



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.

Planning & Urban Development Department

Jeff Levine, AICP, Director

Ann Machado, Acting Zoning Administrator

Yours truly,

A handwritten signature in black ink, appearing to read "A B Machado", with a long, sweeping horizontal line extending to the right.

Ann B. Machado

Acting Zoning Administrator

amachado@portlandmaine.gov

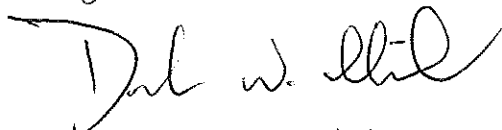
207.874.8709

Ann,

Enclosed please find two determination letter requests from prospective tenants for Merrill's Wharf. Should you have any questions or need any additional information from either user you can email me at dmiller@boulos.com or call me at the office.

We look forward to hearing back from you and hopefully lessing up our only remaining unit at the building.

Best regards,



Derek N. Miller

RECEIVED

MAR 4 2015

Dept. of Building Inspections
City of Portland Maine



Foreside

Real Estate Management, Inc

February 25, 2015

Ann Machado
Zoning Specialist- City of Portland
389 Congress Street
Portland, ME 04101

Dear Ann;

I am writing to express my intent to begin negotiations on the leasing of the last space available at Merrill's Wharf, 254 Commercial Street. Before we begin negotiations of a lease we need to obtain approval from the City of Portland as a marine related business.

Foreside Real Estate Management is a real estate management company managing all types of residential real estate. We currently manage multiple waterfront properties. Beginning in April 1, 2015 we will be the managing agent for the Diamond Cove Homeowners Association on Great Diamond Island which consists 122 units plus a 22 unit Inn.

We became interested in the space at Merrill's Wharf due to its close proximity to the water. We will have a need for berthing space for a boat that would transport supplies and employees back and forth from the island.

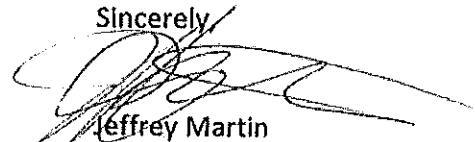
Diamond Cove Homeowners Association is an island community and Foreside as their agent would make my company an allowable marine related business under the following section of the City of Portland Code of Ordinances.

Section 14-307 Permitted Uses, (a) marine, Section 21.

21. Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers;

I look forward to your quick response so we may move forward in this process.

Sincerely,



Jeffrey Martin
President

P.O. Box 957, Portland, ME 04104 • Phone (207) 775-2325 • Fax (207) 775-1196
www.foresidemanagement.com

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

INVOICE OF FEES

Application No: 0000-2143	Applicant: WATERFRONT MAINE
Project Name: 252 COMMERCIAL ST	Location: 252 COMMERCIAL ST
CBL: 041 A016001	Application Type: Determination Letter
Invoice Date: 03/04/2015	

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

Previous Balance	\$150.00
Payment Received 3/4/2015 - Thank you	\$150.00

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 041 A016001
Bill To: WATERFRONT MAINE
14 MAINE ST
BRUNSWICK, ME 04011

Application No: 0000-2143
Invoice Date: 03/04/2015
Invoice No: 48190
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](#)