



Planning & Urban Development Department

Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

February 13, 2014

Karen L. Pelletier
c/o Bernstein Shur
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

RE: 305 Commercial Street – 040-F-009 – called “Baxter Place” – (the Property)

Dear Ms. Pelletier,

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

The Property was approved with site plan reviews and building permits as commercial uses on the first floor along with 69 apartments.

I am not aware of any active noncompliance or violations. There are no active or contemplated legal actions against the Property. Copies of reviews and approvals along with certificates of occupancy are enclosed.

If you have any questions regarding 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". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Marge Schmuckal
Zoning Administrator

**CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
Processing Form**

Applicant _____ Date May 16, 1985

Mailing Address _____ Address of Proposed Site _____

Proposed Use of Site _____ Site Identifier(s) from Assessors Maps _____

Acreage of Site / Ground Floor Coverage _____ Zoning of Proposed Site _____

Site Location Review (DEP) Required: () Yes () No Proposed Number of Floors _____

Board of Appeals Action Required: () Yes () No Total Floor Area _____

Planning Board Action Required: () Yes () No

Other Comments: _____

Date Dept. Review Due: _____

PLANNING DEPARTMENT REVIEW

May 16, 1985
(Date Received)

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

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

CONDITIONS SPECIFIED BELOW:

REASONS SPECIFIED BELOW:

REASONS: 1. The proposed geometric improvements for the York and Center Streets intersection must be shown on the site plan, and

2. The unlegged dogwood (*Cornus elegantissima*), Siberian Oaxwood (*C. sibirica*) and any large growing shrub of the developer's choice should be substituted for other ~~other~~ trees along Center Street side of the parking lot. The trees are planted too tightly so a shrub should be substituted for every other tree.

Babara Zarkat 5/16/85

SIGNATURE OF REVIEWING STAFF/DATE

**CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
Processing Form**

Applicant: Anthony J. ... Date: July 16, 1985

Mailing Address: ... Address of Proposed Site: ...

Proposed Use of Site: ... Site Identifier(s) from Assessors Maps: ...

Acroage of Site: ... Ground Floor Coverage: ... Zoning of Proposed Site: ...

Site Location Review (DRP) Required: () Yes () No Proposed Number of Floors: ...

Board of Appeals Action Required: () Yes () No Total Floor Area: ...

Planning Board Action Required: () Yes () No

Other Comments: ...

Date Dept. Review Due: ...

PLANNING DEPARTMENT REVIEW

July 16, 1985
(Date Received)

- Major Development — Requires Planning Board Approval/Review (if allowed)
- Minor Development — Staff Review Below

	TRAVEL	UTILITIES	PAVING	PEDESTRIAN WALKWAYS	LANDSCAPE	PLANNING	CONFLICT WITH CITY PROJECTS	FINANCIAL CAPACITY	CHANGE IN SITE PLAN
APPROVED	✓	✓	✓	✓	✓	✓	✓	✓	
APPROVED CONDITIONALLY		✓			✓				CONDITIONS SPECIFIED BELOW
DISAPPROVED									REASONS SPECIFIED BELOW

REASONS: The request requires significant improvements to the work and center street area. This must be shown in the site plan.

As the University of Maine (UM) is located on the site, the University of Maine (UM) should be consulted for any changes to the site plan. The University of Maine (UM) should be consulted for any changes to the site plan.

(Attach separate sheets if necessary) The University of Maine (UM) should be consulted for any changes to the site plan. The University of Maine (UM) should be consulted for any changes to the site plan.

Barbara ...
SIGNATURE OF REVIEWING STAFF/DATE

CITY OF PORTLAND, MAINE
PLANNING BOARD

John L. Barker, Chairman
Jack D. Hurnoniuk, Vice Chairman
Harry E. Cummings
Jean E. O'Patrick
Nunzio A. Dimillo
Robert D. Leo
Joseph R. DeCoursey

April 25, 1985

Christine Dunn
The Finch Group
400 Atlantic Avenue
Boston, MA 02210

Dear Ms. Dunn:

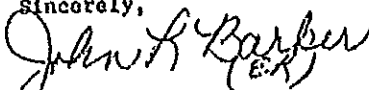
On April 23, 1985, the Portland Planning Board unanimously granted (6-0) a special exception to the height limitation of the 'I-1 Waterfront Zone for the Baxter Place project at 291-309 Commercial Street. The Board also unanimously approved the site plan (change of use and new construction of an addition) for Baxter Place. The approval is subject to the following conditions:

1. The proposed geometric improvement for the York and Center streets intersection must be shown on the site plan; and
2. The variegated dogwood (Cornus elegantissima), Siberian Dogwood (C. sibirica) or any large growing shrub of the developer's choice should be substituted for the Cornus kousa. The trees along the Center Street side of the parking lot are planted too tightly so a shrub should be substituted for every other tree.

