



Planning & Urban Development Department

Jeff Levine, AICP, Director

Ann Machado, Acting Zoning Administrator

February 20, 2015

William R. Schad, Senior Commercial Loan Officer
TD Bank
One Portland Square
Portland, ME 04112

94-96 Winter Street Realty, LLC
C/O Drummond & Drummond, LLP
One Monument Way
Portland, ME 04101

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

To Whom It May Concern:

The undersigned hereby certifies with respect to the above-referenced property owned by Parkside Properties, LLC and described on the attached Exhibit A:

The applicable zoning code affecting the premises is the Land use Ordinance of the City of Portland revised through December 17, 2014.

The Premises are located in the R-6 Residential Zone under the Zoning Ordinance, and the current uses of the property as (1) an apartment building with five (5) residential units (Lot 45-E-9, 96 Winter St.) and (2) an apartment building with five (5) residential units (Lot 45-E-10, 94 Winter St.) are permitted uses thereunder.

I am not aware of any known, unresolved violations or pending enforcement actions with respect to any applicable land use or zoning codes, City ordinances, or building, environmental, or energy codes, ordinances, or regulations.

I am not aware of any assessment records or other City records that would indicate the current uses of the buildings are in violation of any applicable land use or zoning codes, City ordinances, or building, environmental, or energy codes, ordinances, or regulations.

I have included two building permits and two letters from the City's Corporation Counsel that are applicable to the Premises.

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director

Ann Machado, Acting Zoning Administrator

Sincerely,

Ann B. Machado

Acting Zoning Administrator

Planning and Urban Development Department

City of Portland

207.874.8709

BK 16808 PG 030

EXHIBIT A

94-96 Winter Street, Portland;

A certain lot or parcel of land with the buildings thereon, situated on the southwesterly side of Winter Street in the City of Portland, County of Cumberland and State of Maine, and bounded and described as follows:

Beginning at a point in the southwesterly side of said Winter Street, opposite the center of a block of houses formerly numbered 48 and 50, but now numbered 94 and 96 on said street; thence, running southwesterly through the center of the Party Wall dividing said houses and by the fence in the rear one hundred twelve (112) feet, more or less, to the rear line of said lot; thence, northwesterly by said rear line about twenty-six (26) feet to the northwesterly line of said lot; thence, northeasterly by said northwesterly line one hundred twelve (112) feet, more or less, to Winter Street; thence, southeasterly by said Winter Street, about twenty-six (26) feet to the point of beginning.

Together with all right, title and interest in and to a passageway eleven (11) feet wide adjoining in the northwesterly side of said lot and extending back from Winter Street a distance of eighty-seven (87) feet. Said premises are now numbered 96 Winter Street.

Also another parcel with the buildings thereon, adjoining the above described parcel and known as 94 Winter Street, situated on the southwesterly side of Winter Street, in said Portland, bounded and described as follows:

Beginning at a point on said Winter Street, at the center of the block of two houses numbered 94 and 96 on said Winter Street, according to the City of Portland, valuation plans; thence, running southwesterly through the center of the partition wall dividing said houses and by the fence in the rear thereof as it now stands one hundred twelve (112) feet, more or less, to land now or formerly of Franklin Tinkham; thence, southeasterly by said land of said Tinkham twenty-five (25) feet, more or less, to land now or formerly of Rufus Cushman; thence, northeasterly by the land of said Cushman one hundred twelve (112) feet, more or less, to Winter Street; thence, northwesterly by said Winter Street, twenty-five (25) feet, more or less, to the point of beginning.

Being the same premises conveyed to the Grantor herein by deed of Kenneth S. Ray, Inc., dated September 30, 1997 and recorded in Book 13372, Page 55.

RECEIVED
RECORDED REGISTRY OF DEEDS

2001 OCT -3 PM 2:48

CUMBERLAND COUNTY

John B. C. B. C.



APPLICATION FOR PERMIT

PERMIT ISSUED

JAN 27 1981

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

ZONING LOCATION PORTLAND, MAINE, JAN. 27, 1981

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 in 94-96 Winter Street Fire District #1 , #2
1. Owner's name and address, DAVID WATSON, 532 WASHINGTON ST., Telephone 773-5309.
2. Lessee's name and address Telephone
3. Contractor's name and address, OHOOR, Telephone
4. Architect Specifications Plans No. of sheets
Proposed use of building No. families
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.
This application is for: @ 775-5451
Dwelling, Rm. 234
Garage
Masonry Bldg.
Metal Bldg.
Alterations
Demolitions
Change of Use
Other

GENERAL DESCRIPTION

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
BUILDING INSPECTION—PLAN EXAMINER
ZONING:
BUILDING CODE:
Fire Dept.:

MISCELLANEOUS
Will work require disturbing of any tree on a public street?
Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto



CITY OF PORTLAND

DAVID A. LOURIE
CORPORATION COUNSEL

November 4, 1982

Peter Plumb, Esq.
Murray, Plumb & Murray
30 Exchange Street
Portland, ME 04101

Re: 94 Winter Street

Dear Peter:

I have reviewed the matter of the number of units at 94 Winter Street with the Building Inspector.

The facts as I currently have them are that at some time in the past, the number of units at 94 Winter Street was illegally increased from 6 units to 10 units. Subsequently, your client purchased the property, which was later damaged by fire. Your client then obtained a building permit to reconstruct the fire damaged portions of the structure into 10 units. Apparently, neither your client nor the City personnel handling the application were aware that 4 of the 10 units were not permitted in the zone. It is further my understanding that the property is now to be sold, and the purchaser has raised a question as to the 10-unit operation.

On the facts as we currently have them, neither the Building Inspector nor I would undertake a prosecution to require that the property be returned to the 6 units specified in the Zoning Ordinance.

This Opinion is based upon general equitable considerations, and more particularly prosecutorial discretion. If in the future these facts change materially, the Building Inspector and I may review them anew and determine whether it is reasonable to require compliance with the literal terms of the Ordinance.

Very truly yours,

David
David A. Lourie
Corporation Counsel

DAL/ljn

cc: Joseph E. Gray, Jr., Planning & Urban Development Director
✓ P. Samuel Hoffses, Chief of Building Inspections



CITY OF PORTLAND

DAVID A. LOURIE
November 22, 1982 CORPORATION COUNSEL

David Wurfel
94 Winter Street
Portland, ME 04101

Re: 94-96 Winter Street

Dear Mr. Wurfel:

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

Joseph E. Long
Director of Planning and
Urban Development

