



Planning & Urban Development Department

Jeff Levine, AICP, Director

Ann Machado, Acting Zoning Administrator

March 17, 2015

Derek Miller
CBRE/The Boulos Company
One Canal Plaza, Suite 500
Portland, ME 04101

Re: 252-254 Commercial Street/Merrill's Wharf – 041 –A-016, 017 & 018 - WCZ Water Front Central Zone

Dear Mr. Miller,

I am in receipt of your determination request concerning the Foreside Real Estate Management, Inc. as a prospective marine tenant at the property at 252–254 Commercial Street also known as Merrill's Wharf. The entire building is located in the WCZ Zone.

My determination is based on the letter dated February 25, 2015, from Jeffrey Martin, President of Foreside Real Estate Management, Inc. In his letter he argues that since his company will be the managing agent for Diamond Cove Home Owners Association, an island community, that his company fits the definition of a marine office and is therefore a permitted marine use under section 14-307(a)(21) of the ordinance .

I have to disagree with Mr. Martin's interpretation. Section 14-307(a)(21) lists marine office as a permitted use and gives examples of types of marine offices like owners of wharves or their agents, naval architects and seafood brokers. These are only examples, but all of these types of offices relate directly to a marine use. As Mr. Martin states in his letter, Foreside Real Estate Management, Inc. "is a real estate company managing all types of residential real estate". Foreside Real Estate Management is primarily a residential real estate company. It may service waterfront or island properties but that does not make it a marine office per se. To be able to be considered a marine tenant, the use has to be primarily of a marine nature, and a residential real estate company does not meet this criteria. Foreside Real Estate Management, Inc. is not a marine tenant and may not occupy a marine tenant space at 252-254 Commercial Street.

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

Portland, Maine



Yes. Life's good here.

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Jeff Levine, AICP, Director

Ann Machado, Acting Zoning Administrator

Yours truly,

A handwritten signature in black ink, appearing to read "A. B. Machado", written over a horizontal line.

Ann B. Machado

Acting Zoning Administrator

amachado@portlandmaine.gov

207.874.8709