



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

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

November 28, 2011

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

RE: Gulf of Maine Research – 378 Commercial Street – 042-C-003-004 (the  
“Property) – WCZ

Dear Ms. Osborne,

I am in receipt of your request for a zoning determination letter concerning the property located at 378 Commercial Street. The Property is located within the Waterfront Central Zone or WCZ.


The Property has two storage buildings that have been in existence prior to the basis of the City’s Land Use Zoning Ordinance which is June 5, 1957. Our records do not have any certificates of occupancy for these structures. This is not a violation or a concern of our office since many structures built prior to the current Land Use Zoning Ordinance do not have a certificate of occupancy.

The most recent work in 2010 on the Property was the removal and replacing of the existing pier. This work received all the appropriate building permits and other reviews required through Inspection Services and the Planning Division. I have included copies of the permits and reviews for the replacement pier. There is no need to issue a certificate of occupancy for a pier because it is not occupiable. Again, the absence of a certificate of occupancy for a pier is not a violation of the City Ordinances.

I am unaware of any legal action pending or considered in regard to the Property.

If you have any further questions regarding this matter please do not hesitate to contact me at (207) 874-8695.

Very truly yours

  
Marge Schmuckal  
Zoning Administrator

attachments

# BERNSTEIN SHUR

COUNSELORS AT LAW

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

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

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

November 16, 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 Research *wrk*  
378 Commercial Street  
42-C-3-4

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 check in the amount 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,

*SOS*  
Susan Osborne

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NOV 16 2011

Dept. of Building Inspections  
City of Portland Maine

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

City Home Departments City Council E-Services Calendar Jobs

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:**

<b>Services</b>	<b>CBL</b>	042 C003001
	<b>Land Use Type</b>	GOVERNMENTAL
	<b>Property Location</b>	378 COMMERCIAL ST
<b>Applications</b>	<b>Owner Information</b>	GULF OF MAINE RESEARCH INSTITUTE 350 COMMERCIAL ST PORTLAND ME 04101
<b>Doing Business</b>	<b>Book and Page</b>	21587/043
<b>Maps</b>	<b>Legal Description</b>	42-C-3-4 COMMERCIAL ST 378-380 98685 W 81415 D
<b>Tax Relief</b>	<b>Acres</b>	2.265
<b>Tax Roll</b>		

**Current Assessed Valuation:**

<b>Q &amp; A</b>	<b>TAX ACCT NO.</b>	47546	<b>OWNER OF RECORD AS OF APRIL 2011</b> GULF OF MAINE RESEARCH INSTITUTE 350 COMMERCIAL ST PORTLAND ME 04101
<b>browse city services a-z</b>	<b>LAND VALUE</b>	\$1,480,300.00	
	<b>BUILDING VALUE</b>	\$2,319,800.00	
	<b>UNITED STATES</b>	(\$3,800,100.00)	
<b>browse facts and links a-z</b>	<b>NET TAXABLE - REAL ESTATE</b>	\$0.00	
	<b>TAX AMOUNT</b>	\$0.00	



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

**Building Information:**

Card 1 of 1

<b>Year Built</b>	1973
<b>Style/Structure Type</b>	WAREHOUSE
<b># Units</b>	1
<b>Square Feet</b>	5032

[View Sketch](#)      [View Map](#)      [View Picture](#)



Best viewed at 800x600, with Internet Explorer

**Exterior/Interior Information:**

Card 1

<b>Levels</b>	01/01
<b>Size</b>	5032
<b>Use</b>	WAREHOUSE
<b>Height</b>	12
<b>Walls</b>	METAL-LIGHT
<b>Heating</b>	NONE
<b>A/C</b>	NONE

**Other Features:**

Card 1

<b>Structure</b>	OVERHEAD DOOR - WD/MT
<b>Size</b>	8X8

**Outbuildings/Yard Improvements:**

Card 1

<b>Year Built</b>	1971
<b>Structure</b>	ASPHALT PARKING
<b>Size</b>	35800
<b>Units</b>	1
<b>Grade</b>	C
<b>Condition</b>	3

