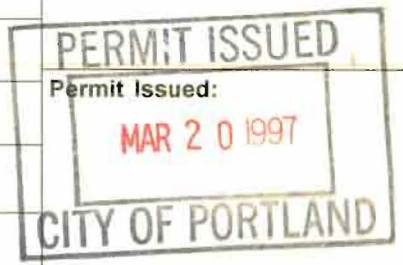


**City of Portland, Maine – Building or Use Permit Application** 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: <i>28-30 Preble St</i>		Owner: <i>Nadsworth Corporation</i>		Phone:	Permit No: <b>970230</b>
Owner Address:		Lessee/Buyer's Name:		Phone:	Business Name:
Contractor Name: <i>Sun Environmental Services, Inc.</i>		Address: <i>P.O. Box 2666 So. Portland, ME 04116-2666</i>		Phone: <i>799-3560</i>	
Past Use: <i>Mix Use</i>		Proposed Use: <i>Same</i>		COST OF WORK: \$	PERMIT FEE: \$ <i>10.00</i>
		FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:	
Proposed Project Description: <i>Abandon Tank in Place</i>		Signature: <i>[Signature]</i>		Signature: <i>[Signature]</i>	
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Signature: _____ Date: _____	
Permit Taken By: <i>Mary Grenik</i>		Date Applied For: <i>18 March 1997</i>			



Zone: \_\_\_\_\_ CBL: *037-P-005*

Zoning Approval:

**Special Zone or Reviews:**

Shoreland  
 Wetland  
 Flood Zone  
 Subdivision  
 Site Plan maj  minor  mm

**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: \_\_\_\_\_

**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: *[Signature]* ADDRESS: \_\_\_\_\_ DATE: *18 March 1997* PHONE: \_\_\_\_\_

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

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

CEO DISTRICT **2**

**City of Portland, Maine – Building or Use Permit Application** 189 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 28-30 Preble St		Owner: Wadsworth Corporation		Phone:		Permit No <b>70230</b>	
Owner Address:		Lessee/Buyer's Name:		Phone:		Business Name:	
Contractor Name: Sun Environmental Services, Inc. P.O. Box 2666 So. Ptld, ME 04116-2666 799-3569		Address:		Phone:		Permit Issued: <b>MAR 20 1997</b>	
Past Use: Mix Use		Proposed Use: Same		COST OF WORK: \$		PERMIT FEE: \$ 10.00	
				FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type: <i>BOCA 96</i>	
Proposed Project Description: Abandon Tank in Place				Signature: <i>[Signature]</i>		Signature: <i>[Signature]</i>	
Permit Taken By: Mary Gresik		Date Applied For: 18 March 1997		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied: <input type="checkbox"/>		Zone: <b>B-3</b> CBL: 037-F-005 Zoning Approval: <i>OK 3/19/97</i> 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"/>	
				Signature: _____ Date: _____			

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..

**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: *3/19/97*

*[Signature]*

**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 *[Signature]* Mike Trufant ADDRESS: \_\_\_\_\_ DATE: 18 March 1997 PHONE: \_\_\_\_\_

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

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

CEO DISTRICT **2**  
A. Rowe



Abandon in Place

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

**THIS FORM MUST BE FILED WITH THE D.E.P. AND YOUR LOCAL FIRE DEPARTMENT AT LEAST 30 DAYS PRIOR TO THE SCHEDULED REMOVAL**

PLEASE TYPE OR PRINT IN INK:

Name of Facility Owner: Wedworth Corporation  
Mailing Address: 30 Prebel St Telephone #: 775-5001  
City: PORTLAND State: ME Zip Code: 04101  
Contact Person (name, address & telephone #): Gordon Hamlin  
30 Prebel St, Portland, ME 04101  
Name of Facility: Apt Building/OTHER Registration #: 9884  
Facility Location (town & street): 341 Cumberland Ave, Portland

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

Tank #	Tank Age	Tank Size (gallons)	Type of Product Stored
<u>1</u>	<u>1939</u>	<u>UNKNOWN</u>	<u># 2 oil fuel</u>
2			
3			
4			

