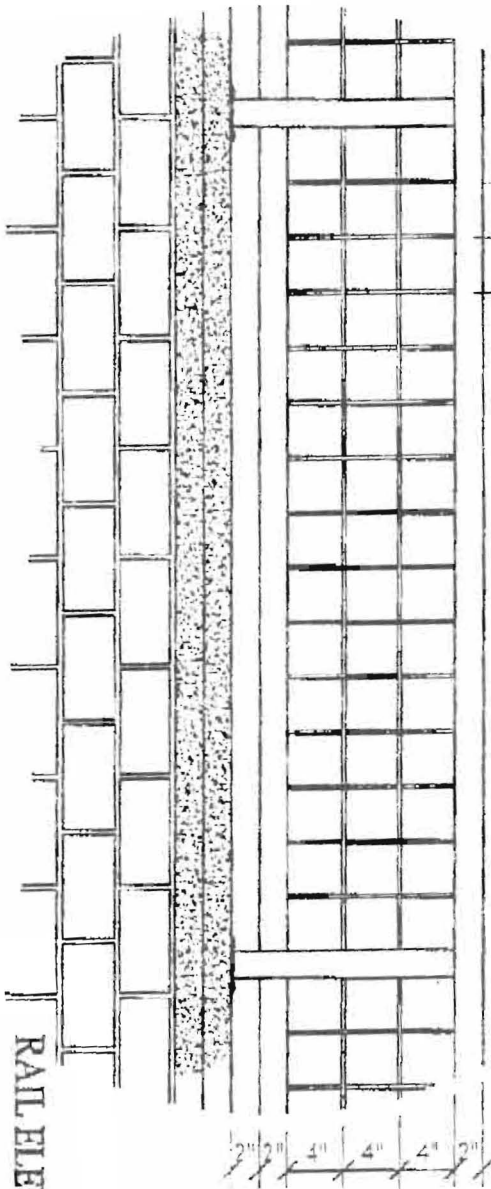
Final site alterations to be reviewed & approved by DRC, Planning Staff & Historic Preservation Committee.

Planning Conditions of Approval

Final site alterations to be reviewed and approved by DRC, Planning Staff & Historic Preservation Committee.

Inspections Conditions of Approval

Fire Conditions of Approval



SK2	RAIL SECTION BRACKET ELEVATION	Project: SHIPWRECK and CARGO and the PORT BAKE HOUSE Commercial and Dana St., Portland ME 04101	ARCHETYPE, P.A. ARCHITECTS 48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-4056
	March 18, 1998		

The Thaxter Company
55 Bell St.
Portland, ME 04103
General Contractor
Phone: 878-5553/Fax: 878-5424

Date: 4/15
Attention: Lt Mr Dougal
Company: _____
Project: Shipwreck + Cargo
Phone #: _____
Fax #: 874-8716
Number of pages, including cover page: 2

Contact Steve Keltomic at (207) 878-5553 if you did not receive the total number of pages, or if you have any questions about the material sent.

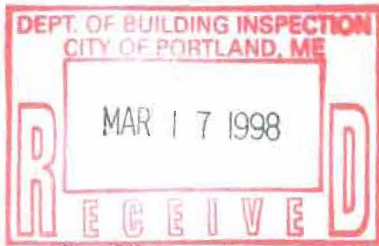
Comments:

Please call when permit is ready to be picked up

thanks

Steve

A R C H I T E C T Y P E



MINOR SITE PLAN REVIEW

SHIPWRECK & CARGO/PORT BAKEHOUSE

March 16, 1998

- C. *Written statements: All site plans shall be accompanied by a written statement by the applicant that shall set forth the names and addresses of all owners of the parcels proposed to be developed and the estimated cost to the development.*

Owner: Brewster Harding
 Shipwreck & Cargo
 207 Commercial Street
 Portland, ME 04101

Estimated Construction Cost: Water Tight Shell \$ 190,000.

- 1. *A description of the proposed uses to be located on the site, including quantity and type of residential units, if any:*

The existing buildings currently house the "Shipwreck & Cargo" and the "Port BakeHouse. We are proposing to expand these buildings.