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NOV 16 2011

Dept. of Building Inspections  
City of Portland Maine

**Card 1**  
Year Built 1971  
Structure DOCK-HEAVY  
Size 37511  
Units 1  
Grade C  
Condition 3

**Card 1**  
Year Built 1971  
Structure FENCE CHAIN  
Size 1X1360  
Units 1  
Grade C  
Condition 3

**Card 1**  
Year Built 1971  
Structure SHED-FRAME  
Size 1X480  
Units 1  
Grade C  
Condition 3

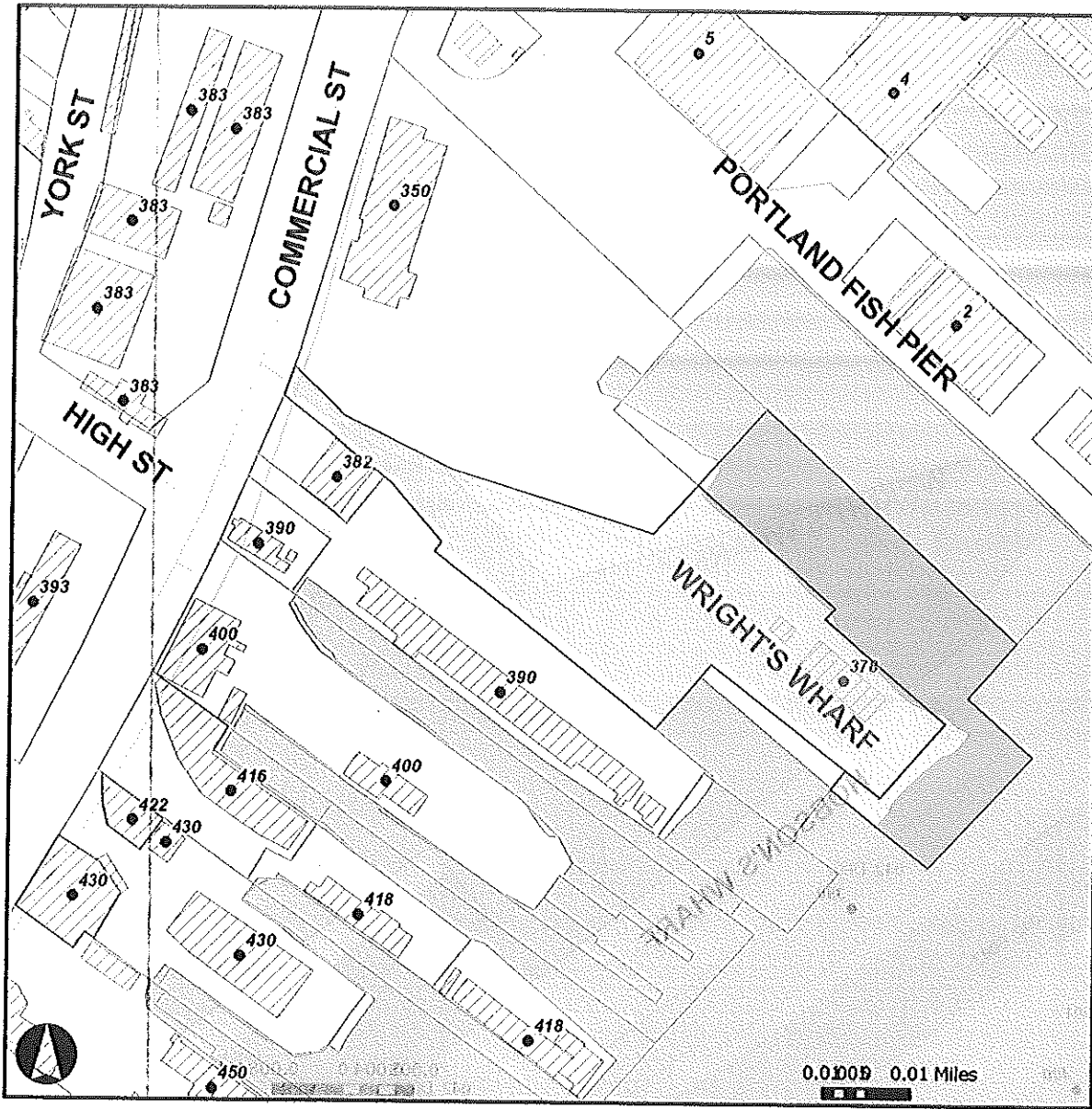
**Sales Information:**

Sale Date	Type	Price	Book/Page
7/23/2004	LAND + BUILDING	\$0.00	21587/043

[New Search!](#)

