



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life - www.portlandmaine.gov

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

April 9, 2010

Cynde Mitchell
c/o Browne Trading Company
260 Commercial Street
Portland, ME 04101

RE: 260 Commercial Street - 041-A-015 - WCZ Zone

Dear Ms. Mitchell,

I am in receipt of your request for a determination concerning new activities that you wish to employ as part of your current retail seafood business at 260 Commercial Street.

After several e-mail messages and phone calls describing the manner and intent of this new activity, I have a better understanding of what you would like to accomplish. It is my understanding that you would like on occasion to use the existing kitchen as a demonstration kitchen, demonstrating how to use and cook the food in your retail establishment. It serves as a way to market and promote your food and drink wares on site. The intent is not to have the participants cook along. It is not an intent to establish a separate cooking school. The participants are basically passive during the cooking process to observe and learn how to cook the items from your store. They will be able to taste the final product after the demonstration. If I have in some way mischaracterized the intended activity, please advise me as soon as possible.

You have also submitted a sketch of the kitchen area. There is a kitchen island that is nine (9) feet long which will seat up to five people during the demonstrations.

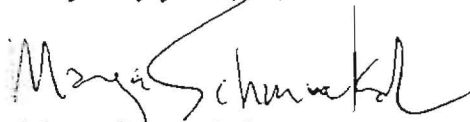
Based upon all of the above information, I have determined that the proposed demonstration kitchen as proposed is considered to be accessory to your retail establishment.

As previously discussed, you are required to submit an application to Inspection Services to establish and allow this accessory use as outlined. I am enclosing a copy of a permit application for your convenience. Many of the same information that you submitted to me will be required for your permit application. Fire and Building will be very concerned about the area in the kitchen and the space allowable for the cooking observers. Please submit a copy of this determination with your application.

You have the right to appeal my decision concerning this use. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If

you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal. If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal". The signature is fluid and cursive, with a large, sweeping initial "M".

Marge Schmuckal
Zoning Administrator

Cc: Penny St. Louis Littell, Director of Planning and Urban Development
Greg Mitchell, Director of Economic Development
Alex Jaegerman, Planning Division Director
William Needleman, Planner
file



Purveyors of Fine Caviars
Fresh & Smoked Seafood

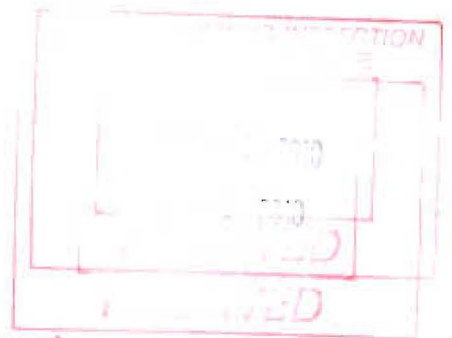
041-A-15

Cynde Mitchell, CEO

4/1/2010

Re: Incidental and Accessory Use Application- Browne Trading Market

Attn: Marge Schmuckal
Bill Needelman
Greg Mitchell



*Demonstration kitchen
NOT A COOKING SCHOOL*

This letter is sent in addition to and as explanation of our recent application for a Class 1 catering license to include the ability to conduct small seafood cooking classes and other culinary educational events in our new kitchen showplace at 260 Commercial Street. This activity is incidental and subordinate to the current retail seafood use of Browne Trading Market. The intention is to promote consumer interest in purchasing seafood through education which will support not only Browne Trading Market, but the local fishing community in general. It is my belief that this activity falls under the accessory use provision of Browne Trading Market as follows.

1) Browne Trading Market includes a dedicated retail seafood section of approximately 350 square feet. Retail Seafood is an accepted use under the current WCZ regulations. Since Retail Seafood is now a permitted use, this square footage can be reduced from any other accessory use designation of the space. The new kitchen area is less than 230 square feet so adding this to any accessory use provision of the property would not exceed the maximum 2,000 square feet.

2) Utilizing this accessory space will not displace any water dependant use as the property has no direct water access.

