



PORTLAND MAINE

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*Greg Mitchell - Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

November 16, 2011

Susan Osborne
Bernstein Shur
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

RE: 344-380 Commercial Street – 042-C-1 & 2 (the “Property”) – WCZ Zone

Dear Ms. Osborne,

I am in receipt of your request for a determination concerning The Gulf of Maine Properties located at 244-380 Commercial Street. The Property is located in the WCZ (Waterfront Central Zone).

The Property was reviewed by the Planning Board under a site plan review process in 2003. Later in that same year a building permit was applied for and issued. The use of the building as a marine research, education and lab facilities are listed permitted uses in the WCZ zone. Copies of the site plan review, building permit and certificate of occupancy are enclosed.

I am not aware of any violations concerning the Property. There are no pending or anticipated legal City actions concerning the Property.

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

Very truly yours,

Marge Schmuckal
Zoning Administrator

enclosures

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM**

2003-0086

Application I. D. Number

05/01/2003

Application Date

Gulf of Maine Aquarium Research Lab

Project Name/Description

Gulf of Maine Aquarium

Applicant

400 Commercial Street, Portland, ME 04101

Applicant's Mailing Address

Consultant/Agent

Agent Ph:

Agent Fax:

Applicant or Agent Daytime Telephone, Fax

344 - 344 Commercial St, Portland, Maine

Address of Proposed Site

042 C001001

Assessor's Reference: Chart-Block-Lot

Approval Conditions of Planning

1

1. The Board voted 7 to 0 that the additional building setback from Commercial Street complies with the conditions outlined in the Urban Design Guidelines.

2. The Board voted 7 to 0 that the plan provides sufficient parking for the project demand, subject to the following condition:

a) That the phase 2 plan be revised to show no less than 110 spaces on site, unless additional spaces are secured off-site prior to issuance of a phase 2 building permit.

3. The Board voted 7 to 0 that the project is in conformance with the Site Plan standards of the land use code, subject to the following conditions:

a) That the applicant supplies information and details addressing issues included in the DRC Memo dated 8-8-03 (included as attachment 14C of Planning Board report #35-03) for review and approval prior to issuance of a building permit.

b) That utility easements benefiting the abutting Coast Guard property be provided for the review and approval of the City Legal Staff and Planning Staff prior to issuance of a building permit.

c) That tree species and tree planter details for the Commercial Street trees be provided to the City Arborist for review and approval prior to issuance of a building permit.

d) That the City Site Lighting Standards are waived for the installation of decorative bollard lighting and architectural uplighting as shown on the submitted lighting plans.

e) That the applicant submits signage details for review and approval of the Planning Staff prior to issuance of a Certificate of Occupancy.

f) That the applicant provides revised the Phase II plans and site plans, for the review and approval of the City development review staff, showing all improvements sited entirely on the Naval Reserve site.

g) That the applicant provide a pedestrian easement to the City for the side walk area along the Commercial Street frontage of the building.

h) That the applicant supply revised architectural elevation drawings for staff review and approval, understanding that staff can refer back to the Board if the submitted plans differ substantially from the rendered elevations submitted at the Public Hearing.

4. The Board voted 5 to 2 (Delogu and Patterson opposed) that the plan is in conformance with the shoreland standards of the land use code.

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 03-1067	Issue Date:	CBL: 042 C001001
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Location of Construction: 344 Commercial St	Owner Name: Gulf Of Maine Aquarium	Owner Address: 400 Commercial St	Phone: 207-772-2321
Business Name: n/a	Contractor Name: Ouellet Associates	Contractor Address: 56 Bibber Parkway Brunswick	Phone: 2077250100
Lessee/Buyer's Name n/a	Phone: n/a	Permit Type: Additions - Commercial	Zone: WCZ

Past Use: Vacant	Proposed Use: Commercial / Build New 43,562 sq. Ft. Office Building with Laboratories	Permit Fee:	Cost of Work: \$0.00	CEO District: 2
Proposed Project Description: Build New 43,562 sq. Ft. Office Building with Laboratories.		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: A3/B Type: 2 12/22/03	
		Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>	

PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)	
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	
Signature:	Date:

Permit Taken By: EG	Date Applied For: 09/02/2003	Zoning Approval	
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- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
- Building permits do not include plumbing, septic or electrical work.
- Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

Closed

Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan # 2003-0086 Maj <input checked="" type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>09/24/03</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:
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CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 344 Commercial St