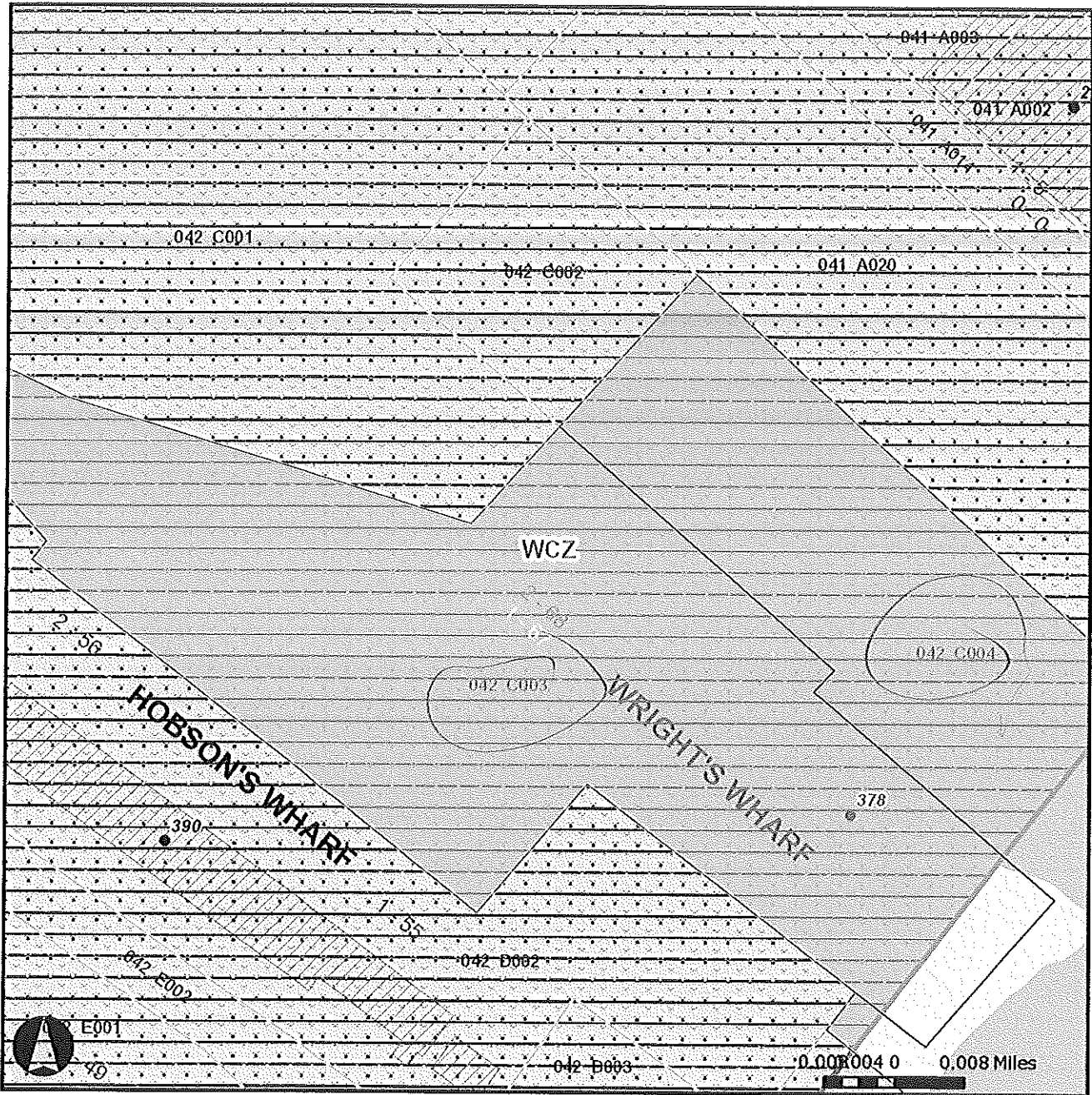
# Map

globe



Parcels	Parcels	Jetport	Ocean
Interstate	Traveled Ways	County Streets	
Streets	Stream	A15	
		A21	
Buildings	Wetland	A31	
Building	swamp	ME Towns	
Out Building	Lake/Pond	Land	
	under_road	Water Body	
	waterbody		

COM MAPPING  
Map



Address Candidates



Parcels



Interstate



Streets



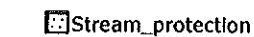
Buildings



Shoreland Overlay Zone



Stream Overlay Zone



Island Zoning



Zoning (continued)



Zoning (continued)





**Maine - Building or Use Permit Application**

14101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 10-0170	Issue Date:	CBL: <i>e4</i> 042 C003001
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<b>T</b>	Owner Name: GULF OF MAINE RESEARCH IN	Owner Address: 350 COMMERCIAL STREET	Phone: 772-2321
	Contractor Name: Cianbro Corp.	Contractor Address: 328 W. Commercial Street Portland	Phone: 2077735852
	Phone:	Permit Type: Commercial	Zone: WCZ

Proposed Use: Pier - GMRI/USCG - Demo the existing pier (6864 sq ft) and construct pier (9240 sq ft)	Permit Fee: \$34,190.00	Cost of Work: \$3,417,000.00	CEO District: 1
---------------------------------------------------------------------------------------------------------	----------------------------	---------------------------------	--------------------

FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>N/A</i> Type: <i>Marina pier</i> <i>IBC-2003 (concrete)</i>
Signature:	Signature: <i>JMB 2/26/10</i>

PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)

Action:  Approved  Approved w/Conditions  Denied

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Application: pier (6864 sq ft) and construct pier (9240 sq ft)

Date Applied For:  
02/24/2010

**Zoning Approval**

Application does not preclude the applicant from meeting applicable State and local requirements.

Permits do not include plumbing, electrical or mechanical work.

Permits are void if work is not started within 6 months of the date of issuance.

Permit expiration may invalidate a building permit.

<p>Special Zone or Review</p> <p><input checked="" type="checkbox"/> Shoreland <i>WCZ Exempt from 75' setback</i></p> <p><input type="checkbox"/> Wetland</p> <p><input checked="" type="checkbox"/> Flood Zone <i>Panel 13 zone A2</i></p> <p><input type="checkbox"/> Subdivision <i>el 10 less than 50' improvement</i></p> <p><input checked="" type="checkbox"/> Site Plan <i>exemption approved 2/11/10</i></p> <p>Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/></p> <p><i>all with conditions</i></p> <p>Date: <i>2/25/10</i></p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Date: _____</p>	<p>Historic Preservation</p> <p><input checked="" type="checkbox"/> Not in District or Landmark</p> <p><input type="checkbox"/> Does Not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p>Date: <i>S</i></p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**PERMIT ISSUED**

**MAR 1 - 2010**

City of Portland

**CERTIFICATION**

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 am authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. If a permit for work described in the application is issued, I certify that the code official's authorized representative has the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to the work.