- 2. *The total land area of the site and the total floor area and ground coverage of each proposed building and structure:*

Total lot area is 3,856 square feet. Total footprint of building will be 3,092 square feet..

- 3. *General summary of existing and proposed easements or other burdens now existing or to be placed on the property:*

None

- 4. *The types and estimated quantities of solid waste to be generated by the development:*

6± garbage bags per day placed in large plastic covered cans within an enclosed room; to be removed daily before opening hours.

- 5. *Evidence of the availability of off-site facilities including sewer, water, and streets:*

The building is currently hooked to public sewer, water, and storm drain. See attached.

- 6. *A narrative describing the existing surface drainage on the site and a stormwater management plan indicating measures which will be taken to control surface water runoff:*

The current surface drainage runs to existing storm water catch basins. We propose no change to this plan.

207 Commercial St

7. *A construction plan outlining the anticipated sequence of construction of the major aspects of the proposed project, including without limitation roads, retention basins, sewer lines, seeding and other erosion control measures, and pollution abatement measures, and also setting forth the approximate dates for commencement and completion of the project:*

We project a nine week project, resulting in a water tight shell. Week 1: Demolition and excavation. Week 2: Foundation. Weeks 3-8: Rough framing. Weeks 5-8: Brick veneer. Weeks 5-6: Roofing. Week 9: Curbing and sidewalk reconstruction.

8. *A list of all state and federal regulatory approvals to which the development may be subject, the status of any pending applications, and the anticipated time frame for obtaining such permits or that a determination of no jurisdiction from the agency will be requested:*

State Fire Marshal

9. *Evidence of financial and technical capacity to undertake and complete the development including, but not limited to, a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved, if requested to do so:*

Owners are personally financing project with no bank financing. Owners can submit financial statements if required.

10. *Evidence of the applicant's title, right, or interest in the property, including without limitation deeds, leases, purchase options or any other documentation:*

Attached

11. *A narrative describing any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the project site and a description of the methods that will be used to protect such areas or sites:*

N/A

NOTE: The underground gas tanks have been removed and approved by DEP. See the attached literature for further information.

12. *Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with final plans.*

No

COMMERCIAL
(SITE HIGHWAY)

Item No. 5

curb cut
El. 10.24

57
(ROO)

BOR

2007

ock

The Harris
Co.

CENTRAL WHARF

Harris
Oil Co.

L.A.
Larochelle
Inc.

Wassons
Restaurant

WIDGERY WHARF

Bit. P.

Pipe laid on Curve
 $\Delta = 6^{\circ} 30'$ $R = 1000'$

67.5' E

5.5ph. Sidewalk

Brick Sidewalk

B3-87

ADIAN

NATIONAL

6" H.P.

Inv. 0.09

12" V.C.

12" V.C.

#189

#197

Portland
Fruit Co.

B.D. Stearns

DANA ST.

Gas.
Sta.

Carr Bros

Conduit for Flap
limit switch
specifications.
in 16B.