3) Utilizing this accessory space will not displace any marine related use as follows: The space was previously an office, and the office was relocated to an upper floor space. The building at 260 Commercial Street was also never a marine use until Browne Trading began occupancy in 1991. When Browne Trading began renting portions of the building in 1991 it was a storage facility for used office equipment. In prior years it was a meat packing facility. It only became a marine use by the actions of the current occupant, Browne Trading Company and Browne Trading Market. Utilizing 230 square feet +/- for seafood cooking classes will not displace any marine related use, and in fact supports the industry by educating consumers and promoting the consumption of seafood.

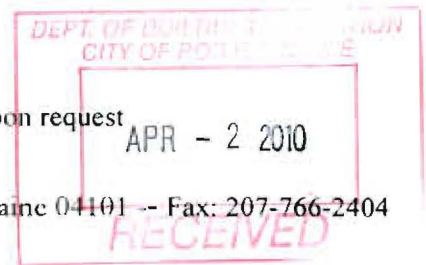
NOT A REAL COOKING CLASS - A demonstration kitchen

4) Providing a space for culinary educational purposes and consumption thereof is an accepted use in the surrounding Commercial Street properties. Leroux Kitchen provides cooking classes in their facility. The Gulf of Maine Aquarium provides function rooms where food may be consumed. Preparation and consumption of food for strictly commercial purposes is also permitted at Sapporo Restaurant and Black Tie Catering.

In summary I would appreciate review of our application and approval based on the above information. A sketch of the floor plan is included for review.

Sincerely,
Cynde Mitchell, CEO

Sent by Email, hard copy upon request



Tel: 207-766-2402, Ext 108-- Merrill's Wharf, 260 Commercial Street, Portland Maine 04101 -- Fax: 207-766-2404