CBL 042 C001001

Issued to Gulf Of Maine Aquarium/Ouellet Associates

Date of Issue 07/08/2005

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 03-1067, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

entire

APPROVED OCCUPANCY

office building with laboratories
use group: A-3 & B
type: 2C
BOCA 1999

Limiting Conditions:

none

This certificate supersedes
certificate issued

Approved:

7/13/05

(Date)

Inspector

Inspector of Buildings

Apt. Greg Cass (7-14-05) PFD

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

BERNSTEIN SHUR

C O U N S E L O R S A T L A W

207 774-1200 main
207 774-1127 facsimile
bernsteinsur.com

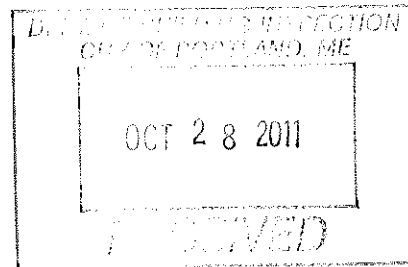
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Susan Osborne
Paralegal
207 228-7215 direct
sosborne@bernsteinsur.com

October 27, 2011

Via Hand Delivery

Marge Schmuckal
Assistant Chief of Inspection Services
Zoning Administrator
Planning & Urban Development
CITY OF PORTLAND
389 Congress Street
Portland, ME 04101



Re: Gulf of Maine Properties
344-380 Commercial Street
42-C-1-2

Dear Marge:

Please issue a letter confirming what zone the building and improvements located at the above property are located in and that the entire building is in compliance with applicable codes, regulations and ordinances and also please attach all copies of Certificates of Occupancy that have been issued along with any other filings.

Enclosed please find our 2 checks for a total of \$150 to cover the fees related to issuing this letter. Thank you very much for your assistance in this matter. Please call me if you have any questions.

Sincerely yours,


Susan Osborne

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

CBL	042 C001CCL
Land Use Type	BENEVOLENT & CHARITABLE
Property Location	344 COMMERCIAL ST UNIT CCL
Owner Information	GULF OF MAINE PROPERTIES INC PO BOX 7549 PORTLAND ME 04112
Book and Page	
Legal Description	42-C-1-2 COMMERCIAL ST 344-380 GULF OF MAINE PROPERTIES I CONDO UNIT TOTAL OF 14 UNITS
Acres	3.487

Current Assessed Valuation:

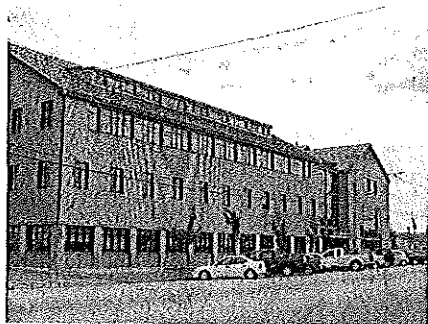
TAX ACCT NO.	51130	OWNER OF RECORD AS OF APRIL 2011
		GULF OF MAINE PROPERTIES INC
LAND VALUE	\$794,740.00	PO BOX 7549
BUILDING VALUE	\$3,178,960.00	PORTLAND ME 04112
LITERARY AND SCIENTIFIC	(\$3,973,700.00)	
NET TAXABLE - REAL ESTATE	\$0.00	
TAX AMOUNT	\$0.00	

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Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