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





## Application for Exemption from Site Plan Review Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

PROJECT NAME: Gulf of Maine Research Institute Pier Replacement Project

PROJECT ADDRESS: 350 Commercial Street, Portland Maine, 04101

PROJECT DESCRIPTION: (Please Attach Sketch/Plan of Proposal/Development)

Remove and Replace existing pier, see attached drawings

**RECEIVED**

CHART/BLOCK/LOT: \_\_\_\_\_

**FEB 10 2010**

**CONTACT INFORMATION:**

City of Portland  
Planning Division

OWNER/APPLICANT

CONSULTANT/AGENT

Name: Patrick Sughrue  
 Address: Cianbro Corp  
60 Cassidy Point Drive  
 Zip Code: 04102  
 Work #: 207-318-9448  
 Home #: 207-553-2701  
 Fax #: 207-773-7617  
 E-mail: psughrue@cianbro.com

Name: Daniel O'Connoe, P.E.  
 Address: Appledore Marine  
600 State St., Portsmouth, NH  
 Zip Code: 03801  
 Work #: 978-239-9519  
 Home #: 603-766-1870  
 Fax #: \_\_\_\_\_  
 E-mail: DOConnor@appledoremarine.com

Criteria for Exemptions:

(See Section 14-523 (4) on page 2 of this application)

	Applicant's Assessment Y(yes), N(no), N/A	Planning Division Use Only
a) Is the proposal within existing structures?	No	replacement
b) Are there any new buildings, additions, or demolitions?	No	N
c) Is the footprint increase less than 500 sq. ft.?	No	No increase
d) Are there any new curb cuts, driveways or parking areas?	No	N
e) Are the curbs and sidewalks in sound condition?	Yes	Y
f) Do the curbs and sidewalks comply with ADA?	Yes	Y
g) Is there any additional parking?	No	N
h) Is there an increase in traffic?	No	N
i) Are there any known stormwater problems?	No	N
j) Does sufficient property screening exist?	N/A	Y
k) Are there adequate utilities?	Yes	Y