The site plan will be deemed to have expired unless work in the development has commenced within six (6) months of the approval or within a time period agreed upon in writing by the City and the applicant.

If there are any questions, please contact the planning staff.

Sincerely,



John L. Barker, Chairman
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
✓ Barbara Barhydt, Planner
P. Samuel Hoffses, Chief of Inspection Services
George Flaherty, Director of Parks and Public Works
Marc Guimont, City Engineer
William Boothby, Principal Engineer
Robert Roy, Planning Engineer
William Bray, City Traffic Engineer
Carmela Barton, City Arborist

PERMIT ISSUED

NOV 6 1905

City Of Portland

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP

B.O.C.A. TYPE OF CONSTRUCTION 1271

ZONING LOCATION PORTLAND, MAINE Oct. 23, 1905

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

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

LOCATION 297-309 Commercial Street, Portland, Maine 04221

1. Owner's name and address The Finch Group - 400 Atlantic Ave., Telephone 617-350-6000

2. Lessee's name and address

3. Contractor's name and address Cutler Assoc., Inc. - P. O. Box 117, Telephone 617-757-7500
43 Harvard St., Worcester, MA 01613

Proposed use of building Commercial space on first fl. & 69 Apt. No. of sheets

Last use Old Porteous warehouse No. families

Material No. stories Heat Style of roof Roofing

Other buildings on same lot

Estimated contractual cost \$... 3,000,000

FIELD INSPECTOR--Mr. Appral Fees \$

@ 775-5451 Base Fee 25.00

Interior renovations, as per plan and Change of Use from warehouse to Commercial space on first floor and 69 apartments. Late Fee Change of Use

TOTAL \$ 15,020.00

Stamp of Special Conditions

ISSUE PERMIT TO : MR. DAVID LLSKY, THE FINCH GROUP #1

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

DETAILS OF NEW WORK

Is any plumbing involved in this work? yes Is any electrical work involved in this work? yes

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?

APPROVALS BY: DATE MISCELLANEOUS no

BUILDING INSPECTION--PLAN EXAMINER Will work require disturbing of any tree on a public street?

ZONING:

BUILDING CODE: Will there be in charge of the above work a person competent

Fire Dept.: to see that the State and City requirements pertaining thereto

Health Dept.: are observed?

Others:

Signature of Applicant Paul Redon for Cutler Assoc. Phone # 772-2540

Type Name of above and THE Finch Group 1 2 3 4

Other



CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
INSPECTION SERVICES DIVISION

November 5, 1985

Mr. David Lesky
The Finch Group
400 Atlantic Avenue
Boston, MA 02210

RE: 297 - 309 Commercial Street
Portland, Maine

Dear Mr. Lesky:

Your application to change the use of 297 - 309 Commercial Street from a warehouse to commercial space on the first floor and 69 apartments within the remaining building has been reviewed and a building permit is herewith issued subject to the following requirements:

Site Plan Review Requirements

Inspection Services	Approved	Mr. Hoffses	11/5/85
Fire Department	Approved	Lt. Collins	5/16/85
Public Works	Approved with the following conditions:	Mr. Roy	5/20/85

1. All curb and sidewalk alterations or repairs shall be done in accordance with city standard and specifications.
2. The sewer and stormdrain connections to the city sewer shall either be done by the Sewer Division or under their supervision.

Planning Division	Approved with the following conditions:		
		Ms. Barhydt	5/16/85

1. The proposed geometric improvements for the York and Center streets' intersection must be shown on the site plan.
2. The variegated dogwood (Ernus elegantissimu), Siberian Dogwood (C. Siberia), or any large growing shrub of the developer's choice should be substituted for the Cornus Kousa. The trees along the Center Street side of the parking lot are planted too tightly so a shrub should be substituted for every other tree.

