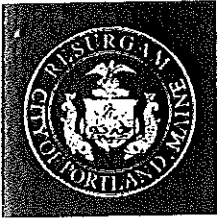


8/12/11 Spoke with
owner



PORTLAND MAINE

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

August 5, 2011

Mr. Atsushi Tamaki
Hobson Pier Inc.
390 Commercial Street
Portland, ME 04104

RE: 390 Commercial Street (Hobson's Pier) - 042-D-002 – WCZ Zone

Dear Mr. Tamaki:

It has come to the City's attention that the property located at 390 Commercial Street contains multiple uses that have not received the appropriate reviews, approvals, and permits that are required. An inspection was done by City staff including Inspection Services and Fire Department. The property is located within a Waterfront Central Zone (WCZ).

It is my understanding that there are several undocumented uses including Zumba classes, residential living quarters for workers, artist live/working studio, and property owner's living quarters. Please note that the residential living quarters for both the workers and the property owner were to have been vacated as of July 27, 2011.

Residential use of property to house workers is prohibited. Residential use of property within the WCZ is strictly limited to 1) those grandfathered residential uses and 2) a property owner's living quarters¹ - after having received a conditional use permit. A

¹ *Residential:* The primary owner of a marine business listed under section 14-307(a) located on the same site may occupy upper floor space with a residential use provided the following conditions are met:

1. The applicant demonstrates a compelling business related need for living on-site that cannot otherwise be accomplished;
2. The residential living space shall not exceed one thousand (1,000) square feet, inclusive of all exterior porches and decks;
3. The occupancy of said space shall be limited to the primary owner of the marine related business. The residential use is not transferable to friends, family or anyone other than the primary business owner. No such residential space shall be leased out by or allowed to be used for occupancy by other than the primary owner of the marine related business;
4. The residential use shall be limited to one unit per wharf;
5. The residential use shall be year round use only, and shall not be used on a seasonal basis; and
6. Upon the vacancy in excess of three (3) months of the residential living space by the primary owner of the marine related business, the residential use shall

conditional use permit requires both approval by the Planning Board and a building permit from Inspections to ensure building and fire code compliance.

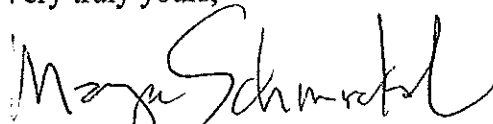
The artist live/working studio also has not been approved with a building permit. Please note that studios for artists and crafts people are allowable in the zone as long as there is no on-site sleeping accommodations. The City Inspection found sleeping facilities within the artist studio. With the application of a building permit, this office could approve a permit for an artist studio as long as there were no sleeping accommodations. A building permit is required, immediately, to continue this use without the sleeping accommodations.

The Zumba classes are not a listed permitted use in the WCZ. The Zumba use and classes must be vacated by August 31, 2011. Any exterior signage must be removed immediately.

You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

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

Cc: Penny St. Louis, Director of Planning and Development
Captain Chris Pirone, Fire Department
Tammy Munson, Inspection Services Director
Nick Adams, Code Enforcement Officer

automatically terminate and shall not be continued without new conditional use approval under this subsection.

For purposes of this subsection, "primary owner of the marine related business" shall mean a person who legally owns fifty percent (50%) or more of the marine business listed under section 14-307(a), permitted marine uses.

Marge Schmuckal - Re: Hobsons Wharf

From: Penny St. Louis
To: Marge Schmuckal
Date: 8/2/2011 12:21 PM
Subject: Re: Hobsons Wharf

residential - as of July 27, 2011
Zumba - August 31, 2011

>>> Marge Schmuckal 8/2/2011 11:56 AM >>>

Penny,

What is the time frame you want me to put in the letter to vacate those illegal uses? I will still give them 30 days to appeal etc.....

Marge



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

July 25, 2011

Hobson Pier Inc.
390 Commercial Street
Portland, ME 04104

ADD Sign (Illegal one on premises)

Illegal residential upstairs

RE: 390 Commercial Street (Hobson's Pier) - 042-D-002 - WCZ Zone

Dear Sirs/Madams:

It has come to my attention that the property located at 390 Commercial Street contains a use that instructs zumba classes. Your property is located in the Waterfront Central Zone (WCZ) which does not permit such recreational and personal services uses. It has also been reported that recently there have been alterations to the building and the area of the zumba classes have expanded. Any recent work was done without the required permits. Inspection Services has no recent permits on record.

