



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

*Penny St. Louis - Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

June 24, 2011

Elisa Massey  
Massey Consulting Group  
2500 E. Wilshire Boulevard  
Oklahoma City, OK 73111

RE: 87 Marginal Way – Trader Joe’s – 34-D-7 (the “Property”) – B-7 Zone

Dear Ms. Massey,

I am in receipt of your request for a determination letter concerning the Property. The current Zoning designation of the Property is a B-7 Mixed Development District Zone. A retail use, such as a grocery store, is a listed permitted use in B-7. All the adjacent properties are also located within the B-7 Zone. The closest change in zone is over 1,000 feet away in distance. I have enclosed a copy of a section of our zoning map which delineates the current zoning in the area surrounding the Property.

The property was granted no variances or conditional uses. The Property was not developed as a planned unit development. There was a special exception granted for the signage attached to the building and to the free standing sign as allowed under section 14-368 of the sign ordinance. This section allows the Planning staff to review any signs under site plan review standards when and if such signs do not meet the current sign restrictions. A copy of that approved sign permit for Trader Joe’s is enclosed.

I am not aware of any legal nonconforming issues affecting the Property. As Zoning Administrator I am not aware of any condemnation proceedings in the near future (i.e. road widening, sidewalk installation, etc) that may affect access to the Property.

I have enclosed a copy of a Certificate of Occupancy for the Property. Please note that when Trader Joe’s moved into the site in 2010, there was no requirement for a new, separate Certificate of Occupancy since the same use was continued.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very Truly Yours,

Marge Schmuckal  
Zoning Administrator

# Massey Consulting Group

2500 E Wilshire Boulevard  
Oklahoma City, OK 73111  
P. 866.783.7153  
F. 888.365.4039

To City of Portland  
Marge Schmuckal  
Zoning Administrator  
389 Congress Street  
Room 315  
Portland, ME 04101

Re: Trader Joes 87 Marginal Highway

*w/ R Easton mt Sports*  
*34-D-7*  
*WAS B-5*  
*B-7 Zone*  
*WAS W/ SPORTS*  
*#02-0726 - Book Land*

Dear Marge,

I have another site in your jurisdiction! I've included a check in the amount of \$150.00 to cover the fee for the zoning letter. Below are my questions:

1. What is the zoning designation of the above-mentioned property?
2. Is the use of a retail grocery store a permitted use in this district?
3. What are that adjacent zoning districts?
4. Are there any special permits, variances or planned unit development restrictions that affect the site? If so, can you please provide copies?
5. Are there any outstanding zoning or building code violations affecting this property?
6. Can you please provide a copy of the approved site plan for this property? An electronic version of the Site Plan would be great.
7. Are there any legal nonconforming issues affecting the property?
8. Will this site be subject to any condemnation proceedings in the near future (i.e. road widening, sidewalk installation, etc) I am only concerned with items that might affect access to the property?
9. Can you please provide a copy of the certificate of occupancy for this site? If one is not available, can you please confirm the absence is not a violation?

Upon completion of the research can you either e-mail me at [elisam@masseyconsultinggroup.com](mailto:elisam@masseyconsultinggroup.com) or fax them to 888.365.4039?

If you have any questions please do not hesitate to call me toll free at 866.783.7153.

