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

December 2, 2009

Lambert Coffin Haenn  
477 Congress Street  
Portland ME 04101

Attn: Paul S. Bulger

RE: 600-604 Congress Street, 134-136 High Street (called 602 Congress St) – 039-A-013 (the “Property”) – B-3 Zone with a Historic Overlay and a PAD Overlay along Congress Street

Dear Attorney Bulger,

I am in receipt of your request for a determination letter concerning the Property.

Because our Inspection’s microfiche information was not clear on the use of the Property, the Zoning office relied upon documentation of the 1957 City Directory to determine the use of the Property. Our current Land Use Zoning Ordinance was enacted in July, 1957. Therefore, this office accepts documented uses that existed prior to the enactment of the Land Use Zoning Ordinance to be the legal use. This office determined that the legal use of the Property is commercial use(s) on the first floor with 10 residential uses above the first floor. No change of use permits were documented in our microfiche since 1957.

On October 1, 2009, the current owner, Geoffrey I. Rice, applied for a change of use from commercial use(s) on the first floor and 10 residential units above to commercial use(s) on the first floor and 12 residential units above the first floor (permit application #09-1086). On October 1, 2009 the Zoning office approved the change of use with conditions and passed the permit on for Fire Prevention Codes review. Captain Keith Gautreau of the Fire Prevention office has not yet approved the permit. The reviewer after Fire Prevention will be for Building Code requirements. This application is still pending. A copy of the application and attachments are enclosed.

Currently, the legal use of the Property is commercial use(s) on the first floor with 10 residential units above the first floor.

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

Very truly yours,



Marge Schmuckal

Enclosures

Cc: file

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

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

<b>Permit No:</b> 09-1086	<b>Issue Date:</b>	<b>CBL:</b> 039 A013001
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<b>Location of Construction:</b> 600 CONGRESS ST	<b>Owner Name:</b> Rice Geoffrey I	<b>Owner Address:</b> 658 CONGRESS ST 1ST FLOOR	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> property owner	<b>Contractor Address:</b>	<b>Phone:</b>
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Commercial	<b>Zone:</b>

<b>Past Use:</b> Commercial/Mixed use - 10 Residential Units	<b>Proposed Use:</b> Comercial/Mixed use - Change of use from 10 dwelling units to 12 dwelling units (connected to building permit#080650)	<b>Permit Fee:</b> \$105.00	<b>Cost of Work:</b> \$105.00	<b>CEO District:</b> 2
<b>Proposed Project Description:</b> Change of use from 10 dwelling units to 12 dwelling units (connected to building permit #080650)		<b>FIRE DEPT:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	<b>INSPECTION:</b> Use Group: Type:	
		Signature:	Signature:	
		<b>PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)</b>		
		Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied		
		Signature: Date:		

<b>Permit Taken By:</b> L.dobson	<b>Date Applied For:</b> 10/01/2009	<b>Zoning Approval</b>	
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<ol style="list-style-type: none"> <li>This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</li> <li>Building permits do not include plumbing, septic or electrical work.</li> <li>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..</li> </ol>	<b>Special Zone or Reviews</b> <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"/> Date:	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	<b>Historic Preservation</b> <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:
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**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

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<b>Location of Construction:</b> 600 CONGRESS ST	<b>Owner Name:</b> Rice Geoffrey I	<b>Owner Address:</b> 658 CONGRESS ST 1ST FLOOR	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> property owner	<b>Contractor Address:</b>	<b>Phone:</b>
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Commercial	

<b>Proposed Use:</b> Comercial/Mixed use - 12 Residential Units - Change of use from 10 dwelling units to 12 dwelling units (connected to building permit#080650)	<b>Proposed Project Description:</b> Change of use from 10 dwelling units to 12 dwelling units (connected to building permit #080650)
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<b>Dept:</b> Zoning	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Ann Machado	<b>Approval Date:</b> 10/01/2009
<b>Note:</b> The work to change the use from ten to twelve dwelling units is being done under permit #09-0650. Legal number of existing dwelling units is ten (10) based on the 1957 Street Directory.			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> <li>1) ANY exterior work requires a separate review and approval thru Historic Preservation. This property is located within an Historic District.</li> <li>2) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.</li> <li>3) With the issuance of permit #09-1086 and this permit and the certificate of occupancy, the legal use of the property will be <u>commercial first floor</u>, and four (4) residential units each on the second, third and fourth floors for a total of twelve (12) residential dwelling units. Any change of use shall require a separate permit application for review and approval.</li> </ol>			
<b>Dept:</b> Building	<b>Status:</b> Pending	<b>Reviewer:</b>	<b>Approval Date:</b>
<b>Note:</b>			<b>Ok to Issue:</b> <input type="checkbox"/>
<b>Dept:</b> Fire	<b>Status:</b> Pending	<b>Reviewer:</b> Capt Keith Gautreau	<b>Approval Date:</b>
<b>Note:</b>			<b>Ok to Issue:</b> <input type="checkbox"/>

<b>Comments:</b> 10/20/2009-gg: received granted site plan exemption as of 10/20/09. Filed with permit (Jeannie). /gg
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