It will be necessary to cease operations of the illegal zumba use within thirty (30) days of the date of this letter.

You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Marge Schmuckal - Re: 390 Commercial Street - Zumba

From: Gary Wood
To: Penny St. Louis; Tammy Munson; William Needelman
Date: 7/20/2011 3:05 PM
Subject: Re: 390 Commercial Street - Zumba
CC: Marge Schmuckal

*Hobsang Wharf
042-D-2
wcz*

fyi:I notice a place on the waterside of commercial in or near the dive shop next to Becky's that had a sign out last Saturday advertising zumba classes

>>> Penny St. Louis 7/20/2011 2:44 PM >>>

We need to discuss this

-----Original Message-----

From: William Needelman

Cc: Marge Schmuckal <MES@portlandmaine.gov>

Cc: Penny St. Louis <PL@portlandmaine.gov>

To: Tammy Munson <TMM@portlandmaine.gov>

Sent: 7/20/2011 2:35:28 PM

Subject: 390 Commercial Street - Zumba

Tammy,

A few months back I had a call regarding the zumba classes at Hobsons' Pier, 390 Commercial Street. There were zoning issues and they were expanding. I believe that there was an inspection action.

Supposedly the zumba expansion took place and I'm getting calls again.

Do you have any sort of status update that I can report?

Thank you.