cmitchell@brownetrading.com

COMMERCIAL STREET

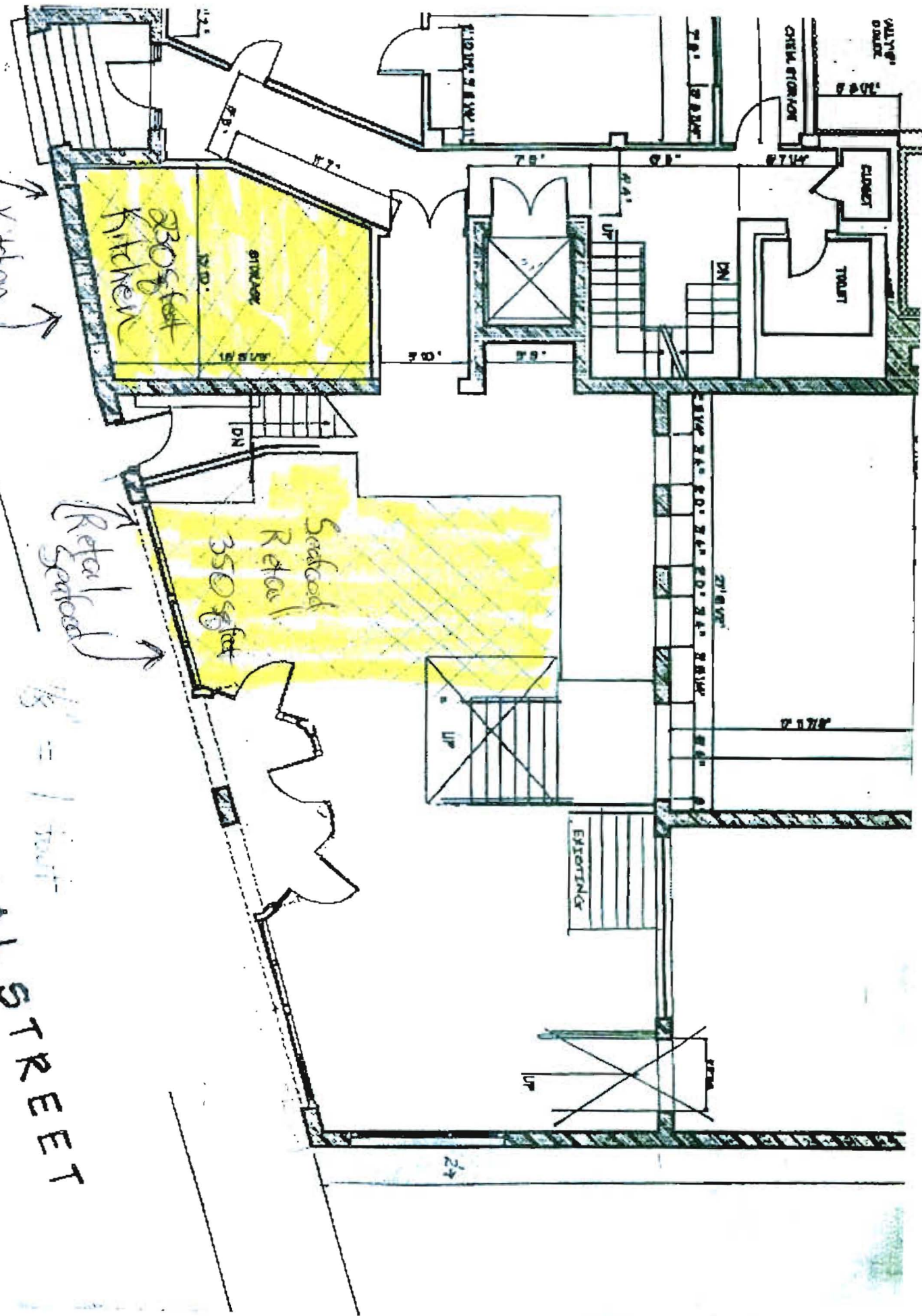
1/8" = 1 foot

Kitchen Space

Retail Space

230 sq feet
Kitchen

350 sq feet
Sealed Retail



Marge Schmuckal - Re: Kitchen question

From: Marge Schmuckal
To: Cynde Mitchell
Date: 4/6/2010 10:09 AM
Subject: Re: Kitchen question

Thank you, Cynde,

You need to take out a permit to allow the use. Now that I have this further information from you (still waiting for the floor plan of the kitchen). You will need to submit some of the same information. Fire & building reviewers may have some conditions on the number of observers in your kitchen. Wait until you can get actually receive your permit before you start. The City Council often approves licenses with the provision that the appropriate permits are issued later. You are in the area of approvals now.

Let me know if you have any other questions.

Marge

>>> "Cynde Mitchell" <cmitchell@brownetrading.com> 4/5/2010 8:05 PM >>>
Dear Marge,

My apologies for the late reply but I am not in the office on Mondays.

Yes, you are absolutely correct in the description of our project as a demonstration kitchen. I have a sketch of the layout which I will have scanned and email tomorrow for your file. The kitchen has an island with seating behind the island where the limited number of guests can watch a chef prepare seafood dishes. There is not the intention of having guests actually cooking themselves, they will be observing, then able to taste the product when it is completed. I hope this clarifies the situation. The motion for the license was approved by the city council tonight. We had already obtained a permit prior to the construction of the kitchen space. What else remains to be completed prior to being able to hold our first demonstration to a small private audience?

Thank you for your assistance,
Sincerely

Cynde Mitchell, C.E.O.
Browne Trading Company
Tel: 207-766-2402 ext 108
Cell: 207-252-0832
Fax: 207-766-2404
cmitchell@brownetrading.com
www.brownetrading.com

Marge Schmuckal - Kitchen Sketch

From: "Cynde Mitchell" <cmitchell@brownetrading.com>
To: <mes@portlandmaine.gov>
Date: 4/6/2010 9:20 AM
Subject: Kitchen Sketch
Attachments: Mail0014.JPG

Good morning Marge,

Attached is the scan of the layout of the kitchen showing where guests will be when observing a chef demonstrating the preparation of seafood dishes, then able to sit to consume items prepared.
Please let me know what else we may need to do to finish this process.