SITE

PLAN

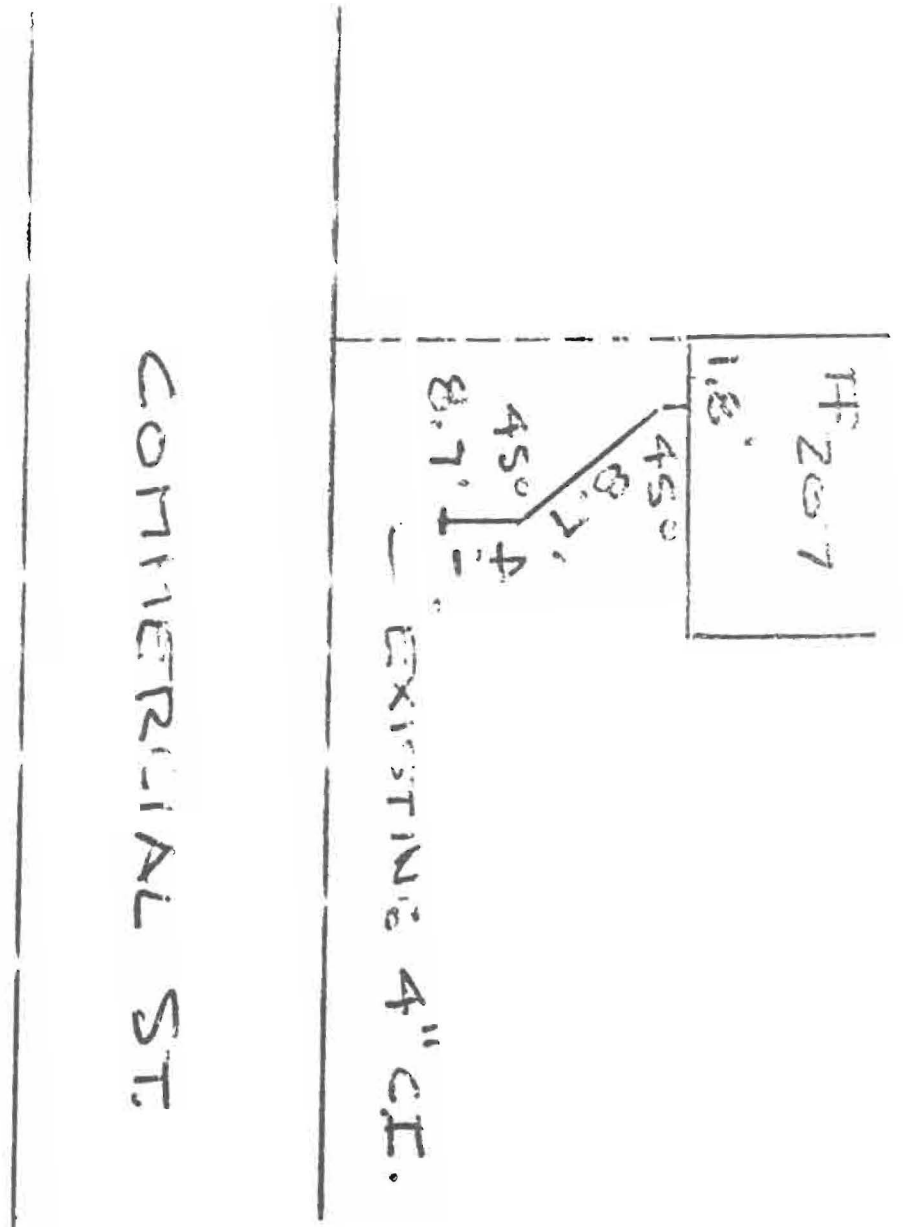
COMMERCIAL STREET

Date 7/16/90

Connected by Shaw Bros.

Pipe 4" SCH 40

Inspector R. Worcester



QUITCLAIM DEED WITH COVENANT
(Maine Statutory Short Form)

MAINE REAL ESTATE TAX PAID

HARRIS REALTY ASSOCIATES, a Maine limited partnership, whose mailing address is c/o Mortier D. Harris, Jr., 8 Anchorage Place, South Portland, Maine 04106, ("Grantor"), for consideration paid, GRANTS to LANDFALL, LLC, a Maine limited liability company, whose mailing address is 237 Commercial Street, Portland, Maine 04101 ("Grantee"), with Quitclaim Covenants, certain real property, together with the buildings and improvements thereon, situated on the northwesterly side of Commercial Street and the southwesterly side of Dana Street in Portland, Cumberland County, Maine, more particularly described in Schedule A attached hereto and made a part hereof.

For Grantor's source of title, reference is made to a deed from Harris Realty Co. to the Grantor dated December 30, 1986 and recorded in the Cumberland County Registry of Deeds in Book 7572, Page 238.

IN WITNESS WHEREOF, HARRIS REALTY ASSOCIATES has caused this instrument to be executed by all of its General Partners, thereunto duly authorized, as of the 17th day of November, 1997.

WITNESS:

Mary Harris

Jean W Ken

Jean W Ken

HARRIS REALTY ASSOCIATES

By: Mortier D. Harris, Jr.
Mortier D. Harris, Jr.
General Partner

By: Romell F. Harris
Romell F. Harris
General Partner

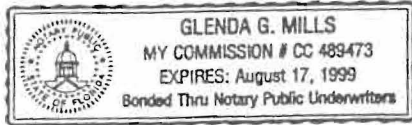
By: Austin F. Harris
Austin F. Harris
General Partner

STATE OF FLORIDA
COUNTY OF Collier, ss.