**Planning Division Use Only**

Exemption Granted  Partial Exemption  Exemption Denied

*with 2 conditions -*

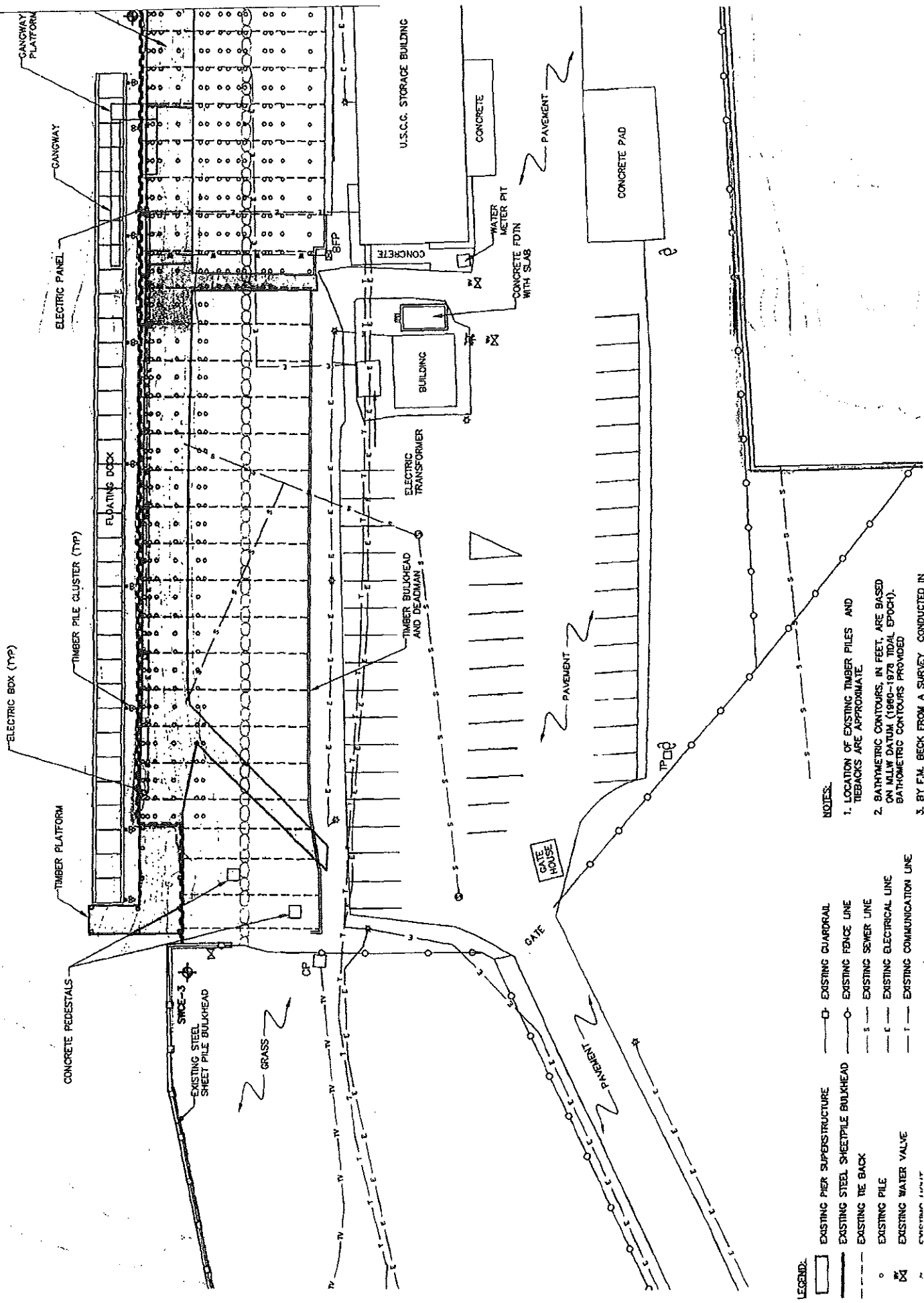
*See attached*

Planner's Signature

*Barbara Sarkydt*

Date *Feb. 11, 2010*





- LEGEND:**
- EXISTING PIER SUPERSTRUCTURE
  - ▬ EXISTING STEEL SHEET PILE BULKHEAD
  - - - EXISTING TIE BACK
  - EXISTING PILE
  - ⊗ EXISTING WATER VALVE
  - EXISTING GUARDRAIL
  - EXISTING FENCE LINE
  - - - EXISTING SEWER LINE
  - - - EXISTING ELECTRICAL LINE
  - - - EXISTING COMMUNICATION LINE

**NOTES:**

1. LOCATION OF EXISTING TIMBER PILES AND TIEBACKS ARE APPROXIMATE.
2. BATHYMETRIC CONTOURS, IN FEET, ARE BIASED ON MLLW DATUM (1860-1878 TIDAL EPOCH). BATHYMETRIC CONTOURS PROVIDED.
3. BY F.M. BECK FROM A SURVEY CONDUCTED IN

# REAL ESTATE ASSESSMENT RECORD - CITY OF PORTLAND, MAINE

LAND NOS. **3111-380** BLDG. NO. **1 OF 4** CHART **42** BLOCK **C** LOT **1 to 4**  
 STREET **B & M Wharf** DEVELOPMENT NO. **NAVAL TRAINING** AREA **3** DIST. **3** ZONE **1** PAGE **12**  
 CITY **Commercial**

TAXPAYER ADDRESS AND DESCRIPTION: **WRIGHT A R CO**  
**350 COMMERCIAL ST**  
**CITY**  
**LAND & BLDGS B & M WHARF COMMERCIAL ST #344-380 PORTLAND ME**  
**ASSESSORS PLANS 42-C-1104 42-D-4**  
**AREA D 51126 SQ FT W 290797 SQ FT**

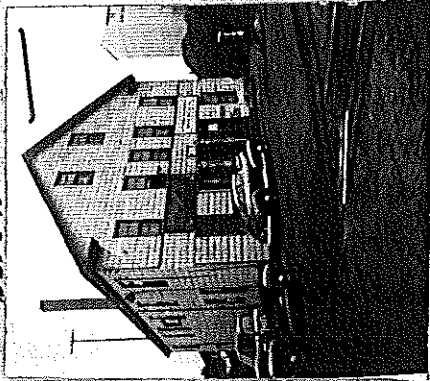
RECORD OF TAXPAYER: **WRIGHT A R CO**  
 RECORD OF TAXPAYER: **WRIGHT A R CO**

LAND VALUE COMPUTATIONS AND SUMMARY				LAND VALUE COMPUTATIONS AND SUMMARY			
FRONTAGE	DEPTH	UNIT PRICE	FRONT FT. PRICE	FRONTAGE	DEPTH	UNIT PRICE	FRONT FT. PRICE
28	100	60.50	1714.00	28	100	60.50	1714.00
198	45	120.00	23760.00	198	45	120.00	23760.00
TOTAL VALUE LAND				TOTAL VALUE LAND			
1714.00				1714.00			
TOTAL VALUE BUILDINGS				TOTAL VALUE BUILDINGS			
13429.00				13429.00			
TOTAL VALUE LAND AND BUILDINGS				TOTAL VALUE LAND AND BUILDINGS			
30569.00				30569.00			
SQ. FT. TO-FROM CH.				SQ. FT. TO-FROM CH.			
124290				124290			
1958				1958			