Cynde Mitchell, C.E.O.
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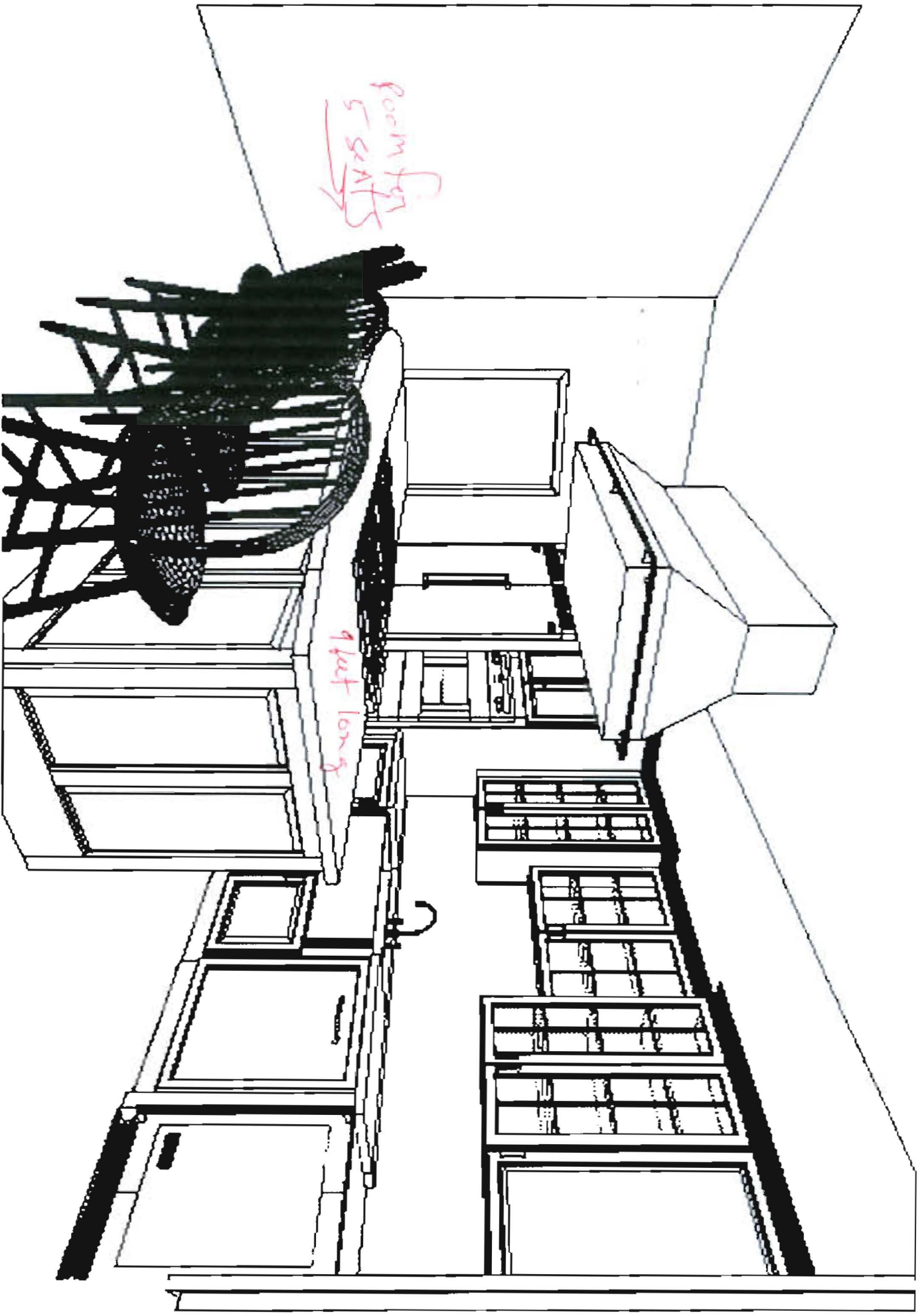
Marge Schmuckal - Demonstration Kitchen

From: "Cynde Mitchell" <cmitchell@brownetrading.com>
To: <mes@portlandmaine.gov>
Date: 4/6/2010 1:50 PM
Subject: Demonstration Kitchen

The island is 9 feet long, seating for 5.
What permit is required?

The change of use would seem appropriate, but it is quite detailed including detailed specs etc. Since the building permit for the kitchen itself was already filed, what is still required for the change of use?
Thank you.

