



Planning &amp; Urban Development Department

*Jeff Levine, AICP, Director**Marge Schmuckal, Zoning Administrator*

Nicholas J. Morrill, ESQ.  
c/o Jensen-Baird Gardner-Henry  
Ten Free Street  
P.O. Box 4510  
Portland, Maine 04112-4510

RE: 511 Congress Street – 37-D-002 – (the “Property”)

Dear Attorney Morrill,

I am in receipt of your request for a determination letter concerning the Property. The Property is located within the B-3 Downtown Business Zone with a Historic Overlay and a Pedestrian Activities District (PAD) Overlay and the Downtown Entertainment Overlay zones.

The current basic uses of the Property are retail and restaurants on the 1<sup>st</sup> floor with offices above. When the Property was reviewed, approved and constructed in 1973, section 602.10D of the B-3 Zone stated: “No off-street parking shall be required in this zone.” Therefore the Property is legally nonconforming in regard to parking requirements.

To the best of my knowledge there are no known violations, existing or contemplated enforcement actions with regard to the Property. I have included copies of approvals, permits and certificates of occupancy for the Property.

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

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal".

Marge Schmuckal  
Zoning Administrator  
City of Portland, Maine



B3 BUSINESS ZONE

PERMIT 100000  
00734  
JUL 12 1973  
CITY OF PORTLAND

# APPLICATION FOR PERMIT

Class of Building or Type of Structure Bank Building  
Portland, Maine, July 12, 1973

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 499 Congress St., Portland, Me Within Fire Limits? yes Dist. No. \_\_\_\_\_  
 Owner's name and address Maine Savings Plaza Trust, Casco Bank Bldg Telephone \_\_\_\_\_  
Monument Sq Telephone \_\_\_\_\_  
 Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Contractor's name and address Consolidated Constructors & Builders Inc Telephone 774-2626  
616 Congress St  
 Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans on file No. of sheets \_\_\_\_\_  
in office  
 Proposed use of building \_\_\_\_\_ No. families \_\_\_\_\_  
 Last use \_\_\_\_\_ No. families \_\_\_\_\_  
 Material \_\_\_\_\_ No. stories \_\_\_\_\_ Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_  
 Other buildings on same lot \_\_\_\_\_  
 Estimated cost \$ \_\_\_\_\_ Fee \$ included under building "A"

### General Description of New Work

Masonry and steel frame construction as per plans  
 Permit is for building B, a two story banking hall and building C, a one story retail building. (as per plan submitted) with this application.

PERMIT ISSUED WITH LETTER

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. **PERMIT TO BE ISSUED TO**

### Details of New Work

Is any plumbing involved in this work? \_\_\_\_\_ Is any electrical work involved in this work? \_\_\_\_\_  
 Is connection to be made to public sewer? \_\_\_\_\_ If not, what is proposed for sewage? \_\_\_\_\_  
 Has septic tank notice been sent? \_\_\_\_\_ Form notice sent? \_\_\_\_\_  
 Height average grade to top of plate \_\_\_\_\_ Height average grade to highest point of roof \_\_\_\_\_  
 Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories \_\_\_\_\_ solid or filled land? \_\_\_\_\_ earth or rock? \_\_\_\_\_  
 Material of foundation \_\_\_\_\_ Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_  
 Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_  
 No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_ Kind of heat \_\_\_\_\_ fuel \_\_\_\_\_  
 Framing Lumber—Kind \_\_\_\_\_ Dressed or full size? \_\_\_\_\_ Corner posts \_\_\_\_\_ Sills \_\_\_\_\_  
 Size Girder \_\_\_\_\_ Columns under girders \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_  
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.  
 Joists and rafters: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 On centers: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 Maximum span: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 If one story building with masonry walls, thickness of walls? \_\_\_\_\_ height? \_\_\_\_\_

### If a Garage

No. cars now accommodated on same lot \_\_\_\_\_, to be accommodated \_\_\_\_\_ number commercial cars to be accommodated \_\_\_\_\_  
 Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? \_\_\_\_\_

### Miscellaneous

Will work require disturbing of any tree on a public street? \_\_\_\_\_  
 Will there be in charge of the above work a person competent to \_\_\_\_\_

APPROVED:  
 R.L.B., E.S.S. 8/19/73  
 ACCEPTED

(COPY)

CITY OF PORTLAND, MAINE  
Department of Building Inspection



# Certificate of Occupancy

LOCATION 499 Congress Street

Issued to **Maine Savings Plaza Trust**

Date of Issue **May 22, 1975**

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. **73/734**, 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

Bank, office space and retail stores.