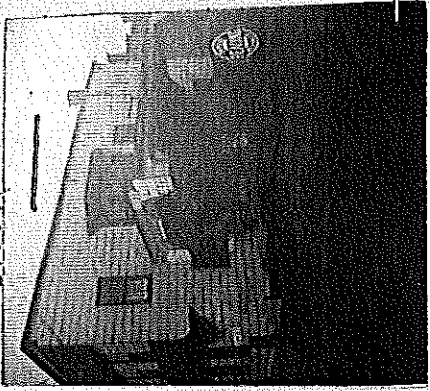
LAND VALUE COMPUTATIONS AND SUMMARY				LAND VALUE COMPUTATIONS AND SUMMARY			
FRONTAGE	DEPTH	UNIT PRICE	FRONT FT. PRICE	FRONTAGE	DEPTH	UNIT PRICE	FRONT FT. PRICE
28	100	60.50	1714.00	28	100	60.50	1714.00
198	45	120.00	23760.00	198	45	120.00	23760.00
TOTAL VALUE LAND				TOTAL VALUE LAND			
1714.00				1714.00			
TOTAL VALUE BUILDINGS				TOTAL VALUE BUILDINGS			
12429.00				12429.00			
TOTAL VALUE LAND AND BUILDINGS				TOTAL VALUE LAND AND BUILDINGS			
29543.00				29543.00			
SQ. FT. TO-FROM CH.				SQ. FT. TO-FROM CH.			
124290				124290			
1958				1958			

APR 2 1956

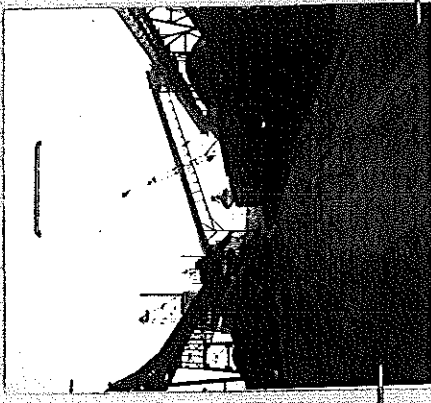
Block B



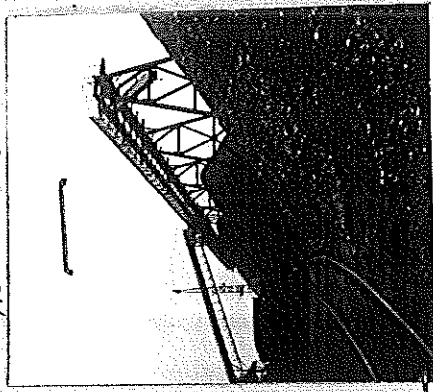
Block A



Trestle D Unmanned

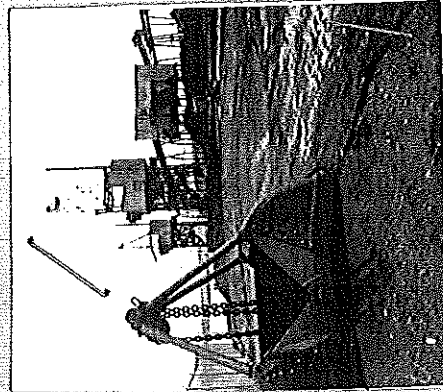


Trestle C

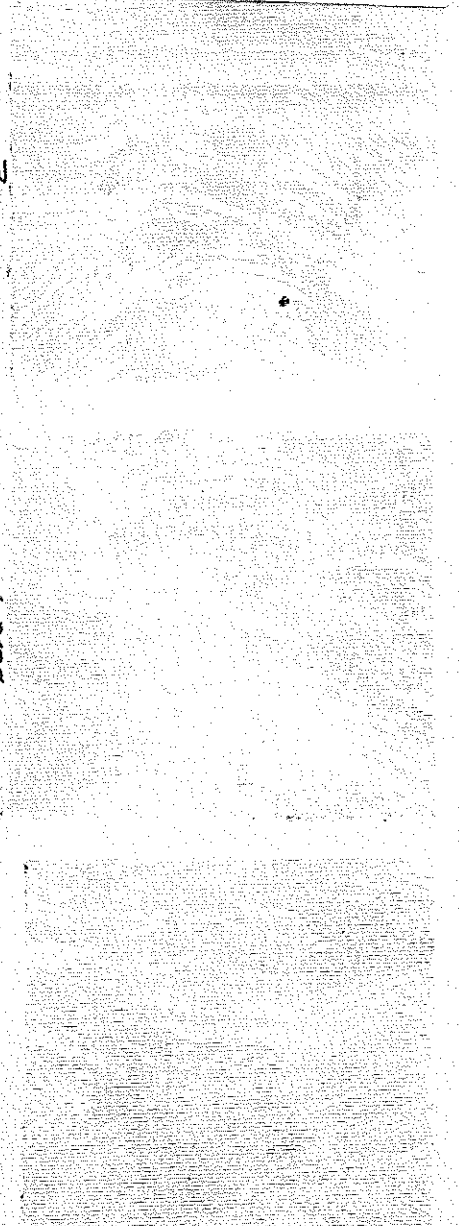


COAL  
2 WIND TOWS  
520 1/2 PCE  
11. 100 FT HIGH  
20 1/2 FT  
1,000,000 CU FT  
@ 60 # CU FT =  
31,700 TONS  
@ 9.1 #