2. Directions to this facility (be specific):

NEXT TO MARIA'S REST. Corner of Cumberland & Prebel  
037-F005

3. Is or was the tank(s) used to store Class I liquids (e.g. gasoline, jet fuel)? Yes \_\_\_ No X  
**IF YES, REMOVAL OF THE TANK(S) MUST BE DONE UNDER THE DIRECTION OF A CERTIFIED TANK INSTALLER.**

Tank Installer's Name: \_\_\_\_\_ Certification Number: \_\_\_\_\_ Signature: \_\_\_\_\_

4. Environmental site assessments are required for all tanks except those used for storing heating oil, not for resale, or for farm or residential motor fuel tanks under 1,100 gallons where the product is used on site. **Site Assessor's Name and Address** (if applicable):  
\_\_\_\_\_

5. Name and telephone number of contractor who will do the tank removal:  
SUN ENVIRONMENTAL SERVICES 839-7957

6. Expected date of removal (month/day/year): 3/19/97

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

Date: 3/17/97 Signature: Dan Lewis for Wedworth Corp.  
Printed Name and Title: Dan Lewis - President SUN Environmental

**Mail original and yellow copy to DEP; pink copy to fire department; retain gold copy.  
RETURN POSTCARD AFTER TANK(S) HAS BEEN REMOVED**



1987  
B  
02  
status  
Product

REQUEST FOR  
A DETERMINATION FOR ABANDONMENT IN PLACE  
OF AN UNDERGROUND PETROLEUM STORAGE TANK



Wadsworth Corporation Tank Owner's Name 775-5001 Telephone #

30 Peckie St. Portland, ME. 04101 Mailing Address

Portland, Town 9884 Facility Reg. #

Wadsworth Corporation / Apt. Building Business or Facility Name 775-5001 Telephone #

341 Cumberland Ave. Street Address of Tank Location Portland Town

Next to Marin's Restaurant, Cumberland Ave Portland. Directions to Site

Abandoned facilities (tanks and piping) shall be removed, except where the owner can demonstrate to the Department that removal is not physically possible because the tank or other component of the facility to be removed is either (check all that apply):

- a. Located beneath a building or other permanent structure which cannot be practically replaced;
- b. Of a size and type construction that it cannot be removed;
- c. Inaccessible to heavy equipment necessary for removal; or
- d. Positioned in such a manner that removal would endanger the structural integrity of nearby tanks remaining in service.

Describe or diagram the location of tank(s) under consideration. Photographs are encouraged. Use back of sheet if necessary.

"I hereby apply for permission to abandon in place the underground tank(s) described above. I have examined the information submitted in this document and believe the information to be true, accurate and complete to the best of my knowledge."

\_\_\_\_\_  
Date Signature of Tank Owner

Send To: Maine Department of Environmental Protection  
Bureau of Hazardous Materials & Solid Waste Control  
State House Station # 17  
Augusta, Maine 04333  
Attn: Abandonment In Place

### Abandonment of (an) Underground Tank(s) in Place

Linda Doran (signature), on 3/12/97 (date) of the Department of Environmental Protection has determined that the following underground tank(s) at facility

Facility name Old Building Phone # \_\_\_\_\_

Address 341 Cumberland Town Portland, ME

Owner's name Wadsworth Corp. Phone # 775-5001 Contact: Gordon Franklin

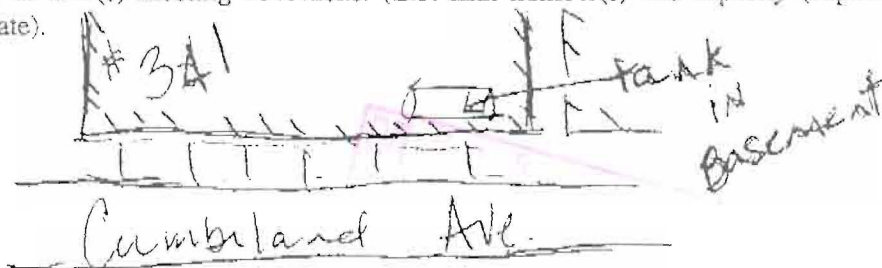
Address 30 Preble St. Town Portland, ME

Facility Registration # 988A-1

meets the following condition for abandonment in place - (abandonment in place is permitted by regulation) (check conditions applicable).

