



Planning & Urban Development Department

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

August 8, 2014

44 Oak Street, LLC  
 c/o Andre G. Duchette  
 30 Milk Street, 5<sup>th</sup> floor  
 Portland, Maine 04101

RE: 44 Oak Street/ 116 Free Street, Portland, Maine – Parcel ID: 39-B-11 (the “Property”)– Owner:  
 Frye Associates

Dear Attorney Duchette,

I am the Zoning Administrator for the City of Portland and have the authority to issue this certification/determination. Please be advised that our records show the following information for the Property:

1. The Property currently is zoned B-3 with a Historic Overlay Zone and a Downtown Entertainment Overlay Zone and within a Pedestrian Activities District (PAD). The present known use of the Property is a hair salon and spa on the first floor and basement with offices above which are permitted uses by right in the underlying zone. The improvements on the Property may be rebuilt in their current size and density if they are damaged.
2. To the best of my knowledge there are no current or uncured violations of zoning, land use, building code or certificate of occupancy requirements that are reported or pending against the Property.
3. No applications for zoning or land use approval, or variances with any building codes, currently are pending.
4. To the best of my knowledge, the proposed description and corresponding access and parking easements are not in violation of zoning, land use, building code or certificate of occupancy requirements.
5. To the best of my knowledge there are no current permit violations on the Property.
6. To the best of my knowledge there are no current environmental problems concerning the Property.
7. The Property is accessed by both Oak Street and Free Street.

[ X ] A copy of the most recent certificate of occupancy for the basement and first floor Property is attached.

[ X ] A copy of the certificate of occupancy for the upper offices has not been located. Because of the age of the Property and the continued use of the upper floors as offices, the absence of any occupancy permit is not a violation of the Ordinances. Copies of issued permits are attached that validate the upper floor office use.

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

*Jeff Levine, AICP, Director*

*Marge Schmuckal, Zoning Administrator*

Sincerely,

A handwritten signature in black ink, reading "Marge Schmuckal". The signature is fluid and cursive, with the first name "Marge" and last name "Schmuckal" clearly legible.

Marge Schmuckal  
Zoning Administrator  
City of Portland, Maine

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

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

Permit No: 08-1011	Issue Date:	CBL: 039 B011001
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Location of Construction: 44 OAK ST	Owner Name: FRYE ASSOCIATES	Owner Address: 44 OAK ST	Phone:
Business Name: Head Games Hair Salon	Contractor Name: Frye Associates	Contractor Address: 44 Oak St Portland	Phone: 2077753184
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	Zone: B-3

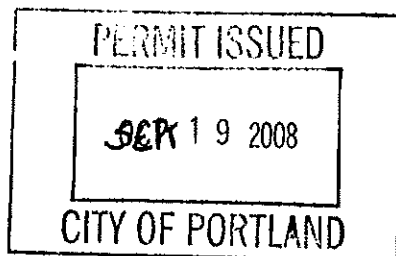
Past Use: Commercial - Office	Proposed Use: Commercial - Hair Salon / Spa - Change of use from commercial office to Hair Salon / Spa "Head Games Hair Salon" W/ tenant fit-up to 1st floor & basement	Permit Fee: \$895.00	Cost of Work: \$80,000.00	CEO District: 1
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Proposed Project Description: Change of use from commercial office to Hair Salon / Spa "Head Games Hair Salon" W/ tenant fit-up to 1st floor & basement	FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>See conditions</i>	INSPECTION: Use Group: B Type: 3 IBX-2003
	Signature: <i>Cerra C-3</i>	Signature: <i>Jan 9/18/08</i>
	PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) <i>within 100 feet</i>	
	Action: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	
	Signature: <i>S</i>	Date: <i>9/25/09</i>

Permit Taken By: Idobson	Date Applied For: 08/15/2008	Zoning Approval
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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..

<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"/> <i>ok with conditions</i> Date: <i>9/25/09</i>	<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 checked="" 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: <i>S</i>
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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





CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 44 OAK ST

CBL 039 B011001

Issued to Frye Associates/Frye Associates

Date of Issue 12/24/2008

**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. 08-1011, 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

Basement and 1st Floor

APPROVED OCCUPANCY

Commerical - Hair Salon/Spa  
Use Group : B Type : 3  
IBC 2003

Limiting Conditions: none

NOTE : Front door entrance on 116 Free Street

This certificate supersedes  
certificate issued

Bum Wallace P.E.D.