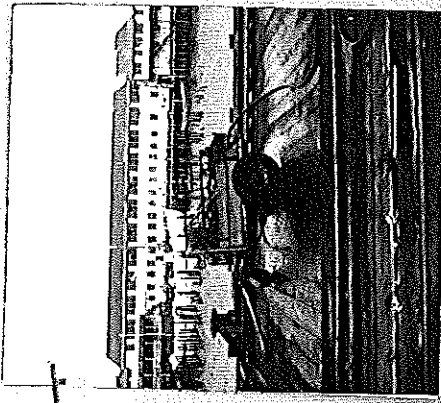
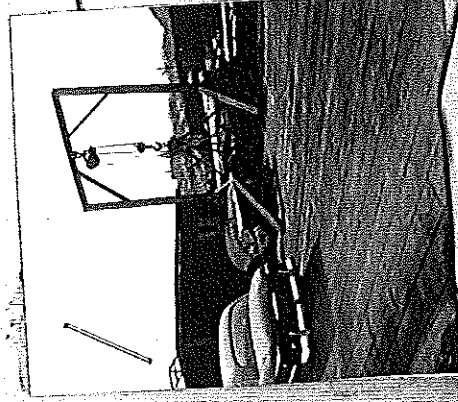
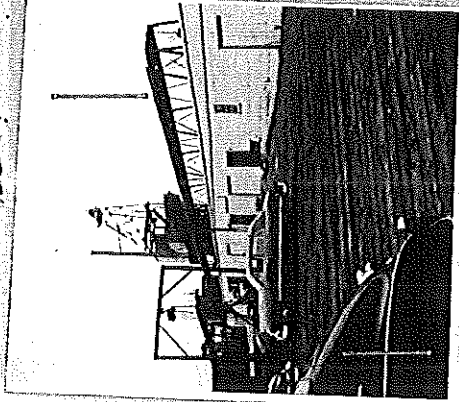
Block F



Block E



Block F



TAXPAYER  
STREET  
ESTATE ASSESSMENT  
ELDC

**(A) OFFICE.**

ASS. SHINGLE WALLS, W.B. LINING, PINE FLRS., T. & G. RF.,  
 2- TOILET ROOMS, H.W. HEAT & OIL BURNER, ELEC. FR. PTNS.  
 FAIRBANKS 20 TON SCALE, 8'x22' PLATF. CANOPY 15'x23'  
 1072 @ 390 = 4180.  
 SCALE & CANOPY =  $\frac{1490}{5670}$  ✓

**(B) STORE ROOM.**

CONSTR. SIMILAR TO BLDG. A. 150'  
 2945 @ 400 = 11780 ✓

**(C) SHUTTLE TRESTLE.**

2 RUNS 12" x 8 3/4" I BMS. & PLANK CATWALKS ON 8" E  
 7' O.C., 12" H COLS. 33' HI., 2' x 3 1/2" AV. x 12' CONG. PIERS 42' O.C.,  
 INCL. STL. STRUTS, BRACING & SHUTTLE TOWER.  
 420 1/2 @ 5200 = 21840 ✓ 1941

**(D) COAL POCKET DOWN.**

WALLS - OPEN 12' HI., 2" TO 1" PLANK ON TIMB. GIRTS 28' HI.,  
 BIN FLOOR - 2" PLANK, HEAVY TIMB. FRMS. & CONG. PIERS,  
 T. & G. RF. INCL. CORR. MET. MONITOR WALL 4' HI. AV., PLANK  
 BULKHEADS & STAIRWAY, COND. WIR., PLATFORM ADDN. 58' x 32' O.C.  
 11220 @ 300 = 34780 ✓ 1507  
 1024 @ ADDN. @ 150 =  $\frac{1570}{36650}$  ✓ 1940

**(E) DISCHARGE TRESTLE.**

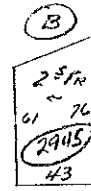
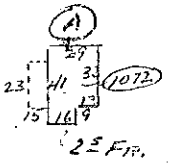
2 RUNS 12" x 7 1/4" I BMS. & PLANK CATWALKS ON 8" E  
 9' O.C., 9 3/4" x 8" COLS. 36' HI. & 36' O.C., STL. & STRUTS &  
 BRACING. MET. DISCHARGE TOWER 20' x 36' & 13' x 17'.  
 336 1/2 @ 2400 = 8060 ✓ 1941  
 TOWER ADDN. =  $\frac{5440}{13500}$  ✓

