

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director

Ann Machado, Acting Zoning Administrator

December 10, 2014

Camden National Bank
c/o Bernstein Shur
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Re: 94 & 96 Winter Street - Parkside Properties LLC – 045-E-009 & 010 – the “Property” - R-6 Residential Zone with a Historic Overlay Zone

To Whom It May Concern:

The Property is located within a R-6 Residential Zone with a Historic Overlay Zone. Our records show a building permit issued in January of 1981 “to repair after fire to return to original condition” listing the last use as a 10 family. In a letter dated November 22, 1982 David Lourie, City of Portland Corporation Counsel, stated that the number of units at 94-96 Winter Street was “illegally increased from 6 units to 10 units”. The letter goes on to say that when the building permit in 1981 was issued to restore the building to ten units after the fire neither the applicant “nor the City personnel handling this application for building permit were aware that 4 of the 10 units were not permitted under the Zoning Ordinance”. The letter concludes that “neither the Building Inspection office nor the Corporation Counsel’s office will undertake a prosecution to require the property to be returned to 6 units specified by the Zoning Ordinance. Provided that the configuration of the building (i.e., 10-unit use) is not increased, and the building in other respects continues to conform to the requirements of the Municipal Code, no prosecution will be brought against you (the current owner at the time) or your purchasers to require a return to the 6-unit use unless the building is substantially destroyed or rebuilt”. In 1988 a permit was issued for just 96 winter Street, listing the use as a 5-family. Therefore, the current legal use of the Property is ten (10) residential dwelling unit , five units at 94 Winter Street and five units at 96 Winter Street.

I am not aware of any pending or threatened violations against the Property.

If you have any questions regarding this matter, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado

Acting Zoning Administrator

amachado@portlandmaine.gov

207.874.8709



APPLICATION FOR PERMIT

PERMIT ISSUED

B.O.C.A. USE GROUP

B.O.C.A. TYPE OF CONSTRUCTION 062

ZONING LOCATION PORTLAND, MAINE, Jan. 27, 1931

JAN 27 1931

CITY OF PORTLAND

To the DIRECTOR OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION m 94-96 Winter Street

- 1. Owner's name and address .. David Wurfel .. 632 Washington Ave. Fire District #1 , #2
- 2. Lessee's name and address Telephone 773-5309
- 3. Contractor's name and address ... Owner Telephone
- 4. Architect Specifications Plans Telephone
- Proposed use of building No. of sheets
- Last use 10 family No. families
- Material No. stories Heat Style of roof Roofing
- Other buildings on same lot
- Estimated contractual cost \$.. 10,000 Fee \$.. 46.00

FIELD INSPECTOR—Mr. GENERAL DESCRIPTION

- This application is for: @ 775-5451
- Dwelling Ext. 234
- Garage
- Masonry Bldg.
- Metal Bldg.
- Alterations
- Demolitions
- Change of Use
- Other

To repair after fire to return original condition, no structural changes.

Stamp of Special Conditions

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

PERMIT IS TO BE ISSUED TO 1 2 3 4

Other:

DETAILS OF NEW WORK

- Is any plumbing involved in this work? Is any electrical work involved in this work?
- Is connection to be made to public sewer? If not, what is proposed for sewage?
- Has septic tank notice been sent? Form notice sent?
- Height average grade to top of plate Height average grade to highest point of roof
- Size, front depth No. stories solid or filled land? earth or rock?
- Material of foundation Thickness, top bottom cellar
- Kind of roof Rise per foot Roof covering
- No. of chimneys Material of chimneys of lining Kind of heat fuel
- Framing Lumber—Kind Dressed or full size? Corner posts Sills
- Size Girder Columns under girders Size Max. on centers
- Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
- Joists and rafters: 1st floor 2nd 3rd roof
- On centers: 1st floor 2nd 3rd roof
- Maximum span: 1st floor 2nd 3rd roof
- If one story building with masonry walls, thickness of walls? height?

IF A GARAGE

- No. cars now accommodated on same lot, to be accommodated ... number commercial cars to be accommodated ...
- Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVALS BY: DATE

MISCELLANEOUS

- BUILDING INSPECTION—PLAN EXAMINER Will work require disturbing of any tree on a public street? ..
- ZONING:
- BUILDING CODE: Will there be in charge of the above work a person competent
- Fire Dept.: to see that the State and City requirements pertaining thereto
- Health Dept.: are observed?
- Others:



CITY OF PORTLAND

DAVID A. LOURIE
November 22, 1982 CORPORATION COUNSEL

David Wurful
94 Winter Street
Portland, ME 04101

Re: 94-96 Winter Street

Dear Mr. Wurful:

We have reviewed the matter of the number of units at 94-96 Winter Street.

The facts as we currently have them are that at some time in the past, the number of units at 94-96 Winter Street was illegally increased from 6 units to 10 units. Subsequently, you purchased the property which was later damaged by fire. You then obtained a building permit from the City of Portland to reconstruct the fire-damaged portions of the structure into the 10 units previously existing. Apparently neither you nor the City personnel handling this application for building permit were aware that 4 of the 10 units were not permitted under the Zoning Ordinance. It is further our understanding that the property is now to be sold and the purchaser has raised questions as to the 10-unit operation after reviewing the Building Inspection Department file.

On these facts, neither the Building Inspection office nor the Corporation Counsel's office will undertake a prosecution to require that the property be returned to the 6 units specified by the Zoning Ordinance. Provided that the configuration of the building (i.e., 10-unit use) is not increased, and the building in other respects continues to conform to the requirements of the Municipal Code, no prosecution will be brought against you or your purchasers to require a return to a 6-unit use unless the building is substantially destroyed or rebuilt.