Sincerely,

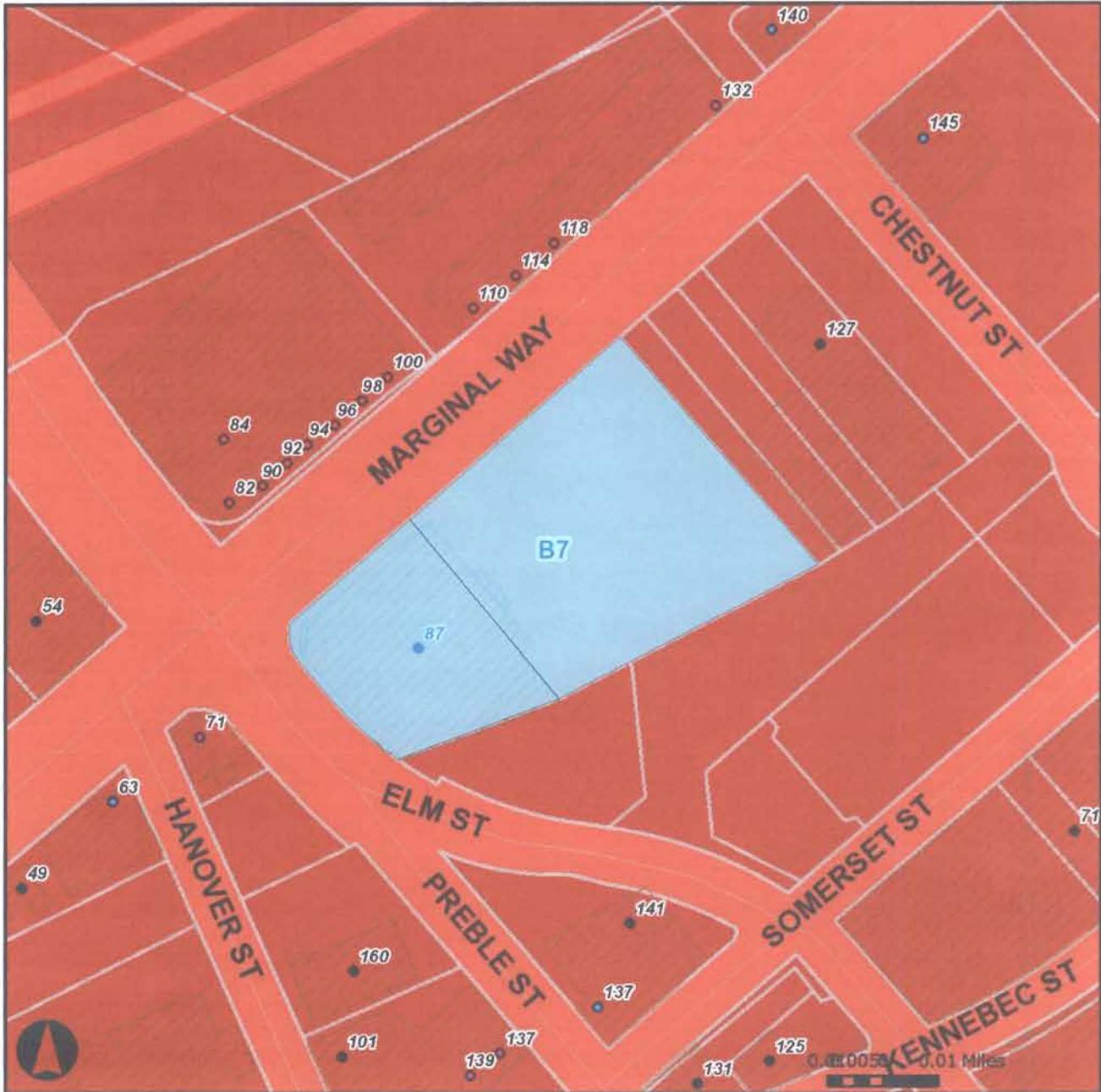
Elisa Massey

RECEIVED

JUN 14 2011

Dept. of Building Inspections  
City of Portland Maine

# Map



<b>Parcels</b>	<b>Stream Overlay Zone</b>	<b>Zoning (continued)</b>	<b>Zoning (continued)</b>
Parcels	Stream_protection	R2 Residential	C25
<b>Interstate</b>	<b>Island Zoning</b>	R3 Residential	C26
Interstate	C43	R4 Residential	C27
<b>Streets</b>	I-B	R5 Residential	C28
Streets	I-TS	R6 Residential	C29
<b>Buildings</b>	I-R1	ROS Recreation Open	C30
Building	I-R2	Space	C31
Out Building			

**City of Portland, Maine - Building or Use Permit Application**

389 Congress Street. 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 10-0687	Issue Date:	CBL: 034 D007001
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Location of Construction: 87 MARGINAL WAY	Owner Name: 87 MARGINAL WAY LLC	Owner Address: 1735 MARKET ST STE A-400	Phone:
Business Name:	Contractor Name: Burr Signs	Contractor Address: 50 DownEast Drive Yarmouth	Phone: 2077991183
Lessee/Buyer's Name	Phone:	Permit Type: Signs - Permanent	Zone: B-7