Mr. David Lasky/ 11/5/85

Building and Fire Code Requirements

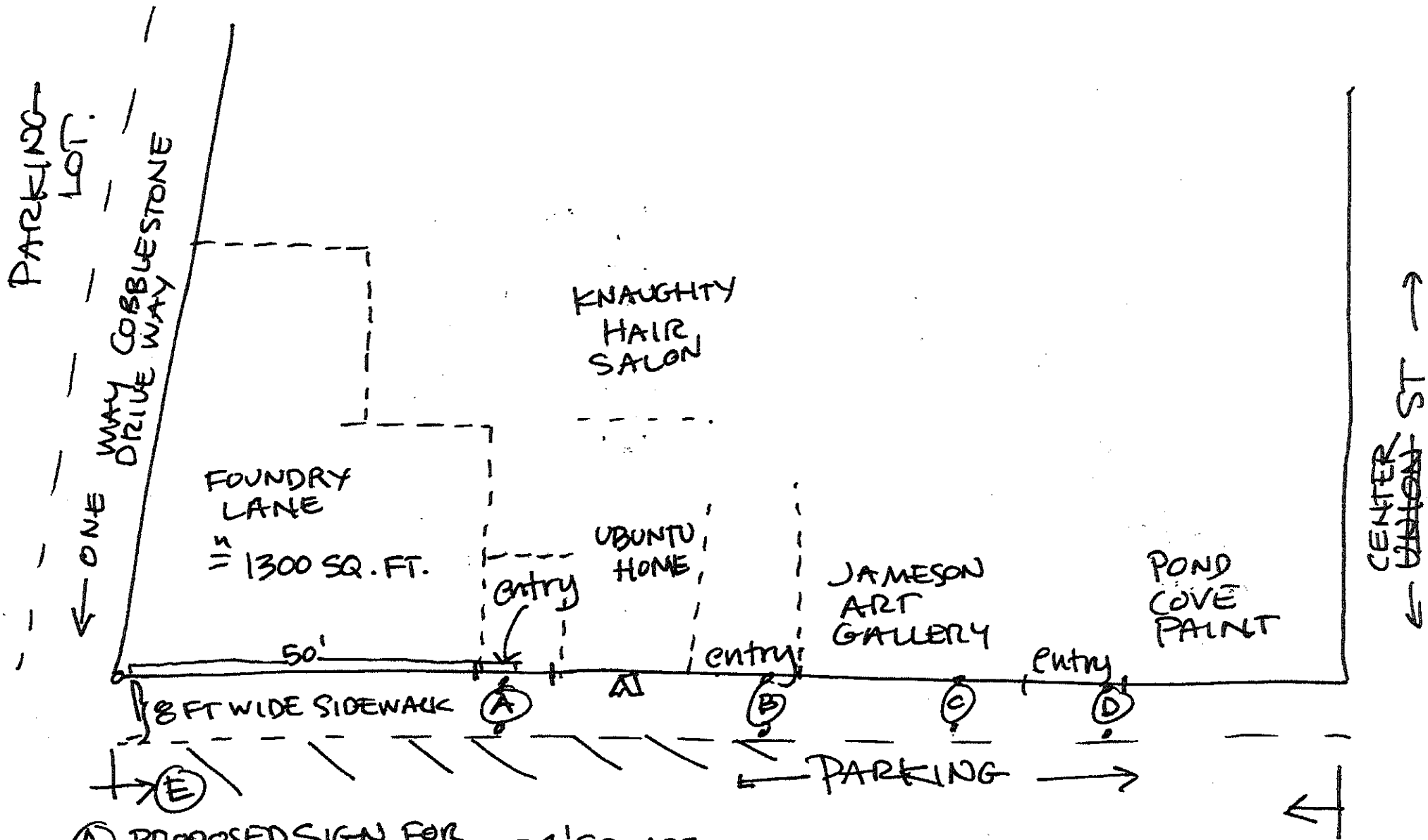
1. All electrical and plumbing permits must be obtained by masters of their trade.
2. No sewer connection or other utility connections can be made between December 1 of the year to March 31 of the following year as per Section 25 - 137 of the Municipal Code.
3. The electrical closet can not open into the exit corridor as shown at the west stairway.
4. The sprinkler system shall be complete and in compliance with NFPA #13.
5. The sprinkler system and an approved manual fire alarm system shall be connected to the municipal fire alarm or an approved Central Receiving Station.

If you have any questions on these requirements, please call this office.

Sincerely,

P. Samuel Hoffses
Chief of Inspection Services

PSH/crb
Attachment



- (A) PROPOSED SIGN FOR EXISTING BRACKET = 4' SQUARE
- (B) KNAUGHTY HAIR SIGN = 4x5'
- (C) JAMESON SIGN 4x4 1/2
- (D) POND COVE PAINT SIGN 4x4+
- (E) LENGTH OF BLDG ≈ 150'

305 COMMERCIAL ST.

OUR FRONTAGE = 50' WINDOW EXPOSURE
50' BACK ON CORNER ALONG DRIVEWAY



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION: 277-279 Commercial Street

Issued to: THE FINCH GROUP

Date of Issue: 11/1/87

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. 251271, 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 FIRST FLOOR

OFFICE & RESID.

& 1st Floor

Limiting Conditions:

NONE

This certificate supersedes certificate issued

Approved:

11/1/87

(Date)

Inspector

Inspector of Buildings

Check on Elson

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: 297-309 Commercial Street

Issued to: The Finch Group

Date of Issue: November 3, 1986

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. 251271, 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 floor

13 dwelling units

3rd floor

13 dwelling units

4th floor

13 dwelling units

Limiting Conditions: TEMPORARY ONLY; Conditions of Paul Radon letter of 10/30/86 to be met 11/5/86. Tenants shall not have access to construction areas. Hallways shall be cleared of all construction materials. To expire January 1, 1987 unless all building and fire code requirements are met.

