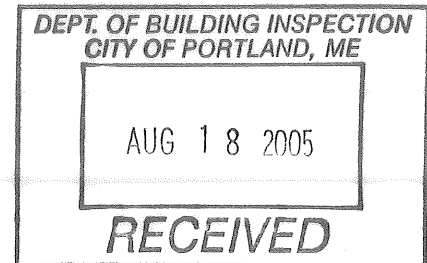


August 17, 2005

*Answered
by phal
8/17/05*

VIA FAX AND U.S. MAIL
(207) 874-8716

Marge Schmuckal, Zoning Administrator
Building Inspector's Office
Portland City Hall
389 Congress Street
Portland, Maine 04101



RE: 167-169 Danforth Street, Portland, Chart 44, Block I, Lot 1

Dear Marge:

This will follow up once more on our discussions yesterday and Tuesday regarding this 10 unit apartment building at 167-169 Danforth Street in Portland. I have additional information for your files and one question to ask.

First, I quoted you the last building permit issued – for replacement of a fire escape – Permit No. 960616, approved June 28, 1996, which states that past use of the building was as a 10 family apartment building and that the proposed use was the same. Our review of the title to the property at the Cumberland County Registry of Deeds revealed the enclosed “Affidavit Concerning City of Portland Planning Board Interpretation Appeal Decision relating to Property belonging to 167-169 Danforth Street Realty, Inc.” As you will see from the Planning Board’s decision, issued January 4, 1996, six months before the above-referenced building permit, the Planning Board found that, due to estoppel, the dwelling consisted of 10 units. I think this buttresses the records at the Building Inspector’s office for 10 units at this property and thought you might want to incorporate this Affidavit and Decision into your files.

Second, my question is: Do you think all 10 units in the building can be converted to 10 residential condominiums? I know the owners would need a condominium conversion permit from the City after filing an application and paying a fee, and that they would need to meet the protections in the City’s Land Use Ordinance for tenants and have the property inspected for compliance with the building, electrical, fire prevention and life safety codes and minimum dwelling standards. The latter standards call for minimal square footage. From what you know now, do you see any obstacle to condominium conversion in this case, assuming the above codes and standards are met?

1047415.1

PRETI FLAHERTY
Marge Schmuckal, Zoning Administrator
August 17, 2005
Page 2

Kindly call me at 791-3217 to give me your thoughts. If you could call me by the end of this week, that would be most appreciated.

Thanks so very much.

Very truly yours,



Estelle A. Lavoie

Enclosure

cc: Michael K. Mahoney, Esq. (w/enc.)
Bonnie L. Martinolich, Esq. (w/enc.)

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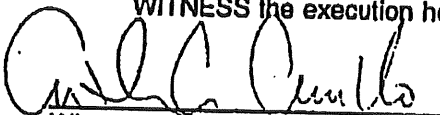
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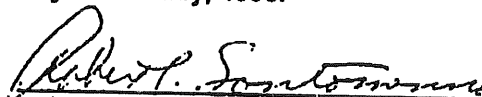
**AFFIDAVIT CONCERNING CITY OF PORTLAND PLANNING BOARD
INTERPRETATION APPEAL DECISION RELATING TO PROPERTY
BELONGING TO 167-169 DANFORTH STREET REALTY, INC.**

The undersigned, ROBERT C. SANTOMENNA, does hereby state under oath as follows:

1. I am an attorney admitted to practice in the State of Maine. My office address is Drummond & Drummond, One Monument Way, Portland, Maine 04101.
2. I represent 167-169 Danforth Street Realty Inc., a Maine corporation with a mailing address of 23 Beach Street, Kennebunk, Maine 04043 (the "Owner"), which is the owner of the premises located at 167-169 Danforth Street, Portland, County of Cumberland and State of Maine (the "Premises") by virtue of a deed from Jill B. Knoth dated June 26, 1995 and recorded in the Cumberland County Registry of Deeds in Book 12000, Page 290.
3. On January 4, 1996, an interpretation appeal hearing was held before the Planning Board of the City of Portland, on an appeal filed by the undersigned, on behalf of the Owner, seeking the validation of the pre-existing nonconforming use of the Premises for ten (10) apartment dwelling units.
4. On January 4, 1996, the City of Portland Planning Board issued a decision in the aforesaid appeal, validating the pre-existing nonconforming use of the Premises for ten (10) apartment dwelling units. An attested true copy of the said decision, signed by William Neleski as Secretary of the Planning Board, is attached hereto as Exhibit "A".

WITNESS the execution hereof this 5th day of February, 1996.


Witness


Robert C. Santomena

STATE OF MAINE)
CUMBERLAND) SS.

February 5, 1996

Then personally appeared before me the above-named Robert C. Santomena, and made oath that the foregoing statements subscribed by him are true to the best of his knowledge, information and belief.

MY COMMISSION
EXPIRES
11/18/97


Notary Public
Bernice N. Horowitz

SEAL

BK 12339PG224



EXHIBIT A

CITY OF PORTLAND

INTERPRETATION APPEAL

DECISION

Applicant's name and address: Robert Santomenna Attorney
on behalf of The Danforth St Realty Inc. Owners.

Applicant's interest in property (e.g. owner, purchaser, etc.): Attorney
representing owners.

owner's name and address if different Danforth St. Realty Inc.

Address of property: 167-169 Danforth St.

For the Record

Names of witnesses (proponents, opponents and others):

Robert Santomenna _____
Peter Knuth _____

Exhibits admitted (e.g., renderings, reports, etc.):

Mtg. Inspection Plan in Portland, ME File #11409. dated
6/16/94

Findings of Fact

1. The Board finds as fact that: Estoppel.
- _____
- _____
- _____
- _____
- _____
- _____
- _____

2. The finding(s) of fact above-stated is(are) based on the following reasons:

Motion: Move to validate the existing use
containing 10 dwelling units at 167-169
Danforth St. on behalf of Danforth St
Realty, Inc

Determinations

The Board determines that: Due to Estoppel the board
finds that the dwelling does consist of
10 units.

Dated: 1/4/ 19 96

[Signature]
Secretary of the Board

RECEIVED
RECORDED REGISTRY OF DEEDS
96 FEB -6 AM 9:32
DUNDEE COUNTY
John B O'Brien

A TRUE COPY

ATTEST: [Signature] 1/18/96
Secretary of the Board,
William Neleski.