Approved:

12-24-08

(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 - Building or Use Permit Application**  
 189 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 10-0951	Issue Date:	CBL: 039 B011001
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Location of Construction: 44 OAK ST	Owner Name: FRYE ASSOCIATES	Owner Address: 44 OAK ST	Phone:
Business Name:	Contractor Name: Gioduti/ Thomas Architects	Contractor Address: 44 Oak Street Portland	Phone: 2077753184
Lessee/Buyer's Name:	Phone:	Permit Type: Alterations - Commercial	Zone: B-3

Past Use: Commercial - Office	Proposed Use: Commercial - Office - renovations/ replacement of fire escape, landings, stair runs, replace ladder w/ counter weighted drop down stair	Permit Fee: \$160.00	Cost of Work: \$14,000.00	CEO District: 1
Proposed Project Description: renovations/ replacement of fire escape, landings, stair runs, replace ladder w/ counter weighted drop down stair		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied INSPECTION: Use Group: B Type: A/A Signature: [Signature] Date: 11/5/10 PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.): [Signature] Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: Date:		

Permit Taken By: Idobson	Date Applied For: 08/04/2010	<b>Zoning Approval</b>
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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..	Special Zone or Review <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: [Signature] 8/10/10	Zoning Appeal <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: [Signature]	Historic Preservation <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: 9/20/10 [Signature]
	PERMIT ISSUED NOV 15 2010 City of Portland		

**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

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

Permit No: 10-1378	Issue Date:	CBL: 039 B011001
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Location of Construction: 44 OAK ST 4th Floor 5 <sup>th</sup> Floor	Owner Name: FRYE ASSOCIATES	Owner Address: 44 OAK ST	Phone:
Business Name:	Contractor Name: Frye Associates	Contractor Address: 44 Oak St Portland	Phone: 2077753184
Lessee/Buyer's Name	Phone:	Permit Type: Demolitions - Interior	Zone: B-3

<b>Past Use:</b> Commercial Office 4th & 5th Floors - 1986 building had removed asbestos	<b>Proposed Use:</b> Commercial Office 4th & 5th floors - interior demo, flooring, ceiling, ocd equipment, remove non-structural walls/doors	Permit Fee: Cost of Work: \$5,000.00 CEO District: 1
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<b>Proposed Project Description:</b> interior demo, flooring, ceiling, ocd equipment, remove non-structural walls/doors	<b>FIRE DEPT:</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied *See Conditions	<b>INSPECTION:</b> Use Group B Type 3 IBC-2003 Signature: [Signature] Date: 11/19/10
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<b>Permit Taken By:</b> Idobson	<b>Date Applied For:</b> 11/02/2010	<b>Zoning Approval</b>
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- 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..

<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 Major <input type="checkbox"/> Minor <input type="checkbox"/> MMR <input type="checkbox"/> OK w/condition Date 11/19/10 ABN	<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 checked="" 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 ABN requires separate review / approval thru Historic Preservation.
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PERMIT ISSUED

City of Portland

**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



TAYLOR  
McCORMACK &  
FRAME  
ATTORNEYS AT LAW

André G. Duchette, Esquire  
ADuchette@TMFAttorneys.com

July 28, 2014

*Via Hand Delivery*

City of Portland Zoning Determinations  
3<sup>rd</sup> Floor Inspections Division (Room #315)  
Portland, ME 04101

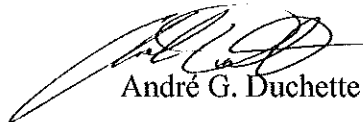
RE: **Property: 44 Oak Street, Portland, Maine**  
**Parcel ID: 36-B-11** ✓ *39-B-11 / Historic Overlay / AD /*  
**Owner: Frye Associates** *Downtown Entertainment*  
*Overlay*

Dear Sir/Madam:

Please prepare a Zoning Determination for the property located at 44 Oak Street, Portland, Maine. Enclosed you will find a check in the amount of \$150.00 to cover the requisite filing fee.

Please let me know if you have any questions. Thank you for your assistance with this matter.

Sincerely,

  
André G. Duchette

AGD/jlm  
Enclosures

RECEIVED  
JUL 29 2014  
Dept. of Building Inspections  
City of Portland Maine



## FORM OF ZONING AND GOVERNMENT COMPLIANCE LETTER

July 28, 2014

44 Oak Street, LLC  
c/o André G. Duchette  
30 Milk Street, 5<sup>th</sup> Floor  
Portland, Maine 04101

**RE: Property: 44 Oak Street, Portland, Maine**  
**Parcel ID: 36-B-11**  
**Owner: Frye Associates**

*B-3 Downtown Revitalization Historic - 1st FB*

I am the Code Enforcement Officer for the City of Portland and have the authority to issue this certification. Please be advised that our records show the following information for the Property:

1. The Property currently is zoned \_\_\_\_\_ *[insert zoning classification]*, and the present use of the Property is a \_\_\_\_\_ *[insert zoning classification - e.g., permitted use, use permitted by special exception, lawfully nonconforming use permitted by variance, pre-existing lawfully nonconforming use]* within such zoning classification. The improvements on the Property may be rebuilt in their current size and density if they are damaged.