This certificate supersedes certificate issued

Approved:

11/3/86

(Date)

Inspector

Inspector of Buildings

Paul Simon

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 305 Commercial St.

Issued to Barnes Outfitters Inc.

Date of Issue 4/28/92

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. 92/3501, 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

retail store

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

4/28/92
(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 305 Commercial St

CBL 040 F009001

Issued to Baxter Place Associates/n/a

Date of Issue 11/27/2002

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. 02-1247, 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 Right Side

APPROVED OCCUPANCY

Retail, Use Group B, Type 3b,

Limiting Conditions:

None

This certificate supersedes certificate issued

Approved:

11/27/02
(Date)

Thomas M. Mackley
Inspector

Alvin King 11/27/02
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 305 Commercial St

CBL 040 F009001

Issued to Baxter Place Associates/n/a

Date of Issue 01/27/2005

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. 04-1832, 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

Massage Therapy Office

Use Group B, Massage Therapy Practice

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

01/27/05 *Thomas M. Maibley*
(Date) Inspector

[Signature] 2/14/05
Inspector of Buildings

[Signature] 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.

BERNSTEIN SHUR

COUNSELORS AT LAW

207-774-1200 main
207-774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Karen L Pelletier
Paralegal
207 228-7337 direct
kpelletier@bernsteinshur.com

January 31, 2014

Via Hand Delivery

Marge Schmuckal
Assistant Chief of Inspection Services
Zoning Administrator
Planning & Urban Development
CITY OF PORTLAND
389 Congress Street
Portland, ME 04101

Re: Baxter Place
305 Commercial Street
Tax Map 40, Block F, Lot 9

Dear Marge:

Please issue a letter confirming what zone the building and improvements located at the above property are located in and that the entire building is in compliance with applicable codes, regulations and ordinances and also please attach all copies of Certificates of Occupancy that have been issued along with any other filings.

Enclosed please find our check in the amount of \$150 to cover the fees related to issuing this letter. Thank you very much for your assistance in this matter. Please call me if you have any questions.

Sincerely yours,



Karen L Pelletier

Enc.

cc: Philip Gleason, Esq.

RECEIVED

FEB - 3 2014

City of Portland
City of Portland Maine

B-3 - Downtown Entertainment Overlay
N. Historic Overlay
PAD OVERLAY

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	CBL	040 F009001
	Land Use Type	MULTI-USE COMMERCIAL
	Verify legal use with Inspections Division	
	Property Location	305 COMMERCIAL ST
	Owner Information	BAXTER PLACE LLC 305 COMMERCIAL ST PORTLAND ME 04101
	Book and Page	23803/051
	Legal Description	40-F-9 COMMERCIAL ST 297-309 CENTER ST 2-30 64954 SF
	Acres	1.4911

B-3 with Downtown overlay zone

[browse city services a-z](#)

[browse facts and links a-z](#)



Best viewed at 800x600, with Internet Explorer

Current Assessed Valuation:

TAX ACCT NO.	6200	OWNER OF RECORD AS OF APRIL 2013
LAND VALUE	\$1,872,700.00	BAXTER PLACE LLC
BUILDING VALUE	\$4,454,900.00	305 COMMERCIAL ST
NET TAXABLE - REAL ESTATE	\$6,327,600.00	PORTLAND ME 04101
TAX AMOUNT	\$122,818.72	

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

Building Information:

Building 1	
Year Built	1862
Style/Structure Type	MIXED RES/COMM
# Units	62
Building Num/Name	1 - BAXTER PLACE
Square Feet	114781

[View Sketch](#) [View Map](#) [View Picture](#)

Exterior/Interior Information:

Building 1	
Levels	B1/B1
Size	6250
Use	MULTI-USE SALES
Height	8
Heating	HOT AIR
A/C	CENTRAL

Building 1	
Levels	B1/B1
Size	11298
Use	SUPPORT AREA
Height	8
Heating	NONE
A/C	NONE

*personal use (message therapy)
Gilling frame shop 1990*

305 Commercial St



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

RECEIPT OF FEES

Application No: 0000-1853	Applicant: BAXTER PLACE LLC
Project Name: 305 COMMERCIAL ST	Location: 305 COMMERCIAL ST
CBL: 040 F009001	Application Type: Determination Letter
Invoice Date: 02/03/2014	

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 040 F009001
Bill to: BAXTER PLACE LLC
 305 COMMERCIAL ST
 PORTLAND , ME 04101

Application No: 0000-1853
Invoice Date: 02/03/2014
Invoice No: 44053
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>