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

June 3, 2010

Waterfront Maine, LP
14 Maine Street
Brunswick, ME 04011

RE: 254 Commercial Street – 041-A-17 & 18 (the “Property”) – WCZ Zone

Dear Sirs/Madams:

This letter is a determination of compliance with the City of Portland’s Land Use Ordinance concerning the terrace/deck to be placed upon the lower building portion of the Property.

Based upon the information I have been provided by Helen Edmonds of Pierce Atwood and their architect, Bob Caulfield, I have determined that the height of the lower level of the Property’s building will not be increased.

The definition for height in the Land Use Ordinance is the vertical measurement from (average) grade to the highest point of the roof beams in flat roofs. See City Code of Ordinances 14-47. The proposed platform does not add any new floor area to the Property. The platform also does not have a roof and is not enclosed with exterior walls. The Property’s flat roof beams are also not being changed in height.

Therefore, the proposed platform to be placed upon the lower level of the building is not increasing any existing nonconformity on the Property.

You have the right to appeal my decision. If you or any aggrieved party wishes to exercise their rights, you have thirty (30) days from the date of this letter in which to appeal. If you fail to make a timely appeal, the decision outlined herein is binding and not subject to any further appeals. Any person who wishes to appeal this decision must 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.

Sincerely,

Marge Schmuckal
Zoning Administrator

Cc: Helen Edmunds, Pierce Atwood, LLP, 77 Winthrop Street, Augusta, Maine 04330
Penny St. Louis Littell, Director of Planning and Urban Development
Jean Fraser, Planning