



## Planning &amp; Urban Development Department

*Jeff Levine, AICP, Director*

*Marge Schmuckal, Zoning Administrator*

September 3, 2014

Derek Miller  
The Boulos Company  
One Canal Plaza  
Portland, ME 04101

RE: Merrill's Wharf, 254 Commercial Street – first floor leasing – 41-A-17 & 18 – WCZ Waterfront Central Zone

Dear Mr. Miller,

I am in receipt of your request for a determination letter concerning the allowable first floor use as a marine related use as outlined in the Waterfront Central Zone 14-307 (Permitted Uses).

I have received a little bit more information from the prospective tenant, Lobster ME, from Kristen Bailey, VP of Marketing & Corporate Development. Based on that information, it has been determined that Lobster ME is considered to be a permitted marine use as outlined under 14-307(a)21, Marine Office. It is understood that there will be no retail on-site as part of their marine office.

Please note that this letter does not substitute for the requirement of a tenant use fit-up permit within the building. Prior to occupying any space within the building at 254 Commercial Street, a proper application for use shall be submitted as required. All applications are on-line and must be submitted digitally. It is also stressed that a scaled floor plan of the actual space and of the entire first floor showing that space within the context of the other first floor uses, marine and non-marine, must be attached before any approval.

If you have any questions regarding this matter, please feel free to contact me at (207) 874-8695.

Sincerely,

  
Marge Schmuckal  
Zoning Administrator  
City of Portland, Maine



August 15, 2014

Derek Miller  
The Boulos Company  
One Canal Plaza  
Portland, ME 04101

772-1333

Dear Derek,

*called 8/28 - can I get more info  
As to what is actually being  
done at this location  
WCZ to be there*

RECEIVED  
AUG 25 2014

Dept. of Building Inspections  
City of Portland Maine  
headquarters  
041-A-176.10

Please allow this letter to serve as a formal request for the office headquarters of FC Lobster Partners, LLC d/b/a Lobster ME to be considered for occupancy in Merrill's Wharf as a marine-related company.

Lobster ME is a restaurant operating company with a deep commitment to the Maine lobster industry. Owned by Lev Restaurant Group and based in Las Vegas, Nevada, Lobster ME operates two successful locations at the Miracle Mile Shops at Planet Hollywood Resort and Casino and at the Grand Canal Shoppes at the Venetian Casino Resort and operates a Lobster ME food truck throughout Las Vegas. Lobster ME is adding a third location in the Westfield Montgomery Mall in Bethesda, Maryland which is scheduled to open in late October. Given the positive results of our initial locations and passionate customer reaction, we are now in rapid expansion mode with plans to open restaurants along the East and West coasts.

The company name, logo and menu highlight and celebrate Maine's most famous member of the working waterfront – the Maine lobster. Known for our globally-inspired culinary innovation, Lobster ME serves lobster rolls featuring Maine lobster in a variety of flavors, including Cajun and Italian. The menu features other lobster entrees such as Lobster Mac 'n' Cheese and Lobster Tacos, all of which are made to order out of our entirely 'scratch' kitchen using premium, sustainable ingredients. Our menu is influenced by the international dining scene of Las Vegas and its discerning customer base of global travelers. We showcase on-trend flavors drawn from worldwide favorites, adding new varieties and specials on a consistent basis. Artisan beverage offerings include beer and soft drinks, along with a house favorite, the Lobster Mary, a horseradish-spiced tomato and vodka cocktail adorned with a whole lobster claw.

The restaurant's interior design pays homage to the traditional lobster shacks of Maine, updated with refined materials and finishes for a more modern aesthetic. (Please see enclosed visuals.) The Bethesda location is being built using preserved old growth timber from Maine, reclaimed from the Penobscot River.



Along with our broad expansion of Lobster ME, the management of the company decided to relocate our headquarters to Portland, from where much of our lobster will be sourced and processed. Portland is a special place and we look forward to being part of the working waterfront.

I am personally committed to the progress of the Maine lobster industry, having spent much of my career building the Maine Lobster brand. From 2003 – 2006, I served as executive director of the Maine Lobster Council, the marketing agency for the industry. From 2007 – 2012, I worked on various initiatives within the industry, most notably drafting the Strategic Plan for the Governor's Task Force on the Economic Sustainability of Maine's Lobster Industry. I spent two years (2001 – 2003) as the Director of Sales and Marketing for Hancock Gourmet Lobster Company, an award-winning manufacturer of premium lobster products. I am a Maine native, a resident of Freeport.

Thank you for your consideration.

Sincerely,  
Kristen Bailey  
VP Marketing & Corporate Development

**Marge Schmuckal - RE: Lobster ME**

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**From:** Kristen Bailey <Kristen.Bailey@lobsterme.com>  
**To:** Marge Schmuckal <MES@portlandmaine.gov>  
**Date:** 9/3/2014 9:35 AM  
**Subject:** RE: Lobster ME  
**CC:** "Miller, Derek" <dmiller@Boulos.com>

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Hi Marge,

Yes, the location is office space, rather than retail, so we won't be selling out of this site. We will most definitely be working with fishermen, lobster dealers and processors in Portland; they will be key vendors to our operations nationwide.