Past Use: Commercial "Trader Joe's" Connected w/ permit#100497	Proposed Use: Commercial "Trader Joe's" - New signage for "Trader Joe's"	Permit Fee: \$734.00	Cost of Work: \$734.00	CEO District: 1
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Proposed Project Description: New signage for "Trader Joe's"	FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>N/A</i>	INSPECTION: Use Group: <i>U</i> Type: <i>Sig</i>
	Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>

Permit Taken By: Idobson	Date Applied For: 06/11/2010	<b>Zoning Approval</b>	
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<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>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>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland</p> <p><input type="checkbox"/> Wetland</p> <p><input type="checkbox"/> Flood Zone</p> <p><input type="checkbox"/> Subdivision</p> <p><input type="checkbox"/> Site Plan</p> <p>Maj Minor MMJ</p> <p><i>NEEDS REVIEW WITH</i></p> <p>Date: <i>14-368.5.9</i></p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input checked="" type="checkbox"/> Approved <i>per submitted plans</i></p> <p><input type="checkbox"/> Denied</p> <p>Date: <i>6/21/2010</i></p>	<p>Historic Preservation</p> <p><input checked="" type="checkbox"/> Not in District or Landmark</p> <p><input type="checkbox"/> Does Not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p>Date: <i>[Signature]</i></p>
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PERMIT ISSUED

11 23

CITY OF PORTLAND

*Historic*  
*6/21/10*  
*with conditions*

*Shutouts*  
*Approved*

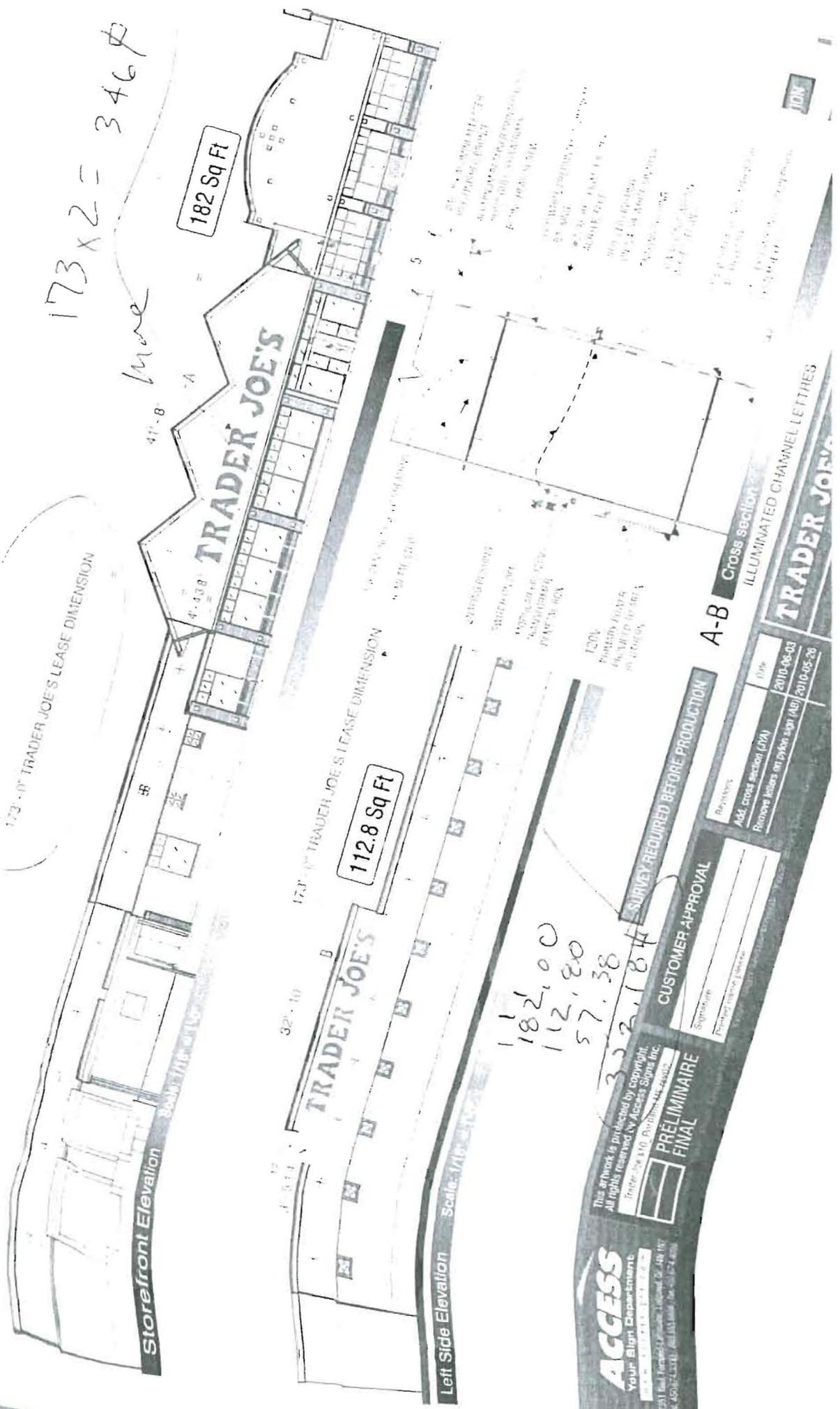
**CERTIFICATION**

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 \_\_\_\_\_

173 x 2 = 346 ft  
 move



182,00  
 112,80  
 57,38  
 352,184

**ACCESS**  
 Your Sign Department  
 2501 Bell Street, Suite 100, Las Vegas, NV 89111  
 702.735.1234

This artwork is protected by copyright.  
 All rights reserved by Access Signs Inc.  
 Trade Show and Publishing Division

PRELIMINAIRE  
 FINAL

CUSTOMER APPROVAL  
 Signature: \_\_\_\_\_  
 Project Name: \_\_\_\_\_

**SURVEY REQUIRED BEFORE PRODUCTION**

Reviews	Date
Add cross section (A/B)	2018-05-03
Remove letters on Dylon sign (A/B)	2010-05-26

A-B Cross section  
 ILLUMINATED CHANNEL LETTERS

TRADER JOE'S

ION



CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 87 Marginal Way CBL 034 D007001

Issued to Southern Maine Prop Co/n/a

Date of Issue 11/21/2002

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. 02-0646, 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

Entire

APPROVED OCCUPANCY

Retail Store  
BOCA 1999  
Use Group M Type 2C

Limiting Conditions:

This certificate supersedes  
certificate issued

Approved:

11/22/02 [Signature]  
-----  
(Date) Inspector

[Signature]  
-----  
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

1783

MASSEY CONSULTING GROUP LLC  
2500 E. WILSHIRE BLVD.  
OKLAHOMA CITY, OK 73111  
(405) 475-5056

  
**Coppermark**  
BANK  
(405) 945-8100 • 1-800-942-2500  
39-80-1030

6/9/11

PAY TO THE ORDER OF City of Portland  
One hundred fifty dollars

\$150<sup>00</sup>

DOLLARS

MEMO zvl

Elisa L Massey  
AUTHORIZED SIGNATURE

⑈001783⑈ ⑆103000800⑆ 0110082765⑈

Security features: Details on back



# CITY OF PORTLAND, MAINE

Department of Building Inspections

## Original Receipt

June 14 2011

Received from [Handwritten Name]

Location of Work 87 Marginal Way

Cost of Construction \$ \_\_\_\_\_ Building Fee: \_\_\_\_\_

Permit Fee \$ \_\_\_\_\_ Site Fee: \_\_\_\_\_

Certificate of Occupancy Fee: \_\_\_\_\_

Total: \_\_\_\_\_

Building (IL) \_\_\_\_\_ Plumbing (I5) \_\_\_\_\_ Electrical (I2) \_\_\_\_\_ Site Plan (U2) \_\_\_\_\_

Other [Handwritten Note]

CBL: \_\_\_\_\_

Check #: 1783 Total Collected \$ 150.00

**No work is to be started until permit issued.  
Please keep original receipt for your records.**

Taken by: [Handwritten Signature]

WHITE - Applicant's Copy  
YELLOW - Office Copy  
PINK - Permit Copy

FAX



To: ELISA MASSEY  
Fax Number: 888-365-4039  
From: Marge Schumaker  
Fax Number:  
Date: 6/24/11  
Regarding: 87 Marginal Way  
Total Number Of Pages Including Cover: 6  
Phone Number For Follow-Up:

Comments:

ELISA,  
I HAVE put The originals in The  
mail to you -  
Marge



Jodie - FYI

Planning & Urban Development



Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

December 11, 2000

Ben Walter,  
CWS Architects  
434 Cumberland Avenue  
Portland, ME 04101

RE: 87 Marginal Way, Wild Oats - 34-D-007

Site Plan  
I.D Number  
# 19990012

Dear Ben:

This letter is to confirm that the Portland Planning Authority has reviewed and approved revisions to the previously approved site plan for 87 Marginal Way. This approval is for site plan review.

The approval is subject to the following conditions:

1. That the Department of Public Works grants a license for the installation of a grease trap on public property.
2. That the City approves a license or grants an easement for the installation of a masonry wall along Elm Street
3. That the exterior lighting plan is reviewed and approved by Planning Staff.
4. That the applicant install the necessary lane striping and related signage recommended in the John Murphy Wild Oats traffic impact report dated November 28, 2000.
5. The common driveway easement between this property and Back Cove Company should be shown on the plan. A copy of the easement/agreement should be submitted to the Planning office for its review.

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

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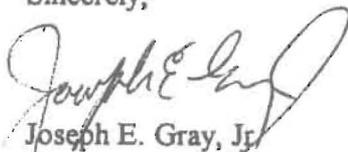
period agreed upon in writing by the City and the applicant, Requests to extend approvals must be received before the expiration date.

2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time the site/building contractor shall provide three (3) copies of detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. 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.)

The Development Review Coordinator (who is located at DeLuca Hoffman at 775-1121) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact the Planning Staff.

Sincerely,



Joseph E. Gray, Jr.  
Director of Planning and Urban Development

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

Location of Construction: 87 MARGINAL WAY		Owner: MARGINAL WAY HOLDING LLC		Phone:		Permit No: 0000	
Owner Address: C/O ADAM ASSOCIATES 90 LEWIS AVE		Lessee/Buyer's Name: WALPOLE MA 02081		Phone:		Business Name: 212-486-8970	
Contractor Name: WILD OATES MARKET CONSTRUCTION DEPARTMENT.		Address: 3375 MITCHELL LANE BOULDER CO.		Phone: 80301		Permit Issued:	
Past Use: VACANT		Proposed Use: RETAIL GROCERY STORE		COST OF WORK: \$ 800,000		PERMIT FEE: \$4,824.00	
				FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: M Type: 2B 30CA99	
Proposed Project Description: INTERIOR FIT OUT FOR MARKET				Signature: <i>[Signature]</i>		Signature: <i>[Signature]</i>	
				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		Zoning Approval: of with conditions 12/13/00	
				Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Special Zone or Reviews: <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone Panel B Zone C <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan minor form # 19990012	
Permit Taken By: K		Date Applied For: DEC 7 2000				Zoning Appeal PLANNY <input type="checkbox"/> Variance Board Approv <input type="checkbox"/> Miscellaneous Site originally <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved Backland <input type="checkbox"/> Denied	

- 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..

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

DEC 7 2000 K

SIGNATURE OF APPLICANT	ADDRESS:	DATE:	PHONE:
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE			PHONE:

**Historic Preservation**

Not in District or Landmark  
 Does Not Require Review  
 Requires Review

Action:

Approved  
 Approved with Conditions  
 Denied

Date: *[Signature]*

PERMIT ISSUED WITH REQUIREMENTS

CEO DISTRICT 1

Applicant: Wild Oates Market  
Address: 87 Marginal Way

Date: 12/13/00  
C-B-L: 034-D-007

CHECK-LIST AGAINST ZONING ORDINANCE

Date - Existing Bldg

Zone Location - B-5 zone

Interior of corner lot -

Proposed Use/Work - interior fit-up for market (retail)

Sewage Disposal - City

Lot Street Frontage - None req

Front Yard - None required

Rear Yard - None required

Side Yard - None required

Projections -

Width of Lot - N/A

Height - 65' max - existing 1 story

Lot Area - 2.34 Acres shown

Lot Coverage/ Impervious Surface - 100%

Area per Family - N/A

Off-street Parking - None required

Loading Bays - 1 shown ~~none~~

Site Plan - major - originally approved by PB for Bookland.

# 19990012  
Shoreland Zoning/ Stream Protection - N/A

Flood Plains - Panel 13 - zone X

- Sep. Permits required for signage
- Shall meet and maintain all performance standards including such as, but not limited to, noise levels & odor levels -