November 17, 1997

Personally appeared the above-named Mortier D. Harris, Jr., General Partner of Harris Realty Associates, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Harris Realty Associates.

Before me,



Glenda G. Mills
Notary Public

GLENDAG. MILLS
Type or Print Name

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

November 17, 1997

Personally appeared the above-named Ronnell F. Harris, General Partner of Harris Realty Associates, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Harris Realty Associates.

Before me,

James W. Kern
Notary Public

JAMES W. KERN
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES DECEMBER 10 2003

Type or Print Name

SEAL

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

November 17, 1997

Personally appeared the above-named Austin F. Harris, General Partner of Harris Realty Associates, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Harris Realty Associates.

Before me,

James W. Kern
Notary Public

JAMES W. KERN
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES DECEMBER 31, 2002

Type or Print Name

SEAL

SCHEDULE A

A certain lot or parcel of land with the buildings thereon, situated on the northwesterly side of Commercial Street and the southwesterly side of Dana Street in Portland, Cumberland County, Maine, more particularly bounded and described as follows:

Beginning at the point of intersection of said northwesterly side of Commercial Street with the said southwesterly side of Dana Street, and running southwesterly by said northwesterly side of Commercial Street fifty-seven (57) feet, more or less, to land now or formerly of Baxter; thence northwesterly by said Baxter land sixty-six (66) feet, more or less, to a corner in said Baxter land; thence northeasterly by said Baxter land fifty-two (52) feet, more or less, to said southwesterly side of Dana Street; thence southeasterly by said southwesterly side of Dana Street sixty-four (64) feet, more or less to the point of beginning.

Being premises numbered 201-207 Commercial Street and 2-6 Dana Street in said Portland.

Being the same premises conveyed to Harris Realty Co. by deed of Omah S. Harris dated December 31, 1945 and recorded in the Cumberland County Registry of Deeds in Book 1803, Page 209 and being a portion of the premises conveyed to Harris Realty Associates by deed of Harris Realty Co. dated December 30, 1986 and recorded in said Registry of Deeds in Book 7572, Page 238.

106702.1

RECEIVED
RECORDED REGISTRY OF DEEDS

1997 NOV 21 PM 3:08

CUMBERLAND COUNTY

John B. O'Brien

MINUTES OF SPECIAL MEETING OF MEMBERS
OF

LANDFALL, LLC

A Special Meeting of Members of the above Limited Liability Company (hereinafter the "Company") was held on the date and at the time and place set forth in the written Waiver of Notice signed by the Members, fixing such time and place, and prefixed to the minutes of this meeting.

All Members were either present or represented. The meeting was called to order by Richard Brewster Harding. It was moved, seconded and unanimously carried that he act as Chairperson and Thomas G. Ainsworth act as Secretary Pro Tem.

Upon motion duly made, seconded and carried it was

VOTED:

The Company ratify and affirm the Purchaser's rights and obligations of the Purchaser under a certain Purchase and Sale Agreement between Harris Realty Associates, a Maine General Partnership, selling certain real property at 205-207 Commercial Street, Portland, Maine to Homeport Enterprises, Lt'd., a Maine Corporation with a registered office at 7 Ocean Street, South Portland, Maine.

Upon motion duly made, seconded and carried it was

VOTED:

The Members designate Richard Brewster Harding, in his capacity as President and/or Treasurer of the Company as the authorized officer of the Company to execute any and all such documents as may be reasonably required of the Company to accept an assignment of the rights of the purchaser, Homeport Enterprises, Lt'd., under the aforesaid Purchase and Sale Agreement originally dated October 9, 1997.