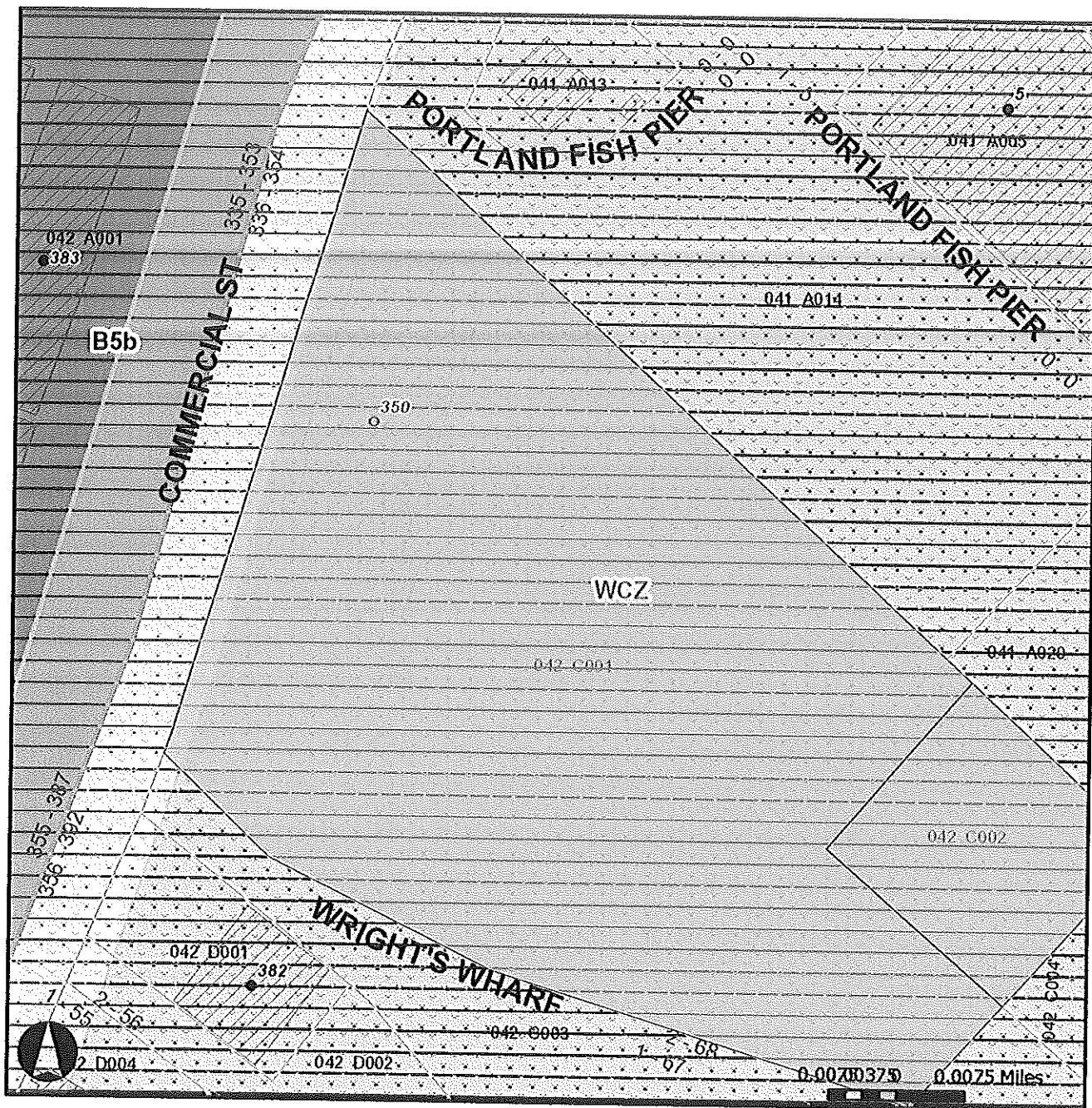


Best viewed at 800x600, with Internet Explorer

[View Map](#)

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Map



Parcels	Stream Overlay Zone	Zoning (continued)	Zoning (continued)
<input type="checkbox"/> Parcel	<input checked="" type="checkbox"/> Stream_protection	<input type="checkbox"/> R2 Residential	<input type="checkbox"/> C25
Interstate	Island Zoning	<input type="checkbox"/> R3 Residential	<input type="checkbox"/> C26
<input type="checkbox"/> Interstate	<input type="checkbox"/> C43	<input type="checkbox"/> R4 Residential	<input type="checkbox"/> C27
Streets	<input type="checkbox"/> I-B	<input type="checkbox"/> R5 Residential	<input type="checkbox"/> C28
<input type="checkbox"/> Street	<input type="checkbox"/> I-TS	<input checked="" type="checkbox"/> R6 Residential	<input type="checkbox"/> C29
Buildings	<input type="checkbox"/> I-R1	<input type="checkbox"/> ROS Recreation Open	<input type="checkbox"/> C30
<input checked="" type="checkbox"/> Building	<input type="checkbox"/> I-R2	Space	<input type="checkbox"/> C31
<input checked="" type="checkbox"/> Out Building			



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Receipts Details:

Tender Information: Check , BusinessName: Berstein Shur, Check Number: 101596101714

Tender Amount: 150.00

Receipt Header:

Cashier Id: Ldobson

Receipt Date: 10/31/2011

Receipt Number: 11766

Receipt Details:

Referance ID:	265	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00
Job ID: Miscellaneous charges			
Additional Comments: Gulf of Maine Properties			

Thank You for your Payment!