David Lourie
Corporation Counsel

Robert E. Long
Director of Planning and
Urban Development

PERMIT # 001481

CITY OF Portland BUILDING PERMIT APPLICATION

MAP #

LOT #

Date December 1, 1988 Subdivision Yes / No _____
 Inside Fire Limits Name _____
 Bid Code Loc _____
 Time Limit Block _____
 Estimated Cost \$4,000.00 Permit Expiration _____
 Value Structure Fee \$40.00 Ownership Public _____ Private _____

For Official Use Only

Est. Construction Cost \$4,000.00 Type of Use 5-Pan
 Past Use same
 Building Dimensions L W Sq. Ft. # Stories Lot Size
 Proposed Use Seasonal Condominium Apartment
 Conversion - Explain to renovate basement area, sheetrock, studding, etc.
 COMPLETE ONLY IF THE NUMBER OF UNITS WILL CHANGE trm molding, etc.
 Residential Buildings Only: Apartment Unit. NC
 # Of Dwelling Units # Of New Dwelling Units Extra Units

Ceiling: 1. Ceiling Joists Size _____ Spacing _____
 2. Ceiling Strapping Size _____
 3. Type Ceiling _____
 4. Insulation Type _____
 5. Ceiling Height: _____ Size DEC 9 1988

Roof: 1. Truss or Rafter Size _____
 2. Sheathing Type _____
 3. Roof Covering Type _____
 4. Other _____
 Chimneys _____

Heating: Type _____ Number of Fire Places _____
 Electrical: Type of Heat _____
 Service Entrance Size _____ Smoke Detector Required Yes _____ No _____

Plumbing: 1. Approval of soil test if required Yes _____ No _____
 2. No. of Tubs or Showers _____
 3. No. of Flushes _____
 4. No. of Lavatories _____
 5. No. of Other Fixtures _____
 Swimming Pools: 1. Type _____
 2. Pool Size: _____ Square Footage _____
 3. Must conform to National Electrical Code and State Law.

Zoning: District _____ Street Frontage Req. _____ Provided _____
 Required Setbacks: Front _____ Back _____ Side _____
 Review Required: Zoning Board Approval: Yes _____ No _____ Date: _____
 Planning Board Approval: Yes _____ No _____ Date: _____
 Conditional Use: Variance _____ Site Plan _____ Subdivision _____
 Shore and Floodplain Mgmt. Special Exception _____
 Other: (Explain) _____
 Date Approved: _____

Foundation: 1. Type of Soil: _____
 2. Set Backs - Front _____ Rear _____ Side(s) _____
 3. Footings Size _____
 4. Foundation Size _____
 5. Other _____
 Floor: 1. Sills Size _____ Sills must be anchored _____
 2. Girder Size _____
 3. Lally Column Spacing _____ Size _____
 4. Joists Size _____
 5. Bridging Type _____ Size _____ Spacing 16" O.C.
 6. Floor Sheathing Type _____ Size _____
 7. Other Material _____

Exterior Walls: 1. Studding Size _____ Spacing _____
 2. No. windows _____
 3. No. Doors _____
 4. Header Sizes _____ Span(s) _____
 5. Bracing Yes _____ No _____
 6. Corner Posts Size _____
 7. Insulation Type _____ Size _____
 8. Sheathing Type _____ Size _____
 9. Siding Type _____ Weather Exposure _____
 10. Masonry Materials _____
 11. Metal Materials _____

Interior Walls: 1. Studding Size _____ Spacing _____
 2. Header Sizes _____ Span(s) _____
 3. Wall Covering Type _____
 4. Fire Wall if required _____
 5. Other Materials _____

Permit Received By Joyce M. Rinaldi
 Signature of Joyce M. Rinaldi Date 12/1/88
 Signature of CEO SMC Date _____
 Inspection Dates _____
 White-Tax Assessor Yellow-GPCOG White Tag -CEO _____

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

Tabatha J. Berube
Paralegal
207 228-7377 direct
tberube@bernsteinshur.com

November 14, 2014

Ann Machado
Zoning Administrator
Planning & Urban Development
CITY OF PORTLAND
389 Congress Street
Portland, ME 04101

RECEIVED

NOV 18 2014

Dept. of Building Inspections
City of Portland Maine

Re: Parkside Properties, LLC
94 & 96 Winter Street, Portland, Maine
45-E-9 & 10

*RM,
historic*

Dear Ann:

Please issue a letter to Camden National Bank c/o Bernstein Shur confirming what zone the building and improvements located at the above property are located in and that the entire building is in compliance with all applicable Municipal zoning and land-use codes, regulations and ordinances, that there currently are no pending or threatened violations against it 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 fee 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,
Tabatha J. Berube
Tabatha J. Berube

cc: Hawley R. Strait, Esq.

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

INVOICE OF FEES

Application No: 0000-2081	Applicant: PARKSIDE PROPERTIES LLC
Project Name: 94 WINTER ST	Location: 94 WINTER ST
CBL: 045 E010001	Application Type: Determination Letter
Invoice Date: 11/19/2014	

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

Previous Balance **\$0.00**

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

CBL 045 E010001
Bill To: PARKSIDE PROPERTIES LLC
 PO BOX 10250
 PORTLAND, ME 04104

Application No: 0000-2081
Invoice Date: 11/19/2014
Invoice No: 47313
Total Amt Due: \$0.00
Payment Amount: \$150.00

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](#)