Upon motion duly made, seconded and carried it was

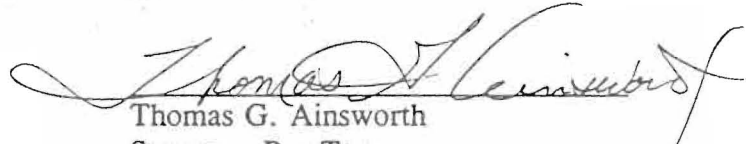
VOTED:

The Company authorize Richard Brewster Harding, in his capacity as President and/or Treasurer of the Company to execute any and all documents reasonably incident to the negotiation and consummation of a loan by Harris Realty Associates to Landfall, LLC including acceptance of a Seller provided loan in the amount of One Hundred and Seventy Thousand Dollars (\$170,000.00) upon such terms and conditions as are stated in the aforesaid Purchase and Sale Agreement or such other terms as the President/Treasurer, in

his sole discretion, may deem acceptable to the Company. The President/Treasurer is specifically authorized to mortgage real and personal property of the Company as collateral for repayment of the said loan by Harris Realty Associates, and to generally do all such other acts as may be reasonably incident to the purchase of the aforescribed real property with the financing incident thereto.

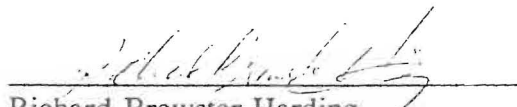
There being no further business to come before the meeting, upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

Dated: November 17, 1997


Thomas G. Ainsworth
Secretary Pro Tem

Attest:

Members:


Richard Brewster Harding
Sole Member

WAIVER OF NOTICE OF SPECIAL MEETING OF
MEMBERS OF

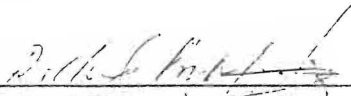
Landfall, LLC

I, the undersigned, being the sole Member of the Limited Liability Company, hereby agree and consent that a special meeting of Members of the Company be held on the date and time and at the place designated hereunder and do hereby waive all notice whatsoever of such meeting and of any adjournment or adjournments thereof.

I do further agree and consent that any and all lawful business may be transacted at such meeting or at any adjournment or adjournments thereof as may be deemed advisable by any Members present thereat. Any business transacted at such meeting or at any adjournment or adjournments thereof shall be as valid and legal and of the same force and effect as if such meeting or adjourned meeting were held after notice.

Place of Meeting:	7 Ocean Street So. Portland ME
Date of Meeting:	11/17/97
Time of Meeting:	10:00 a.m.
Purpose of Meeting:	To specifically authorize President/Treasurer, Richard Brewster Harding to execute any and all documents relating to ratifying and consummating of the terms of a certain contract to purchase real estate at 205-207 Commercial Street, Portland, Maine and also to consummate a loan from Harris Realty Associates to Landfall, LLC regarding purchase of the above described real estate, and any and all such other business that may come before the meeting.

Dated: Nov 24 1997


Richard Brewster Harding
Sole Member



E. James Hamilton, P.E., Esq.

120 Exchange St., Suite 404, Portland, ME 04101-5004
P.O. Box 7521, Portland, ME 04112-7521

Telephone (207) 772-5177
FAX (207) 772-1418

October 23, 1997

HAND DELIVERED

Brewster Harding
Homeport Enterprises, Inc.
207 Commercial Street
Portland, Maine 04101

RE: 205 Commercial Street Property

Dear Mr. Harding:

The purpose of this letter is to transmit three (3) documents and provide a brief evaluation for purposes of meeting and further discussing the environmental information developed to date relative to the subject property. Enclosed are copies of the following documents:

1. Underground Storage Tank (UST) Removal Report and Documentation (17 pages). It appears that the 550 gallon #2 Fuel Oil tank was removed in June, 1989 by Les Wilson and Sons (Contractor). This is important verification of our anecdotal understanding that there was no further UST's known to exist at the subject property.
2. Spill Report Form for Spill No. P/849/90 (3 pages). It appears that subsequent to a major storm event in December, 1990, one of the buildings adjacent to the subject property experienced an oil sheen on top of water that flooded the basement. Attached is a copy of materials from the DEP which indicate that the source of the oil sheen was a mystery, however they do note that a gas station previously had existed across the street. The reference to this gas station we assume to be the subject property. We also understand that this was about the time that anecdotal information appears to exist that petroleum odors were experienced in the basement of Chase/Leavitt building during major storm events, however, we are not aware of any such incidences since then.
3. Field notes and May 15, 1989 letter to Maine DEP from Paul Turina (3 pages). We have finally received the additional information from Mr. Turina which is attached. Although skimpy, it is important in that it serves to confirm the earlier E.C. Jordan report. In summary, it appears that the site conditions are comprised of fill soils, including ash, which contain petroleum compounds that give field PID readings of up to 2000 parts per million (ppm). The readings are likely derived from oil and gas from the Harris property since this site was formerly used as a service station. However, the major importance of the May 15th Turina letter is that "no free product was observed in any of the water samples" and that this conclusion was communicated to the DEP.