Limiting Conditions:

none

This certificate supersedes  
certificate issued

Approved:

7/22/75

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

*Planning*

Spencer Jones 772-2257

Sept 8, 1989

Maine Savings Plaza Trust

Date

Applicant: E/D Egnard and Co., Suite 204, Maine Savings

499-513 Congress St.

Mailing Address: Plaza, Portland, ME 04101  
Renovation of pedestrian walkway

Address of Proposed Site

37-D-2

Proposed Use of Site: 4500 sq ft

Site Identiflor(s) from Assessors Maps

2-3

Acreage of Site: / Ground Floor Coverage

Zoning of Proposed Site

Site Location Review (DEP) Required: ( ) Yes ( ) No

Proposed Number of Floors: n/a

Board of Appeals Action Required: ( ) Yes ( ) No

Total Floor Area: 4500 sq ft

Planning Board Action Required: ( ) Yes ( ) No

Other Comments: \*\* MINOR SITE PLAN REVIEW \*\* 7 sets of plans submitted.

Date Dept. Review Due:

PLANNING DEPARTMENT REVIEW

(Date Received)

- Major Development — Requires Planning Board Approval; Review Initiated
- Minor Development — Staff Review Below

	LOADING AREA	PARKING	CIRCULATION PATTERN	ACCESS	PEDESTRIAN WALKWAYS	SCREENING	LANDSCAPING	SPACE & BULK OF STRUCTURES	LIGHTING	CONFLICT WITH CITY PROJECTS	FINANCIAL CAPACITY	CHANGE IN SITE PLAN
APPROVED	/	/	/	/	/	/	/	/	/	/	/	/
APPROVED CONDITIONALLY											✓ see below	
DISAPPROVED												

CONDITIONS SPECIFIED BELOW  
REASONS SPECIFIED BELOW

REASONS: Approved, building permit should be issued.  
The applicant will provide a performance guarantee  
within two weeks.

(Attach Separate Sheet If Necessary)

*Philip L. Meyer*  
SIGNATURE OF REVIEWING STAFF

9-27-90  
~~9-28-90~~

PLANNING DEPARTMENT COPY



CITY OF PORTLAND, MAINE

389 CONGRESS STREET  
PORTLAND, MAINE 04101  
(207) 874-8300

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

October 1, 1990

**P. SAMUEL HOFFSES, CHIEF**  
INSPECTION SERVICES DIVISION

Maine Savings Plaza Trust  
c/o Finard and Co., Suite 704  
Maine Savings Plaza  
Portland, ME 04101

RE: 499-513 Congress Street

Dear Sir:

Your application to renovate pedestrian walkway has been reviewed and a permit is herewith issued subject to the following requirement(s).

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

Site Plan Review Requirements

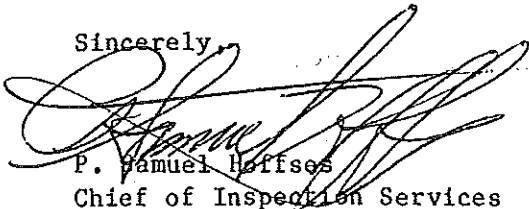
Inspection Services - Approved - W. Giroux  
Fire Department - Approved - Lt. Garroway  
Planning Division - Approved - P. Meyer  
Public Works - Approved - S. Hartris

Building Code Requirements

1. Protection during construction shall be in accordance with sections 30120.0 and 3007.0 of the building code.
2. All guards and handrails shall be in accordance with section 827.0 (guards) and section 828.0 (handrails) of the building code.

If you have any questions regarding these requirement(s), please do not hesitate to contact this office.

Sincerely,



P. Samuel Hoffses  
Chief of Inspection Services

cc: P. Niehoff - Public Works  
S. Harris - Public Works  
W. Giroux - Inspections  
P. Meyer - Planning

PSH/ljh



CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 511 Congress St.