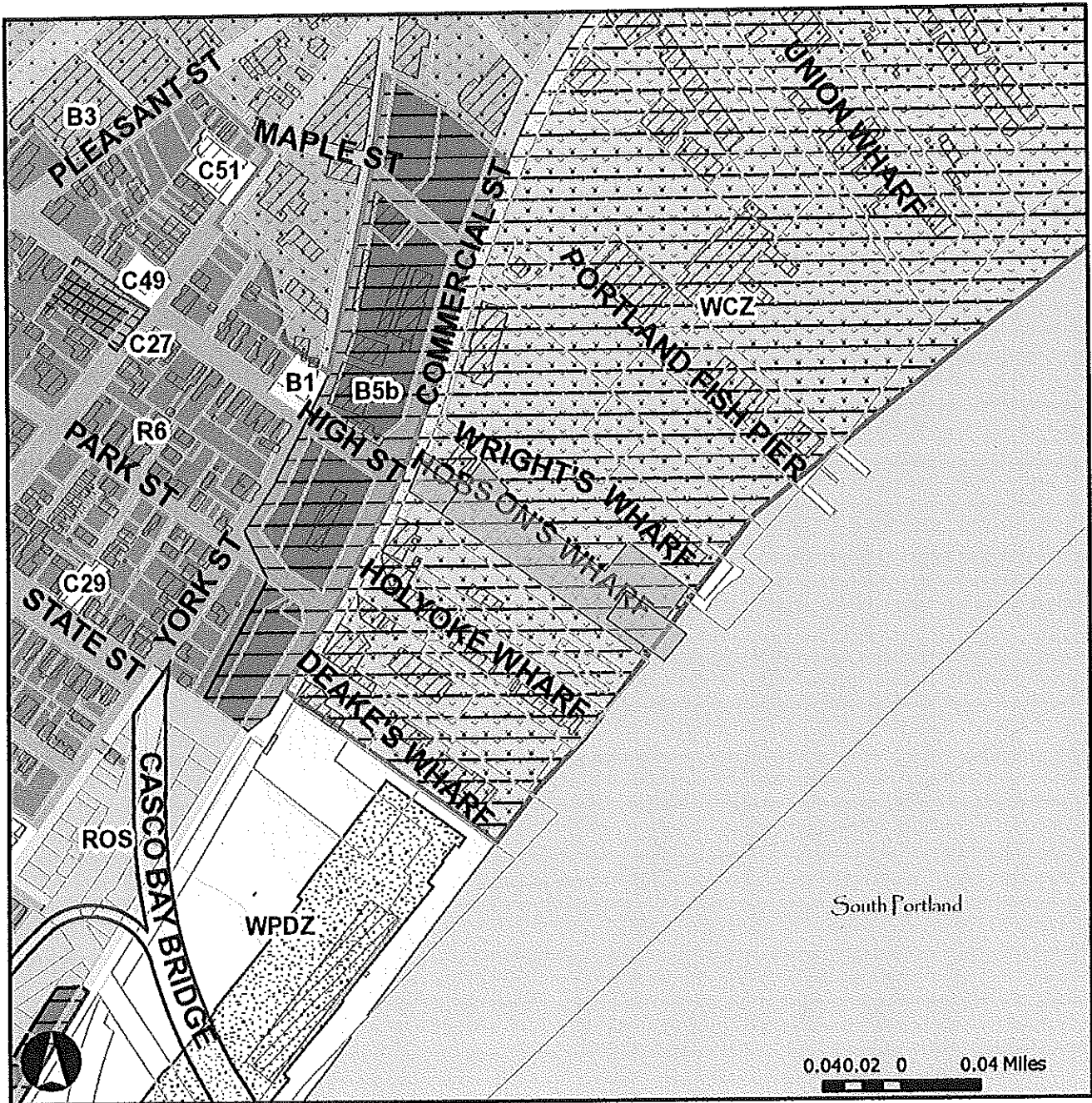
Bill

*No recent Permits
in One Solution
of 1
Urban Insight*

Bill Needelman, AICP
Senior Planner
Planning and Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

(207) 874-8722 tel.
(207) 756-8258 fax.
wbn@portlandmaine.gov

Map



Parcels



Parcels



Interstate



Streets



Buildings



Stream Overlay Zone



Island Zoning



Zoning (continued)



Zoning (continued)



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:

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

browse city services a-z

browse facts and links a-z

CBL 042 D002001
Land Use Type MANUFACTURING & CONSTRUCTION
Property Location 390 COMMERCIAL ST
Owner Information HOBSON PIER INC
 390 COMMERCIAL ST
 PORTLAND ME 04104
Book and Page 10799/135
Legal Description 42-D-2-3
 R COMMERCIAL ST 382-396
Acres W 65785 SF
 1.51

Current Assessed Valuation:

TAX ACCT NO. 6234 **OWNER OF RECORD AS OF APRIL 2011**
 HOBSON PIER INC
LAND VALUE \$759,200.00 **390 COMMERCIAL ST**
BUILDING VALUE \$1,537,200.00 **PORTLAND ME 04104**
NET TAXABLE - REAL ESTATE \$2,296,400.00
TAX AMOUNT \$41,978.20

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

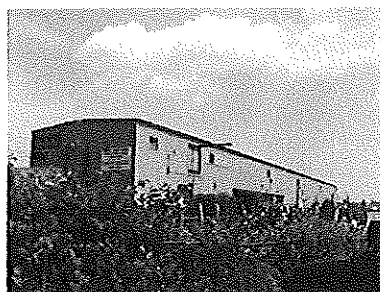


Best viewed at 800x600, with Internet Explorer

Building Information:

Card 1 of 1
Year Built 1978
Style/Structure Type MANUFACTURING
Units 1
Building Num/Name 1 - HOBSON'S PIER
Square Feet 30760

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



Exterior/Interior Information:

Card 1
Levels 01/01
Size 15380
Use LIGHT MANUFACTURING
Height 12
Walls METAL-LIGHT
Heating UNIT HEAT
A/C NONE

Card 1
Levels 02/02
Size 11320
Use MULTI-USE OFFICE
Height 10
Walls METAL-LIGHT
Heating ELECTRIC
A/C NONE

Card 1
Levels 02/02
Size 4060
Use MULTI-USE STORAGE
Height 10
Walls METAL-LIGHT
Heating NONE
A/C NONE

Other Features:

Card 1
Structure UTILITY BUILDING - FRAME
Qtrs 160Y1

Marge Schmuckal - Re: 390 Commercial Street - Zumba

From: Marge Schmuckal
To: Penny St. Louis; Tammy Munson; William Needelman
Date: 7/20/2011 3:18 PM
Subject: Re: 390 Commercial Street - Zumba
CC: Gary Wood

Penny,
Let me know when you have time to meet - I do not recall having a building permit for this use.
Marge

>>> Penny St. Louis 7/20/2011 2:44 PM >>>
We need to discuss this
-----Original Message-----
From: William Needelman
Cc: Marge Schmuckal <MES@portlandmaine.gov>
Cc: Penny St. Louis <PL@portlandmaine.gov>
To: Tammy Munson <TMM@portlandmaine.gov>

Sent: 7/20/2011 2:35:28 PM
Subject: 390 Commercial Street - Zumba

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Do you have any sort of status update that I can report?