**(F) STORAGE**

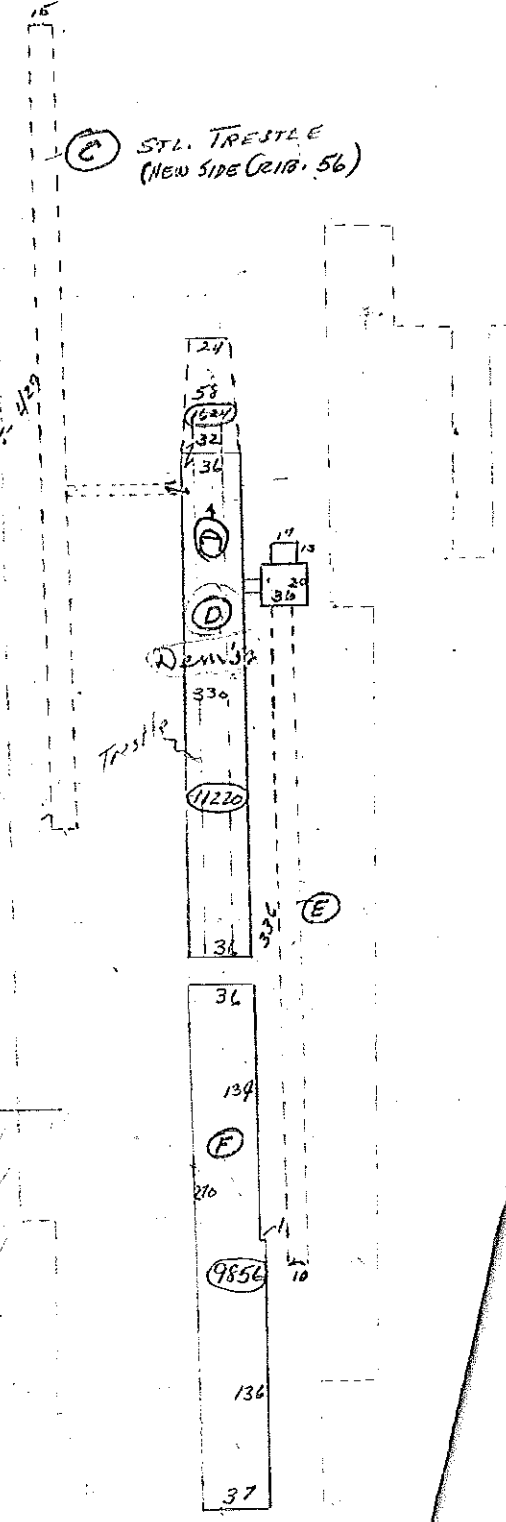
MET. WALLS 11' HI. AV., 1/2 CONG. FLR., BAL. WHARF, MET.  
 RF., ELEC., FR. PTNS. 1932  
 9856 @ .70 = 6900 ✓

1- 4 TON MEAD-MORRISON CRANE & TOWER. = 42000 ✓ 1941  
 1- 1 1/2 TON. = 34000 ✓  
 320 1/2 6" TO 7" CRANE RAIL @ 500 = 19000 ✓ 1941  
 5800 1/2 80 # R.R. SDB. @ 350 = 2030 ✓  
 530 1/2 6' WOV. WIR. FENCE @ 140 = 740 ✓ 1941

400 @ 120 = 48000 ✓



**(C) STL. TRESTLE (NEW SIDE CRIB. 56)**



## Marge Schmuckal - Re: Zoning compliance

**From:** Marge Schmuckal  
**To:** Susan Osborne  
**Date:** 11/28/2011 10:39 AM  
**Subject:** Re: Zoning compliance

Hi Susan,

I received your request on Nov. 16, 2011. I have done a lot of research on this. But I want to visit the site to further my understanding before I put anything into writing. I am trying to do the site visit today  
Marge

>>> Susan Osborne <sosborne@bernsteinshur.com> 11/28/2011 10:25 AM >>>

Hi again—I am just following up on the last zoning request---about 2 weeks ago I requested a zoning letter on the property owned by Gulf of Maine Research located at 378 Commercial Street—42-C 3-4---they are trying to close tomorrow—can you please let me know when this may be ready—thank you

---

Susan Osborne

Bernstein Shur  
100 Middle Street  
PO Box 9729  
Portland, ME 04104-5029  
207 774-1200 main  
207 774-1127 facsimile  
sosborne@bernsteinshur.com  
www.bernsteinshur.com

Portland, ME | Augusta, ME | Manchester, NH

**Confidentiality notice:** This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message including any contained in your reply. Thank you.

**IRS notice:** Unless specifically indicated otherwise, any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (a) avoiding tax-related penalties under the Internal Revenue Code, or (b) promoting, marketing, or recommending to another party any transaction or matter addressed herein.



# CITY OF PORTLAND, MAINE

Department of Building Inspections

## Original Receipt

\_\_\_\_\_ 11.16 20 11 \_\_\_\_\_

Received from Bernstem Shun

Location of Work 378 Commercial St

Cost of Construction \$ \_\_\_\_\_ Building Fee: \_\_\_\_\_

Permit Fee \$ \_\_\_\_\_ Site Fee: \_\_\_\_\_

Certificate of Occupancy Fee: \_\_\_\_\_

Total: 150

Building (1L) \_\_\_\_\_ Plumbing (15) \_\_\_\_\_ Electrical (12) \_\_\_\_\_ Site Plan (U2) \_\_\_\_\_

Other Zoning Determination

CBL: 42-C-3

Check #: 12233 Total Collected \$ 150

**No work is to be started until permit issued.  
Please keep original receipt for your records.**

Taken by: R. [Signature]

WHITE - Applicant's Copy  
YELLOW - Office Copy  
PINK - Permit Copy