In summary, it appears that all of the pieces of information which we have been able to obtain leads to the conclusion that there continues to be petroleum contamination beneath the subject

Brewster Harding
October 23, 1997
Page 2

property and that the Maine DEP is aware of it. However, it appears at this time that there is no indication that the Maine DEP has any interest in further evaluation, investigation or remediation based on their knowledge of the site to date.

We continue to believe that should you go forward with the purchase and elect to disturb/excavate soils for expansion or improvements to the property, you should anticipate having to dispose of excavated soils. We believe, based on the available information that the most likely disposal option will be to dispose of any materials exceeding regulatory thresholds at CRS.

With respect to the third party liability exposures, it would appear that because this property was a former gas station, it is a "hotter" spot along the waterfront than other adjacent properties. However, over time (e.g., 20-30+ years) this can be expected to naturally attenuate (e.g., degrade) as well as be cleansed by washing from storm events. However, this will be an extremely slow process.

It is our understanding that you have investigated the monitoring well locations and that there are no monitoring wells in place from which to obtain samples. Therefore, the alternative would be to install new monitoring wells for purposes of taking samples, at an estimated costs of \$2,000 - \$3,000.

Once you have had an opportunity to review the foregoing and the attached information, please call to discuss.

Sincerely yours,

E. JAMES HAMILTON, P.E., ESQ.



E. James Hamilton

Enclosures (3)

cc: Paul Thelin, Esq. w/Turina info.

*Real liability
to prev
owner deposit
in dem.*

7/88

Maine Department of Environmental Protection
 Bureau of Oil & Hazardous Materials Control
 State House Station #17
 Augusta, Maine 04333
 Telephone: 207-289-2651
 Attn: Tank Removal Notice

NOTICE OF INTENT
 TO ABANDON (REMOVE) AN
 UNDERGROUND OIL STORAGE FACILITY

COM

PLEASE TYPE OR PRINT IN INK:

Name of Facility Owner: HARRIS Realty
 Mailing Address: 385 MAIN ST Telephone No.: 772 8304
 City: So. Portland State: ME Zip Code: _____
 Contact Person (name, address & telephone no.): Doc HARRIS
SAME AS ABOVE
 Name of Facility: _____ Registration No.: _____
 Facility Location: 205 Commercial St. Portland, ME

1. Identify the tanks at this location which are to be removed:

	Tank Number	Age of Tank (Years)	Tank Size (Gallons)	Type of Product Most Recently Stored
A.	1	15+	550	FUEL OIL
B.				
C.				
D.				

2. Directions to Facility (be specific):

CORNER OF MAIN ST & COMMERCIAL ST.

3. Is tank(s) used for the storage of Class I liquids (e.g. gasoline, jet fuel)? Yes ___ No (IF YES, REMOVAL OF THE TANK MUST BE UNDER THE DIRECTION OF A CERTIFIED TANK INSTALLER OR PROFESSIONAL FIREFIGHTER.)

4. Name and telephone number of contractor who will do the tank removal: Les Wilson & Sons 854 4543

Certified Tank Installer Certification Number & Name (if applicable):
N/A

Professional Firefighter Yes ___ No ___ (Affiliation: _____)

5. Expected date of removal: 6/26/89

I hereby provide Notice that I intend to properly abandon the underground oil storage facility as described above.