Issued to D'Angelo's Sandwich Shop

Date of Issue

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. 94/0930, 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

APPROVED OCCUPANCY

Entire

Restaurant

Limiting Conditions:

This certificate supersedes  
certificate issued

Approved:

11/9/94 *Markland Wing*  
\_\_\_\_\_  
(Date) *SR* Inspector

*Samuel H. [Signature]*  
\_\_\_\_\_  
Inspector of Buildings

11/17/94

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 511 Congress St

Issued to October Corporation

Date of Issue 21 November 1995

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. 950999, 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

APPROVED OCCUPANCY

8th & 9th Floors

Office Space

Limiting Conditions:

"Acadia Trust"

This certificate supersedes  
certificate issued

Approved:

11/21/95 Macland Wing  
(Date) Inspector

Mayer Schenk  
Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 511 Congress St

Issued to October Corporation

Date of Issue 19 November 1996

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. 960942, 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

APPROVED OCCUPANCY

2nd fl, 3rd fl, 4th fl,  
and partial basement

Office Space

**Limiting Conditions:**

Label panels, install signage for all electrical room and clean-up electrical rooms within 10 days.

This certificate supersedes  
certificate issued

Approved:

11/20/96  
(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.





CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 511 Congress St

Issued to October Corp.

Date of Issue 08 January 1997

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. 961026, 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

First Floor/Ground Level

APPROVED OCCUPANCY

Resource Library Center for  
Financial Services

Office Space

Limiting Conditions:

This certificate supersedes  
certificate issued

Approved:

1-8-97  
(Date)

*David J. ...*  
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.



CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 511 Congress St

CBL 037 D002001

Issued to Spring Street Limited /Reagan & Company

Date of Issue 03/15/2004

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. <sup>04-0054</sup>, 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

4th floor

APPROVED OCCUPANCY

office space for Liberty Mutual Insurance Co  
use group:B  
type:3B  
BOCA 1999

Limiting Conditions:

This certificate supersedes  
certificate issued

Approved:

3/15/04  
-----  
(Date)

*A. Rowe*  
-----  
Inspector

*W. King* 3/17/04  
-----  
Inspector of Buildings

*MAAD*  
*03/17/04*

*W. King*

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.

00080131



Application for Exemption from Site Plan Review  
Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

Permit # 081102

1. Applicant Information	2. Project Information
511 PLAZA LIMITED PARTNERSHIP	9-2-2008
Applicant/Owner 40 BOWLES PROPERTY MGMT ONE CAVAL PLAZA, FIFTH FLOOR	Application Date THAI CHOP BUFFET
Mailing Address PORTLAND, ME 04102	Project Name/Description 511 CONGRESS ST, PORTLAND ME 04101
Consultant/Agent 8714299 / 415-7066	Address of Proposed Site 37 D Z
Phone Fax Cell	Assessor's Reference (Chart-Block-Lot)

Description of Proposed Development:

Install EMERGENCY EGRESS DOORWAY ONLY -  
REPLACE WINDOW - NO ENTRANCE ONTO STREET

(Please Attach Sketch/Plan of Proposal/Development)

Criteria for Exemptions: (See Section 14-523 (4) on page 2 of this application)

	Applicant's Assessment (Yes, No, N/A)	Planning Division Use Only
a) Within Existing Structures: No New Buildings, Demolitions or Additions	No	✓
b) Footprint Increase Less Than 500 sq. ft.	No	✓
c) No New Curb Cuts, Driveways, Parking Areas	No	✓
d) Curbs and Sidewalks in Sound Condition/Comply with ADA	No	✓
e) No Additional Parking/No Traffic Increase	No	✓
f) No Known Storm water Problems	No	✓
g) Sufficient Property Screening Exists	No	✓
h) Adequate Utilities	No	✓

Planning Division Use Only

Exemption Granted  Partial Exemption  Exemption Denied

Planner's Signature: Barbara Barhydt Date: Sept 6, 2008

Original - Planning Division

Copy - Inspections Division and Applicant



Attorneys at Law

TEN FREE STREET  
P.O. BOX 4510  
PORTLAND, MAINE 04112-4510  
(207) 775-7271 (Phone)  
(207) 775-7935 (Fax)  
[www.jbgh.com](http://www.jbgh.com)

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

R. LEE IVY  
ROGER P. ASCH  
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ALYSSA C. TIBBETTS  
J. CASEY MCCORMACK  
TUDOR N. GOLDSMITH