- a. Located beneath a building or other permanent structure which cannot be practically replaced;
- b. Of a size and type of construction that it cannot be removed;
- c. Inaccessible to heavy equipment necessary for removal; or
- d. Positioned in such a manner that removal would endanger the structural integrity of nearby tanks.

Describe or diagram location of tank(s) meeting conditions. (List tank number(s) and capacity (capacities) as listed on registration certificate).



\_\_\_\_\_ conditions above not demonstrated, Board of Environmental Protection variance required or tank must be removed (see notes)

**DO NOT PROCEED WITH ABANDONMENT IN PLACE UNTIL AND UNLESS A BOARD VARIANCE IS GRANTED**

Describe or diagram location of tank(s) requiring a variance.

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To <u>Dan Lewis</u>	From <u>Linda Doran</u>	
Co. <u>Gen Env</u>	Co. <u>DEP</u>	
Dept.	Phone #	
Fax # <u>839-7985</u>	Fax #	

THE HAMLIN COMPANY  
28 PREBLE STREET  
PORTLAND  
MAINE 04101

(500-287-8151)

Augusta

30 Preble St. Insp

6/26/97

File

Dear Dave

Enclosed please find proposed language for the letter we have been discussing. I will follow up with you on your comments as well as on inspection walk - this date at the Wadsworth.

Hope you are feeling better

Sincerely

Gordon Hamlin  
tel. 775-5001



LAW OFFICES OF  
**RICHARD H. SPENCER, JR., CHARTERED**  
SUITE 326, COURT SQUARE  
66 PEARL STREET  
PORTLAND, ME 04101

TELEPHONE: (207) 772-1111      FAX: (207) 772-9856

June 25, 1997

Samuel Hoffsis, Chief of Inspections  
City of Portland  
City Hall  
Congress Street  
Portland, ME 04101

Re:    Zoning Certificate for The Earl

Dear Sam:

I spoke with Gordon Hamlin, who expressed your concerns concerning the zoning certificate in the format requested due to the issue of the second means of egress from The Earl, which is presently blocked by the locked gate which is maintained by the abutter.

Accordingly, I would propose that you would modify the Zoning Certificate in the following manner:

1.     Page 1, paragraph (ii) at the end of that section insert the following: "Except for the matter pertaining to the second means of egress which is addressed in subparagraph (v) of this letter."
2.     Page 2, paragraph (iv) at the end of the last sentence please insert the following: "Except for the second means of egress from The Earl which is addressed in subparagraph (v) of this letter."
3.     I would propose that you would insert the following: "(v) As a result of the abutter locking the gate at The Earl, the second means of egress is effectively blocked. The owner can remedy this violation by either removing the locked gate, removing the lock on the gate, or by providing a second means of egress which would be by constructing a fireproof tunnel and stairwell from the first floor to the basement and extending a firewall tunnel through the basement to the rear of the building. We have been advised by the owner that the second means of egress will be accomplished no later than \_\_\_\_\_, \_\_\_\_\_. Upon completion an inspection will be done to ensure that the second means of egress has been provided for. Upon such inspection and assuming that the second means of egress is provided for, then the Project will be in full compliance with the applicable codes and ordinances.

**LAW OFFICES OF  
RICHARD H. SPENCER, JR., CHARTERED**

Samuel Hoffsis, Chief of Inspections  
June 25, 1997  
Page 2

I am also enclosing the proposed zoning certificate requested by the Lender. Please call with respect to any questions you may have.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Richard H. Spencer, Jr.", with a long horizontal flourish extending to the right.

Richard H. Spencer, Jr.