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room for
5 seats

9 feet long

Marge Schmuckal - Re: Browne Trading Company, 260 Commercial St

From: Marge Schmuckal
To: Alexandra Murphy; Ann Machado
Date: 4/5/2010 9:41 AM
Subject: Re: Browne Trading Company, 260 Commercial St
CC: Carolyn Dorr; Linda Cohen; Penny Littell

Alex,
the caterer's license is ok as you already have that from us. The other use for a cooking school is not ok - I do have an application from her for a zoning determination from me. I need more information from her. I can allow a demonstration kitchen for her to show her customers how to use her products. But a cooking school is really a different animal. Trade schools are not allowable in the WCZ Zone. So I am still working on this.

It would have been very helpful if she had informed us at the same time she requested the caterer's license that she wanted this other use.

I hope this helps you.
Marge

>>> Alexandra Murphy 4/5/2010 8:49 AM >>>
Marge:

Browne Trading is going before City Council tonight for approval of a Class I Qualified Caterers License. Have you met with the applicant and made a determination if they can hold cooking classes with wine tastings in their new kitchen, being located in the Waterfront Zone? Have they applied for a Change of Use Permit? If so, will it be granted? Please advise.

Alexandra J. P. Murphy
Business License Administrator
City Clerk Department
389 Congress Street
Portland, ME 04101
(207) 874-8557 phone
(207) 874-8612 fax

>>> Marge Schmuckal 3/30/2010 12:14 PM >>>
Alex,

It is my understanding that they are only using the kitchen for cooking purposes like they are doing now. The food is taken elsewhere and not served on site (not a restaurant use). That would be ok per zoning as Ann signed off.
Marge

>>> Alexandra Murphy 3/30/2010 11:55 AM >>>

I just came from the agenda meeting and Joe Gray asked me to double check with you about the zoning for Browne Trading Market since they are applying for a liquor license. Please advise ASAP if this is OK. Thanks.

Alexandra J. P. Murphy
Business License Administrator

>>> Alexandra Murphy 3/23/2010 11:28 AM >>>

Application to upgrade from Food Service With Preparation and Beer & Wine Takeout to Class I Qualified Caterer.

Marge Schmuckal - Re: Accessory Use application- Small cooking Class space

From: Marge Schmuckal
To: Cynde Mitchell; Greg Mitchell; bneedelman@portlandmaine.gov
Date: 4/1/2010 1:46 PM
Subject: Re: Accessory Use application- Small cooking Class space
CC: Penny Littell

Cynde,

There is a process to request a determination letter from me. Following is the information you need to apply for such a request. I have given you my verbal assessment based upon the information you gave me over the phone when we spoke yesterday.

To apply for a determination concerning zoning, there is a fee of \$150 made out to the City of Portland. I also require a cover letter such as you have already put together that explains what you want me to determine. As soon as we receive the application and fee, it goes in the hopper with all other requests. Normally you can get a written response within 10 working days.

Marge

>>> "Cynde Mitchell" <cmitchell@brownetrading.com> 4/1/2010 12:27 PM >>>

Dear Ms. Schmuckal, Mr. Needelman, and Mr. Mitchell

Attached is a letter regarding my request for an accessory use designation of the small kitchen space at 260 Commercial Street. I have also included a sketch of the floor plan of the Commercial Street frontage of the building.

Please let me know if you would like hard copies mailed or any additional information.

Sincerely,

Cynde Mitchell, C.E.O.