Date: 6/9/89

Ronald Wilson Representative
 Signature of Tank Owner or Operator

Ronald Wilson
 Printed Name and Title

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

BUILDING INSPECTION PERMIT

No. 002227

PERMIT ISSUED

Please Read
Application And
Notes, If Any,
Attached

This is to certify that Harris Realty
has permission to tank removal 1 (550 gallon fuel oil tank)
AT Corner of Dana and Commercial Street **JUN 28 1989**

City Of Portland

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 buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification for inspection must be given and written permission procured before this building or part thereof is lathed or otherwise closed-in.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. William [Signature] June 6-1989
Health Dept. _____
Appeal Board _____
Other _____
Department Name _____

[Signature]
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD 1107 1989 - 19 112

BUILDING PERMIT REPORT

DATE: 1/15/24 ADDRESS: 207 Commercial St
REASON FOR PERMIT: renovation - concrete addition
BUILDING OWNER: R. Brewster Harding
CONTRACTOR: Thatcher Co
PERMIT APPLICANT: -
USE GROUP: M BOCA 1996 CONSTRUCTION TYPE 3 B

CONDITION(S) OF APPROVAL

This Permit is being issued with the understanding that the following conditions are met:

Approved with the following conditions: *1 *2 *8, *9 *10 *11, *17 *20 *29, *24 *25, *27 *29

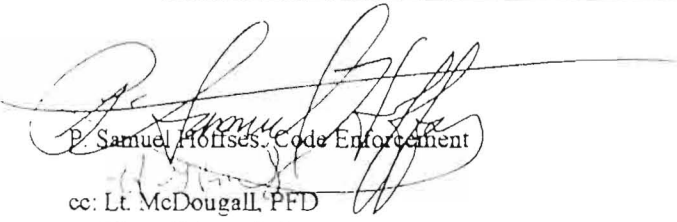
- *1 This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
- *2 Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection)
- 3 Precaution must be taken to protect concrete from freezing.
- 4 It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
- 5 Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of ½ inch gypsum board or the equivalent applied to the garage means of ½ inch gypsum board or the equivalent applied to the garage side. (Chapter 4 Section 407.0 of the BOCA/1996)
- 6 All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993).
- 7 Sound transmission control in residential building shall be done in accordance with Chapter 12 section 1214.0 of the city's building code.
- *8 Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42" , except Use Group R which is 36". In occupancies in Use Group A, B, H-4, I-1, I-2 M and R and public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. (Handrails shall be a minimum of 34" but not more than 38". Use Group R-3 shall not be less than 30", but not more than 38".) Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2".
- *9 Headroom in habitable space is a minimum of 7'6".
- *10 Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 3/4" maximum rise. All other Use group minimum 11" tread. 7" maximum rise.
- *11 The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6' 8")
- 12 Every sleeping room below the fourth story in buildings of use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508mm), and a minimum net clear opening of 5.7 sq. ft.
- 13 Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units.
- 14 All vertical openings shall be enclosed with construction having a fire rating of at least one (1)hour, including fire doors with self closer's. (Over 3 stories in height requirements for fire rating is two (2) hours.)
- 15 The boiler shall be protected by enclosing with (1) hour fire-rated construction including fire doors and ceiling, or by providing automatic extinguishment.
- 16 All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the

provisions of the City's Building Code Chapter 9, Section 19, 920.3.2 (BOCA National Building Code/1996), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):

- In the immediate vicinity of bedrooms
- In all bedrooms
- In each story within a dwelling unit, including basements

In addition to the required AC primary power source, required smoke detectors in occupancies in Use Groups R-2, R-3 and I-1 shall receive power from a battery when the AC primary power source is interrupted. (Interconnection is required)

17. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type.
18. The Fire Alarm System shall be maintained to NFPA #72 Standard.
19. The Sprinkler System shall maintained to NFPA #13 Standard.
20. All exit signs, lights, and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023. & 1024. Of the City's building code. (The BOCA National Building Code/1996)
21. Section 25-135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year"
22. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.
23. Ventilation shall meet the requirements of Chapter 12 Sections 1210. Of the City's Building Code.
24. All electrical, plumbing and HVAC permits must be obtained by a Master Licensed holders of their trade.
25. All requirements must be met before a final Certificate of Occupancy is issued.
26. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code. (The BOCA National Building Code/1996).
27. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical Code (The BOCA National Mechanical Code/1993).
28. Please read and implement the attached Land Use-Zoning report requirements.
29. Please read and implement all Site Plan Review requirements.
30. _____
31. _____
32. _____


P. Samuel Morrises, Code Enforcement

cc: Lt. McDougall, PFD
Marge Schmuckal