RHS/ndb

Enc.

cc: F. Gordon Hamlin, Jr.  
Wadsworth/Hoffsis



LOAN NO. \_\_\_\_\_

(Zoning Certificate)

(LETTERHEAD OF MUNICIPALITY)

[Name and Address of Lender]

\_\_\_\_\_  
\_\_\_\_\_

Re: \_\_\_\_\_; [here insert address] (the  
"Project")

Gentlemen:

In response to your request concerning the Project's compliance with applicable codes, regulations and ordinances, please be advised as follows:

(i) the [here insert applicable governmental authority] is responsible for (a) enforcement of building codes, zoning ordinances and similar codes or ordinances related to commercial development in [here insert applicable city, county, or municipality] and (b) the issuance of certificates of occupancy in [here insert applicable city, county, or municipality];

(ii) certificates of occupancy have been issued without condition or variance and are in effect for all buildings and, if required, for all units at the Project, including, as applicable, all apartments, stores, offices and other components thereof, and we are not aware of any circumstances which would render the certificates of occupancy invalid or cause them to be revoked;

(iii) the Project more particularly described in Exhibit "A" attached hereto is zoned \_\_\_\_\_ under the laws or ordinances of [here insert applicable governmental authority], which zoning is proper for the [here insert brief description of Project] and related amenities comprising the Project, and accordingly the Project is a conforming use.

ZONELTR.DOC

Attached hereto as Exhibit "B" are true copies of the applicable ordinances, resolutions or regulations relating to the zoning and use of the Project; and

(iv) as a condition of the issuance of the certificates of occupancy in [here insert applicable, city, county, or municipality], a property of the type and size of the Project must comply with all applicable codes and ordinances including, but not limited to, building codes, any regulations pertaining to any entry sign board, fire department codes and regulations, applicable zoning laws, landscaping and parking requirements, obtaining appropriate curb permits and provisions for applicable sanitary sewer, water, storm drainage and other utilities. The issuance of the certificates of occupancy for the Project is evidence that the conditions set forth have been satisfied at the Project.

Sincerely,

---

Name:

Title:

. ZONELTR.DOC

Exhibit "A"

[ATTACH LEGAL DESCRIPTION]



Exhibit "B"

[ATTACH ZONING ORDINANCES, RESOLUTIONS AND REGULATIONS]

LOAN NO. \_\_\_\_\_

(Zoning Certificate)

(LETTERHEAD OF MUNICIPALITY)

[Name and Address of Lender]

\_\_\_\_\_  
\_\_\_\_\_

Re: \_\_\_\_\_; [here insert address] (the  
"Project")

Gentlemen:

In response to your request concerning the Project's compliance with applicable codes, regulations and ordinances, please be advised as follows:

(1) the [here insert applicable governmental authority] is responsible for (a) enforcement of building codes, zoning ordinances and similar codes or ordinances related to commercial development in [here insert applicable city, county, or municipality] and (b) the issuance of certificates of occupancy in [here insert applicable city, county, or municipality];

(ii) certificates of occupancy have been issued without condition or variance and are in effect for all buildings and, if required, for all units at the Project, including, as applicable, all apartments, stores, offices and other components thereof, and we are not aware of any circumstances which would render the certificates of occupancy invalid or cause them to be revoked;

(iii) the Project more particularly described in Exhibit "A" attached hereto is zoned \_\_\_\_\_ under the laws or ordinances of [here insert applicable governmental authority], which zoning is proper for the [here insert brief description of Project] and related amenities comprising the Project, and accordingly the Project is a conforming use.

Attached hereto as Exhibit "B" are true copies of the applicable ordinances, resolutions or regulations relating to the zoning and use of the Project; and

(iv) as a condition of the issuance of the certificates of occupancy in [here insert applicable, city, county, or municipality], a property of the type and size of the Project must comply with all applicable codes and ordinances including, but not limited to, building codes, any regulations pertaining to any entry sign board, fire department codes and regulations, applicable zoning laws, landscaping and parking requirements, obtaining appropriate curb permits and provisions for applicable sanitary sewer, water, storm drainage and other utilities. The issuance of the certificates of occupancy for the Project is evidence that the conditions set forth have been satisfied at the Project.

Sincerely,

---

Name:  
Title: