

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

Ameresco Capital Corporation
c/o Ronald N. Ward
Drummond Woodsum & MacMahon
PO Box 9781
Portland, Maine 04104-5081

December 23, 1996

RE: 261 Commercial Street / 470 Fore Street - 38-F-9

Dear Mr. Ward,

We have been advised that Ameresco Capital Corp. is considering financing the above-described project. In that regard, we have been asked to provide you with certain zoning information in connection with this project.

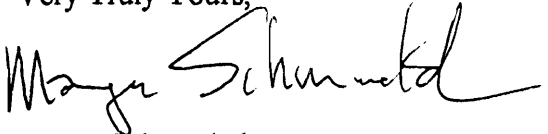
1. Current Zoning: The project is currently zoned B-3 which permits the use of office space, retail, personal services, and parking garages among other specified uses.
2. Conformance with Current Zoning Requirements: All the above described current uses (this office has not been provided with any other unknown use that may be presently existing there) appear to be conforming to the present Land Use Ordinance.
3. Right to Rebuild Following Casualty: Section 14-385 of the Land Use Ordinance states that reconstruction of nonconforming structures may take place when reconstruction occurs within one year of the initial damage where such damage is sudden and accidental.
4. Density Requirements: Not applicable.
5. Parking Spaces Required at Project: The B-3 Business Zone states that no off-street parking is required for changes of use (or interior alterations). Any further specifics related to these sites should be researched by you within our office.
6. No Violations: I am unaware of the existence of any violations or alleged violations of any zoning, subdivision, building or similar ordinances or regulations applicable to the project within the past three years. Please be aware that any further research may be done within our office using our microfiche.

12/23/96
38-F-009

038-F-009

If you should have any questions concerning this matter, you may contact me at (207) 874-8300
ex8695.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Marge Schmuckal
Zoning Administrator

cc to: P. Samuel Hoffses, Chief of Inspection Services

DRUMMOND WOODSUM & MACMAHON

ATTORNEYS AT LAW

245 COMMERCIAL STREET

POST OFFICE BOX 9781

PORTLAND, MAINE 04104-5081

(207) 772-1941

FAX (207) 772-3627

HAROLD E. WOODSUM, JR.
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DANIEL AMORY
ROBERT E. HIRSHON
HARRY R. PRINGLE
RICHARD A. SPENCER
DONALD A. KOPP
RONALD N. WARD
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AMY K. TCHAO
DEIRDRE M. SMITH
JESSICA S. KAPLAN

OF COUNSEL
DANIEL T. DRUMMOND, JR.

LEAVE OF ABSENCE
KATHLEEN BARRY

ROGER P. KELLEY
PAUL S. HURLBURT
LABOR RELATIONS CONSULTANTS

December 19, 1996

B-3

HAND DELIVERED VIA COURIER

P. Sam Hoffses
Code Enforcement Officer
City Hall
389 Congress Street
Portland, ME 04101

Re: Harbor Plaza

Dear Sam:

I send this letter to you in your capacity as Code Enforcement Officer but my request may be better answered by others in your organization. I would like to get this turned around from your office as soon as possible and you should feel free to call me with any questions you may have.

Harbor Plaza Associates ("HPA") is the owner of the Harbor Plaza Project located off Commercial and Fore Streets, comprised of two office buildings and a parking garage. HPA is refinancing the Project with AMRESKO Capital Corporation. As part of the closing requirements, AMRESKO has requested a "Zoning Verification", together with Certificates of Occupancy for all tenants located in the buildings. Their sample Zoning Verification letter is enclosed.

I do not know how these requests are handled by your office but I would appreciate it if someone could either complete the information anticipated by this form on City letterhead or, alternatively, complete the enclosed form and return it to me with a cover letter on City letterhead. I assume the Certificates of Occupancy can be simply photocopied and returned to me with the Zoning Verification. The closing is scheduled to happen before year end and this is one of the last submissions not yet complete. Again, if you have any questions, please give me a call.

100% Employees

→ 38: F-9

261 Commercial
470 Fore Street

Received
12/20/96

Fore
Commercial
9 F

NAKIL

P. Sam Hoffses
Code Enforcement Officer
December 19, 1996
Page 2

Thanks again for the help.

Sincerely,



Ronald N. Ward

RNW:lem
Enclosure

87287.1/8153.29

**[TO BE PLACED ON JURISDICTION'S APPLICABLE
ZONING OFFICE LETTERHEAD]**

ZONING VERIFICATION

DATE: _____

TO: **AMRESKO CAPITAL CORPORATION**
c/o [Outside Counsel]

Re: **PROJECT:** _____
ADDRESS: _____

Ladies and Gentlemen:

We have been advised that AMRESKO CAPITAL CORPORATION is considering financing the above-described project. In that regard, we have been asked to provide you with certain zoning information in connection with this project.

1. Current Zoning: The project is currently zoned B-3 which permits the use of ~~the project as a office/retail/personal services~~ as a matter of right (if current zoning does not permit the use of the project as its current use as a matter of right, please explain) **[please attach applicable ordinance]:** _____

2. Conformance with Current Zoning Requirements. Based on the materials available from our records, the project is:

- _____ A legally conforming use
- _____ A legally non-conforming use
- _____ A legally conforming structure
- _____ A legally non-conforming structure
- _____ Non-conforming

All the current uses appear to be conforming to the present Land use ordinance

If non-conforming or legally non-conforming, to the best of your knowledge, the project is non-conforming [or legally non-conforming] in the following respects:

3. Right to Rebuild Following Casualty: In the event of casualty to the project, in whole or in part, the project:

Sec 14-285 of The Land use ordinance states that reconstruction of non-conforming structure may occur within one year of the initial damage where the damage is sudden accidental

_____ May be rebuilt substantially in its current form (i.e., no loss of square footage, same footprint, same number of apartments units, if applicable)

_____ May not be rebuilt substantially in its current form except upon satisfaction of the following conditions and/or limitations: [insert specific requirements concerning restoration of the project and attach a copy of the applicable restoration requirements]:

4. Density Requirements: Applicable ___ Not Applicable If applicable, please specify the number of apartment units permitted per acre or square feet: _____ units per _____ [please attach applicable ordinance].

5. Parking Spaces Required at Project: Please specify the number of parking spaces required at the project [please attach applicable ordinance]: *The B-3 business zone does not require off-street parking. No off-street parking is required for changes of use. Any further specifics related to this site should be researched.*

6. No Violations; All Development-Related Fees Paid. We are unaware of (a) the *existence of any violations or alleged violations of any zoning, subdivision, building or similar ordinances or regulations applicable to the project within the past three years, or (b) any enforcement proceedings against the project that are pending or contemplated.* All fees required to have been paid in connection with the development and use of the project, including any impact-related fees, have been paid, and no such fees which would have applicability to the project are otherwise pending or contemplated.

If you should have any questions concerning this matter, please contact me at ²⁰⁷ () 074-0300 X0695

Sincerely yours,

[applicable jurisdictional office]

By: _____
Title: _____