MERTON G. HENRY  
FRANK H. FRYE  
JOSEPH H. GROFF III  
BRIAN C. BROWNE  
OF COUNSEL

RAYMOND F. JENSEN  
(1908-2002)

KENNETH BAIRD  
(1914-1987)

M. DONALD GARDNER  
(1918-2003)

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

April 4, 2014

RECEIVED

APR - 7 2014

Dept. of Building Inspections  
City of Portland Maine

Ms. Marge Schmuckal  
389 Congress St, Room 308  
Portland, Maine 04101

Re: Zoning Determination Letter  
511 Congress Street / Tax Map 37, Block D, Lot 2

Dear Ms. Schmuckal:

*B-3 - Downtown Entertainment Overlay Z  
Historic - PAD Dist.*

On behalf of Ocean Gate, LLC ("Ocean Gate"), I am submitting this zoning determination request for 511 Congress Street (Tax Map 37, Block D, Lot 2). This request is being made in connection with certain credit facilities being lent by Norway Savings Bank to Ocean Gate related to the acquisition of 511 Congress Street, all of which are to occur on Friday, April 18, 2014.

Please note that my office has conducted its own due diligence with respect to 511 Congress Street, but would like confirmation of such for purposes of our land use opinion to be issued to and relied upon by Norway Savings Bank.

Our due diligence has revealed that (1): 511 Congress Street is located within the "B3" Downtown Business Zone, and the Pedestrian Activities District ("PAD") Overlay Zone, each as described in Division 12, §§14-216 through 14-221.1 of the Land Use Ordinance; (2) the current uses of the Property for offices and business services are permitted uses within the B3 Zone (3) at least seventy-five (75) percent of the street level frontage of the Property located on Congress Street are utilized, and at a minimum, the floor area occupied is at least seventy-five (75) percent of the street level frontage multiplied by a twenty (20) foot depth, by retail establishments, restaurants, business services and galleries for artists (note: current tenants include Maine International Trade Center, Enables It, Inc., Alice Z, Inc. (d/b/a Shanghai Tokyo), and Maine Artist Collective), in compliance with the PAD Overlay Zone requirements, Division 20, §14-217 (b)(1) of the Land Use Code; and (4) the Property is "grandfathered" from minimum off-street parking requirements set forth in Division 20, §§ 14-331 through 14-350 of the Land Use Ordinance.

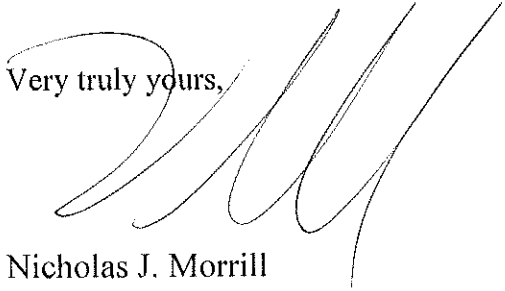
Jensen Baird  
Gardner Henry

April 4, 2014  
Page 2

I would appreciate it if you would independently review the files that you have at your disposal, and verify our determinations. Additionally, please include in your zoning determination letter whether there are any known violations, or existing or contemplated enforcement actions with respect to 511 Congress Street.