Browne Trading Company

Tel: 207-766-2402 ext 108

Cell: 207-252-0832

Fax: 207-766-2404

cmitchell@brownetrading.com

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*Purveyors of Fine Caviars
Fresh & Smoked Seafood*

Cynde Mitchell, CEO

4/1/2010

Re: Incidental and Accessory Use Application- Browne Trading Market

Attn: Marge Schmuckal
Bill Needelman
Greg Mitchell

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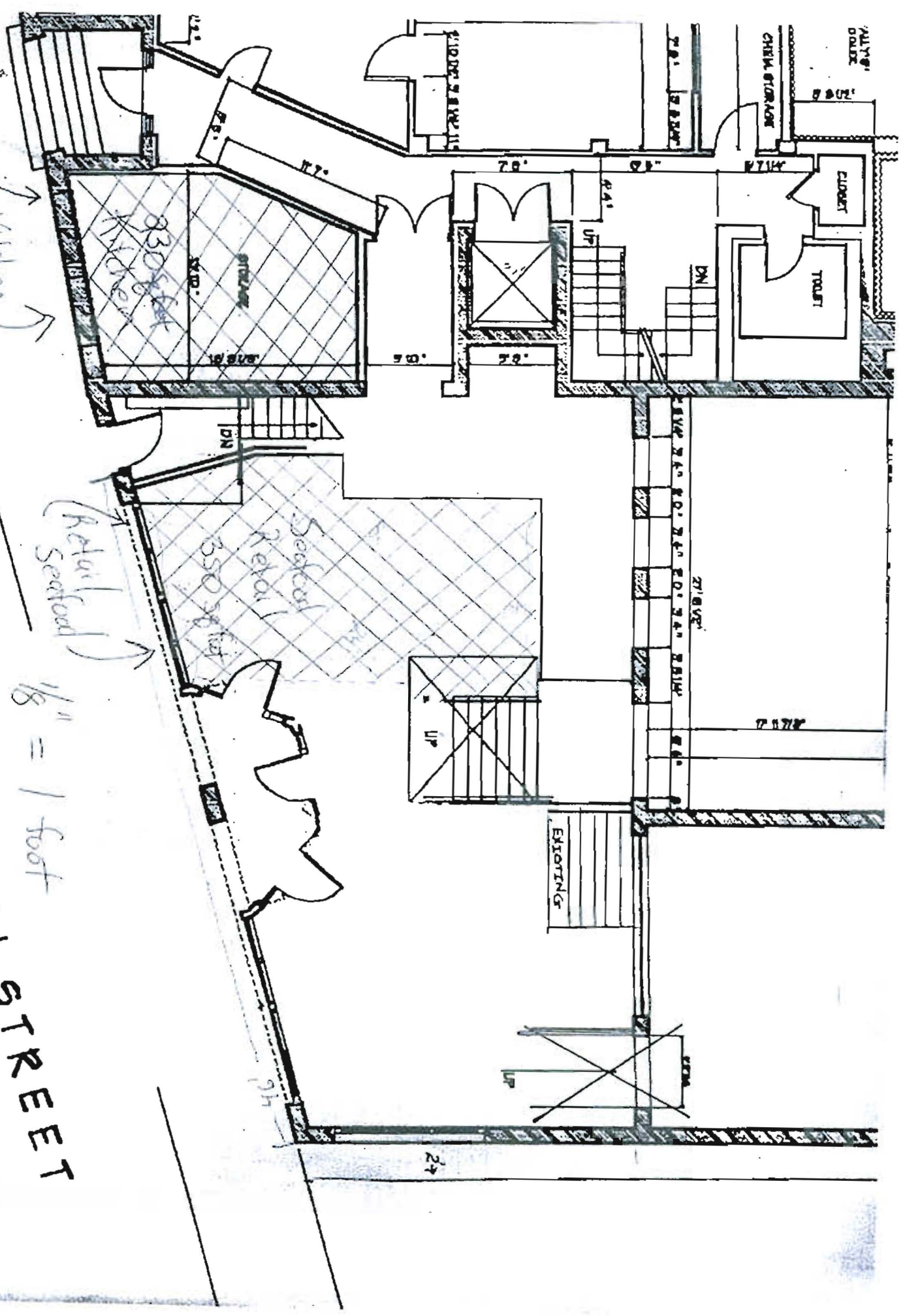
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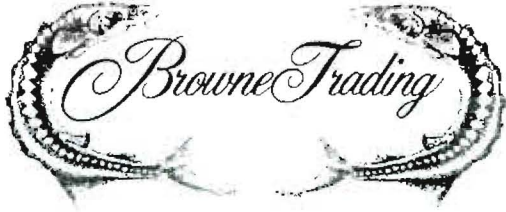
COMMERCIAL STREET

1/8" = 1 foot

Kitchen Space

Retail Seafood





Purveyors of Fine Caviars
Fresh & Smoked Seafood

2009

2009 MAR 19 AM 11:51

Cynde Mitchell, CEO

3/18/2010

Re: Application for Class I catering license application.