Thank you.

Bill

Bill Needelman, AICP
Senior Planner
Planning and Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

(207) 874-8722 tel.
(207) 756-8258 fax.
wbn@portlandmaine.gov

Marge Schmuckal - Zumba

From: Penny St. Louis
To: Marge Schmuckal; Tammy Munson
Date: 7/25/2011 9:16 AM
Subject: Zumba
CC: Desiree Kelly

We need a letter sent re Zumba classes not allowed.

Marge Schmuckal - Re: zumba

From: Marge Schmuckal
To: Tammy Munson
Date: 7/25/2011 12:09 PM
Subject: Re: zumba

That is the first I've heard of that one. I did put together a letter, but I am now thinking that we need to verify the sleeping use first and wrap it all up in a complete violation letter.

Marge

>>> Tammy Munson 7/25/2011 12:00 PM >>>

No, I did not have an address. I can have my inspectors go w/Fire tomorrow. The other complaint is that there are beds setup and people sleeping above the fish plant.

>>> Marge Schmuckal 7/25/2011 11:38 AM >>>

Tammy,

did you ever send an inspector to 390 commercial St to inspect what was going on?

thanks,

Marge

Marge Schmuckal - Re: Hobson's pier - 390 Commercial Street

From: Tammy Munson
To: Marge Schmuckal
Date: 8/1/2011 11:33 AM
Subject: Re: Hobson's pier - 390 Commercial Street
CC: Penny St. Louis

It has illegal uses in that zone. There was a Zumba studio and a number of make shift apartments and rooming units. Maybe you should talk to Penny about it instead. She is more knowledgeable about the land use issues.

>>> Marge Schmuckal 8/1/2011 10:37 AM >>>

Tammy,

Do you have the information to complete the letter we need to send out this violation letter? I need to know the illegal uses that found to incorporate all of them in the letter. I would like to get this out as soon as possible....

Thanks,

Marge

Marge Schmuckal - Fwd: 390 Commercial Street Photos

From: Penny St. Louis
To: Marge Schmuckal
Date: 8/1/2011 11:48 AM
Subject: Fwd: 390 Commercial Street Photos
CC: Chris Pirone; Tammy Munson
Attachments: Copy of Copy of 390 Commercial1.jpg; 390 Commercial31.jpg; 390 Commercial41.jpg; 390 Commercial5.jpg; 390 Commercial1.jpg; 390 Commercial2.jpg; 390 Commercial6.jpg; 390 Commercial7.jpg; 390 Commercial8.jpg; 390 Commercial9.jpg; 390 Commercial10.jpg; 390 Commercial11.jpg; 390 Commercial12.jpg; 390 Commercial13.jpg; 390 Commercial14.jpg; 390 Commercial15.jpg; 390 Commercial16.jpg; 390 Commercial17.jpg; 390 Commercial18.jpg; 390 Commercial19.jpg; 390 Commercial20.jpg; 390 Commercial21.jpg; 390 Commercial22.jpg; 390 Commercial23.jpg; 390 Commercial24.jpg; 390 Commercial25.jpg; 390 Commercial26.jpg; 390 Commercial27.jpg; 390 Commercial28.jpg; 390 Commercial29.jpg; 390 Commercial30.jpg; 390 Commercial31.jpg; 390 Commercial32.jpg; 390 Commercial33.jpg; 390 Commercial34.jpg; 390 Commercial35.jpg; 390 Commercial36.jpg; 390 Commercial37.jpg; 390 Commercial38.jpg; 390 Commercial40.jpg; 390 Commercial41.jpg; 390 Commercial396.jpg; 390 Commercial.jpg; Copy of 390 Commercial31.jpg; Copy of 390 Commercial41.jpg; Copy of 390 Commercial1.jpg; Copy of 390 Commercial2.jpg; Copy of 390 Commercial.jpg

Uses observed at the above address:

1. Residential (26 seasonal workers were living at the property and working in its 1st floor plant). Second floor **Not permitted**
2. The owner, Achem Tamachi also stays at this property nightly. Second floor **Needs conditional use permit**
3. An artist studio is contained within the 2nd floor - bed included. I did not ascertain what type of art was being created but relied on the property owner stating it was an artist living there. **(See 1st picture below)**
3. A Zumba studio was offering Zumba classes to the public on the 2nd floor

>>> Tammy Munson 7/27/2011 2:56 PM >>>