2. No current or uncured violations of zoning, land use, building code or certificate of occupancy requirements are reported or pending against the Property.

3. No applications for zoning or land use approval, or variances with any building codes, currently are pending.

4. The proposed description and corresponding access and parking easements are not in violation of zoning, land use, building code or certificate of occupancy requirements.

4. There are no current permit violations on the Property.

5. There are no current environmental problems concerning the Property.

6. The property is accessed by \_\_\_\_\_.

7. Please select, as applicable:

☐ Copy(ies) of the certificate(s) of occupancy for the Property is/are attached.

☐ Copy(ies) of the certificate(s) of occupancy for this Property is/are unavailable due to municipal recordkeeping, but our records indicated that the required certificate(s) of occupancy was/were issued for the Property.

☐ Certificate(s) of occupancy are not required for the Property.

8. Exceptions to the foregoing statements are attached: Yes ☐ No ☐.

Sincerely

[*Name*]

Code Enforcement Officer

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
Portland, Maine 04101

**INVOICE OF FEES**

<b>Application No:</b> 0000-1998	<b>Applicant:</b> FRYE ASSOCIATES
<b>Project Name:</b> 44 OAK ST	<b>Location:</b> 44 OAK ST
<b>CBL:</b> 039 B011001	<b>Application Type:</b> Determination Letter
<b>Invoice Date:</b> 07/29/2014	

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

**Previous Balance**

**\$0.00**

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

**CBL** 039 B011001  
**Bill To:** FRYE ASSOCIATES  
44 OAK ST  
PORTLAND, ME 04101

**Application No:** 0000-1998

**Invoice Date:** 07/29/2014

**Invoice No:** 45956

**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/792/Permit-Status>

**[Click Here to Pay On Line](#)**

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#)   [Home](#)   [Departments](#)   [City Council](#)   [E-Services](#)   [Calendar](#)   [Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

**Current Owner Information:****Services**[Applications](#)[Doing Business](#)[Maps](#)[Tax Relief](#)[Tax Roll](#)[Q & A](#)
[browse city  
services a-z](#)
[browse facts and  
links a-z](#)


Best viewed at  
800x600, with  
Internet Explorer

<b>CBL</b>	039 B011001
<b>Land Use Type</b>	RETAIL & PERSONAL SERVICE
Verify legal use with Inspections Division	
<b>Property Location</b>	44 OAK ST
<b>Owner Information</b>	FRYE ASSOCIATES 44 OAK ST PORTLAND ME 04101
<b>Book and Page</b>	
<b>Legal Description</b>	39-B-11 FREE ST 116 OAK ST 44-50 3082 SF
<b>Acres</b>	0.0708

**Current Assessed Valuation:**

<b>TAX ACCT NO.</b>	5950	<b>OWNER OF RECORD AS OF APRIL 2014</b>
<b>LAND VALUE</b>	\$151,600.00	FRYE ASSOCIATES
<b>BUILDING VALUE</b>	\$980,100.00	44 OAK ST
<b>NET TAXABLE - REAL ESTATE</b>	\$1,131,700.00	PORTLAND ME 04101
<b>TAX AMOUNT</b>	\$22,634.00	

Any information concerning tax payments should be directed to the  
Treasury office at 874-8490 or [e-mailed](#).

**Building Information:**

	<b>Building 1</b>
<b>Year Built</b>	1914
<b>Style/Structure Type</b>	OFFICE BUILDING - LOW-RISE
<b># Units</b>	1
<b>Building Num/Name</b>	1 - THE LANDING/HEAD GAMES
<b>Square Feet</b>	17275

[View Sketch](#)[View Map](#)
[View  
Picture](#)
**Exterior/Interior Information:**

	<b>Building 1</b>
<b>Levels</b>	B1/B1
<b>Size</b>	3105
<b>Use</b>	OFFICE BUILDING
<b>Height</b>	9
<b>Heating</b>	HOT AIR
<b>A/C</b>	CENTRAL

	<b>Building 1</b>
<b>Levels</b>	01/01
<b>Size</b>	3105
<b>Use</b>	MULTI-USE SALES
<b>Height</b>	12
<b>Walls</b>	BRICK/STONE



[illegible]