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

Very truly yours,

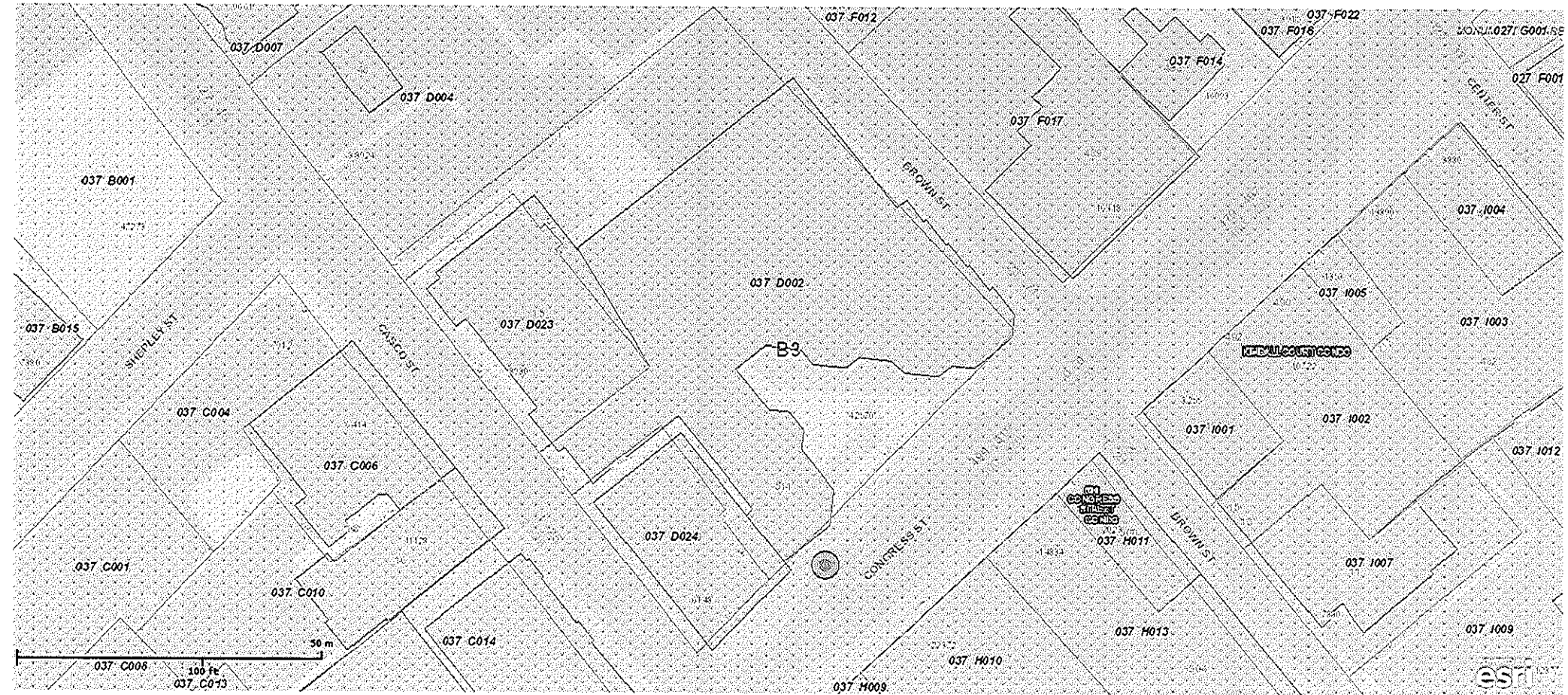


Nicholas J. Morrill

enc.

cc: Ocean Gate, LLC (via email)

# 511 Congress St



Copyright 2011 Esri. All rights reserved. Thu Apr 17 2014 10:34:02 AM.

1st floor - retail & restaurants w/ offices above

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**  
 389 Congress Street  
 Portland, Maine 04101

**RECEIPT OF FEES**

<b>Application No:</b> 0000-1887	<b>Applicant:</b> 511 PLAZA LIMITED PARTNERS
<b>Project Name:</b> 511 CONGRESS ST	<b>Location:</b> 511 CONGRESS ST
<b>CBL:</b> 037 D002001	<b>Application Type:</b> Determination Letter
<b>Invoice Date:</b> 04/08/2014	

<b>Previous Balance</b>	-	<b>Payment Received</b>	+	<b>Current Fees</b>	-	<b>Current Payment</b>	=	<b>Total Due</b>	<b>Payment Due Date</b>
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

<b>Previous Balance</b>	<b>\$0.00</b>
-------------------------	---------------

Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		\$150.00
	<b>Total Current Fees:</b>	<b>+ \$150.00</b>
	<b>Total Current Payments:</b>	<b>- \$150.00</b>
	<b>Amount Due Now:</b>	<b>\$0.00</b>

**CBL** 037 D002001  
**Bill to:** 511 PLAZA LIMITED PARTNERSHIP  
 ONE CANAL PLAZA  
 PORTLAND, ME 04101

**Application No:** 0000-1887  
**Invoice Date:** 04/08/2014  
**Invoice No:** 44617  
**Total Amt Due:** \$0.00  
**Payment Amount:** \$150.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.  
 Check the status of your permit or schedule an inspection on-line at <http://www.portlandmaine.gov/planning/permitstatus.asp>