



PORTLAND MAINE

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Planning & Urban Development Department

Penny St. Louis Littell, Director

October 15, 2010

Christopher Pachios
Waterfront Maine
224 12th Avenue
New York, NY 10001

Dear Mr. Pachios:

Thank you for the letters dated April 1, 2010 (Visnick & Caulfield), May 11, 2010, September 10, 2010 and October 14, 2010 (Winton Scott Architects, PA), submitted on behalf of Waterfront Maine, in which a waiver of LEED Certification for the building at 254-258 Commercial Street, otherwise known as the Cumberland Cold Storage building, is requested. The fundamental premise upon which the waiver request rests is that requirement for LEED certification for this building would be cost prohibitive for the project. Waterfront Maine nonetheless intends to strive to rehabilitate the building using best practices for achieving an energy efficient building which will comport with LEED Silver requirements (53 Points expected).

In connection with the waiver request, I have reviewed all materials submitted by your consultants. I have consulted with the City's team of LEED Certified individuals who have also reviewed your documents. The submissions demonstrate Waterfront Maine and its tenant will exercise good faith in employing as many energy and environmental design elements as possible, both during and after rehabilitation.

Based upon review of the submitted materials and the constraints placed on the rehabilitation design because of the historic character of the building, in addition to the fact that a TIF is being obtained to fund this important but costly project, compliance with LEED Certification will be cost prohibitive. Therefore, in accordance with Portland City Code Article VII. Green Building Code, Sec. 6-170. Waivers, a conditional waiver has been approved for this project subject to the following conditions:

1. That the applicant shall provide a schedule of anticipated progress for the installation/rehabilitation of significant portions of the energy and sustainable components of the project to ensure that an inspector from the City can affirm that work is being installed as represented and that any issues are addressed cooperatively and timely; and

2. The applicant shall provide the energy modeling component of the project, the commissioning agent report, and the day lighting/view calculations as soon as they become available.

(Anticipated dates for obtaining these shall be noted on the timeline required in 1.

Thank you for your efforts to renovate the Cumberland Cold Storage Building and for retaining an important business within the City of Portland.

Sincerely,

A handwritten signature in blue ink, appearing to read "Penny St. Louis Littell", with a long horizontal flourish extending to the right.

Penny St. Louis Littell
Director of Planning and Urban Development

cc: Joseph E. Gray
Mayor Nicholas Mavodones and the Portland City Council
Steve Weatherhead, Winton Scott Architects, 5 Milk Street, Portland 04102