Best,  
Kristen

**From:** Marge Schmuckal [mailto:MES@portlandmaine.gov]  
**Sent:** Wednesday, September 03, 2014 9:27 AM  
**To:** Kristen Bailey  
**Cc:** Derek Miller  
**Subject:** Re: Lobster ME

Hi Kristen,

So is the use more office orientated? Are you selling any products on site? Are you working with any of the lobster fishermen on the wharfs, etc?

thank you for any clarification,

Marge Schmuckal  
Zoning Administrator

>>> Kristen Bailey <Kristen.Bailey@lobsterme.com> 9/2/2014 9:48 PM >>>

Hi Marge,

Derek Miller from Boulos suggested that I reach out to you to provide more specific usage for the office space we're seeking to lease at Merrill's Wharf.

We will be re-locating our headquarters for Lobster ME from Las Vegas to the Merrill's Wharf office. As such, this space will house all Maine-centric aspects of running the company. From here, we will work with lobster dealers and processors, design new lobster recipes, and handle all marketing and public relations efforts.

Please let me know if you have specific questions about the company's plans. I'd be happy to meet with you anytime to discuss.

Thanks very much for your consideration.

Best,  
Kristen

Kristen Bailey  
VP Marketing & Corporate Development  
Lobster ME  
Las Vegas, NV  
Cell: 207-233-1101

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

subject to this provision are set back landward at least twenty-five (25) feet from the average high tide line of Portland Harbor and associated coastal wetlands. All offset distances are measured horizontally.

All applicants for development within the NUMUOZ are responsible for demonstrating their location within NMUOZ according to the findings of a site specific land survey conducted by a professional land surveyor licensed by the State of Maine. The limits of the NMUOZ shall be shown on all site plans and subdivision plats for proposed development within the NMUOZ. A map showing the presumed boundaries of the NMUOZ is on file with the Department of Planning and Urban Development. Said map is for illustrative purposes only and shall not be relied upon in determining whether a proposed development is located within the NMUOZ.

On-Site shall mean that portion of any lot included within or directly impacted by a proposed development.  
(Ord. No. 193-05/06, 4-19-06; Ord. No. 103-10/11, 12-20-10)

**Sec. 14-307. Permitted uses.**

Subject to a determination that the proposed use meets the standards of section 14-311, as applicable, the following uses are permitted in the waterfront central zone:

(a) *Marine:*

1. Marine products, wholesaling, distribution and retailing;
2. Marine repair services and machine shops;
3. Tugboat, fireboat, pilot boat and similar services;
4. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;
5. Marine industrial welding and fabricating;
6. Shipbuilding and facilities for construction, maintenance and repair of vessels;
7. Commercial marine transport and excursion services,

including ferries, captained charter services, sport fishing and water taxis;

8. Cargo handling facilities, including docking, loading and related storage;
9. Boat repair yards;
10. Boat storage facilities, excluding rack storage facilities; (Boat rack storage facilities are included in conditional use, section 14-308(b)(3) below);
11. Seafood processing;
12. Seafood packing and packaging;
13. Seafood loading and seafood distribution;
14. Fabrication, storage and repair of fishing equipment;
15. Ice-making services;
16. Facilities for marine construction and salvage;
17. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;
18. Fabrication of marine-related goods;
19. Fishing and commercial vessel berthing;
20. Non-commercial berthing of a maximum of fifty (50) linear feet per pier. A non-commercial berth may not displace a commercial berth.

Parking for any non-commercial berthing is subject to the provisions of section 14-311(d)8.

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



22. Public landings;
23. Marine research, education, and laboratory facilities;
24. Bait sales and processing;
25. Harbor security and emergency response services including but not limited to Harbor Master, Marine Patrol and Coast Guard.

(b) *Non-marine commercial and industrial uses:* Non-marine uses permitted by this section are subject to the standards listed in section 14-311.

1. Professional, business, government, and general offices;
2. Retail and service establishments, including craft and specialty shops. Convenience stores with gas pumps shall not be permitted under this section;
3. Restaurants provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing;
4. Banking services without drive-up services;
5. Laundry and dry cleaning services;
6. Cabinet and carpentry shops, studios for artists and crafts people;
7. Intermodal transportation facilities;
8. Cold storage facilities;
9. Museums and art galleries; and
10. Outside accessory activities.

(c) *Public:*

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
 Portland, Maine 04101

**INVOICE OF FEES**

<b>Application No:</b> 0000-2014	<b>Applicant:</b> WATERFRONT MAINE
<b>Project Name:</b> 252 COMMERCIAL ST	<b>Location:</b> 252 COMMERCIAL ST
<b>CBL:</b> 041 A016001	<b>Application Type:</b> Determination Letter
<b>Invoice Date:</b> 08/25/2014	

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

**Previous Balance** \$0.00

<b>Fee Description</b>	<b>Qty</b>	<b>Fee/Deposit Charge</b>
Zoning Determinations	1	\$150.00
		<u>\$150.00</u>
	<b>Total Current Fees:</b>	+ \$150.00
	<b>Total Current Payments:</b>	- \$150.00
	<b>Amount Due Now:</b>	<u>\$0.00</u>

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

**Application No:** 0000-2014  
**Invoice Date:** 08/25/2014  
**Invoice No:** 46253  
**Total Amt Due:** \$0.00  
**Payment Amount:**

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](#)**