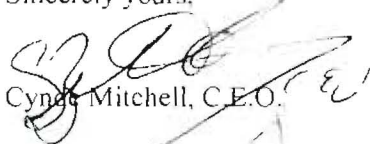
To whom it may concern.

Catering is all off site except for the cooking

Browne Trading Market wishes to provide wine tasting and serving services in association with catering, as well as the opportunity to provide a full bar if so requested for weddings or other special events our staff is hired to cater.

In addition to these events that occur off site, Browne Trading Market staff now have access to a separate facility with a full test kitchen and potential seating for classes of up to approximately 8 attendees. The class I catering license is also being sought to provide the opportunity to include wine tasting and pairing with cooking classes or demonstrations to a private audience in this facility adjacent to Browne Trading Market.

If further information is needed to process this application please contact me.
Sincerely yours,


Cynde Mitchell, C.E.O.

Marge Schmuckal - Re: Browne Trading Company, 260 Commercial St

From: Marge Schmuckal
To: Alexandra Murphy; Gary Wood
Date: 4/5/2010 4:01 PM
Subject: Re: Browne Trading Company, 260 Commercial St
CC: Ann Machado; Carolyn Dorr; Linda Cohen; Penny Littell

I have had a call into Cynde Mitchell since this morning. I urged her to get back to me so we could discuss this issue prior to tonight's meeting. I have heard nothing from her. I was hoping we could agree that this would be used as a demonstration kitchen regarding how to use her products and not a regular cooking school. But I have not been able to get to that discussion yet.

Marge

>>> Alexandra Murphy 4/5/2010 10:20 AM >>>
GW:

It should be noted that the applicant will only be going before the Council for approval of a Class I Qualified Catering License tonight and that IF the Zoning Dept deems cooking classes involving alcohol is permissible within the Waterfront Zone, their City License will be amended with a condition stating so.

Alexandra J. P. Murphy
Business License Administrator
City Clerk Department
389 Congress Street
Portland, ME 04101
(207) 874-8557 phone
(207) 874-8612 fax

>>> Linda Cohen 4/5/2010 9:42 AM >>>
Alex,

Please make sure Gary Wood is in the loop on this should it arise as an issue this evening.

LC

Linda C. Cohen, MMC
City Clerk

>>> Marge Schmuckal Monday, April 05, 2010 9:41 AM >>>
Alex,

the caterer's license is ok as you already have that from us. The other use for a cooking school is not ok - I do have an application from her for a zoning determination from me. I need more information from her. I can allow a demonstration kitchen for her to show her customers how to use her products. But a cooking school is really a different animal. Trade schools are not allowable in the WCZ Zone. So I am still working on this.

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Alexandra J. P. Murphy
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Alexandra J. P. Murphy
Business License Administrator

>>> Alexandra Murphy 3/23/2010 11:28 AM >>>

Application to upgrade from Food Service With Preparation and Beer & Wine Takeout to Class I Qualified Caterer.

Please advise of background check of business owners and location and if there are any issues regarding taxes.

Owners:

Cynde P. Mitchell (3-27-58)

Rod B. Mitchell (5-20-55)

325 Island Ave

PI 04108

Landlord of Premises:

Browne Trading International

260 Commerical St

04101

Thanks.

Alexandra J. P. Murphy
Business License Administrator



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

_____ 20 10

Received from _____

Location of Work _____

Cost of Construction \$ _____ Building Fee: _____

Permit Fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: _____

Total: 150.00

Building (I1) _____ Plumbing (I5) _____ Electrical (I2) _____ Site Plan (U2) _____

Other _____

CBL: _____

Check #: 010121 Total Collected \$ 150.00

**No work is to be started until permit issued.
Please keep original receipt for your records.**

Taken by: _____

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Permit Copy