

Zoning Division  
Marge Schmuckal  
Zoning Administrator

Department of Urban Development  
Joseph E. Gray, Jr.  
Director



## CITY OF PORTLAND

### ZONING CERTIFICATE

TO: Hopkinson & Abbondanza, P.A., as Attorney for Portland Retirement Residence, LLC

RE: Zoning certificate for the property located at the Woods at Canco, 257, Canco Road, Portland, ME (the "Property") - ~~149-B-1~~, 160-E-1, 161-A-1 - R-5A/ROS zones

DATE: August 9, 2000

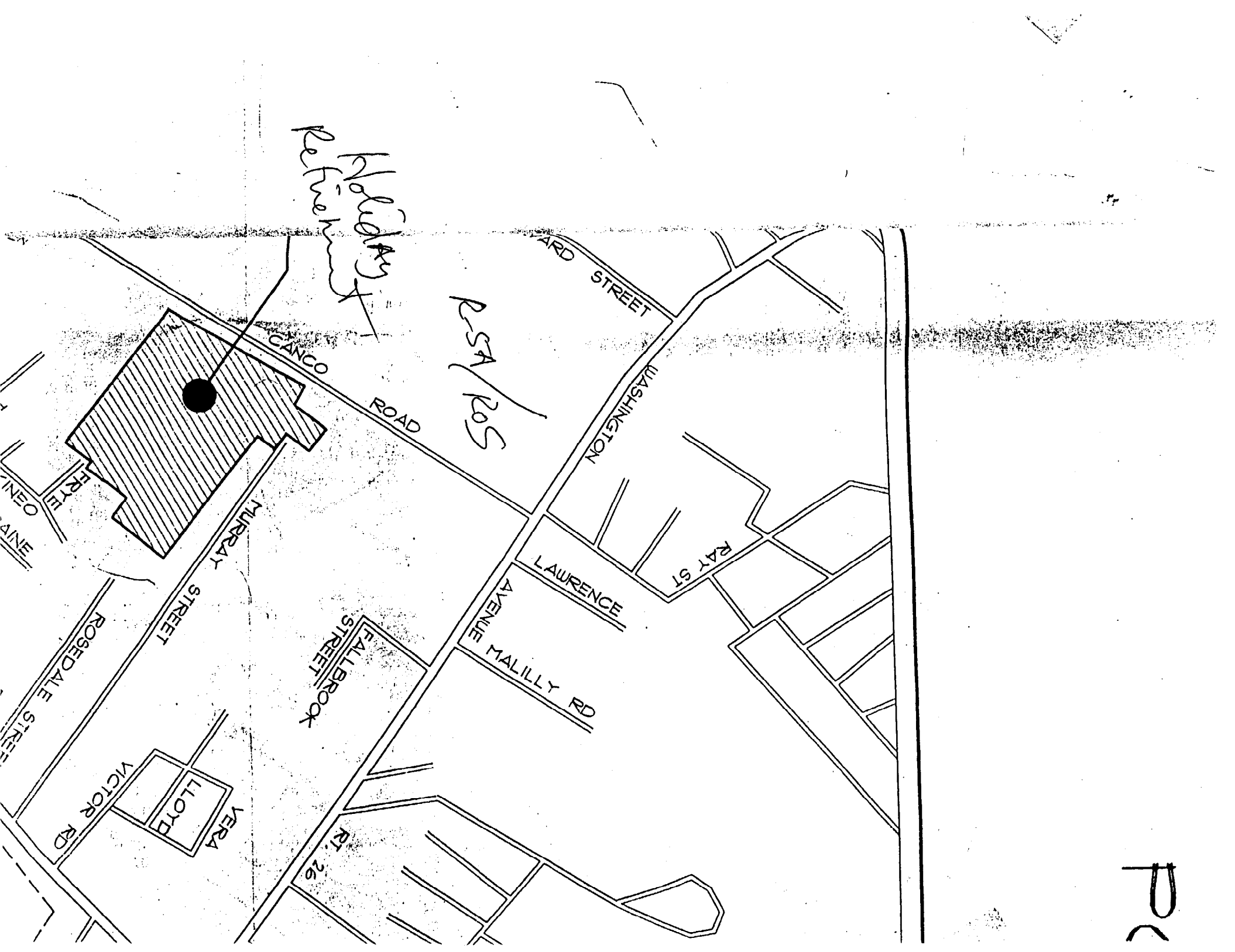
Gentlemen/Madams,

We are the authority responsible for the enforcement of zoning matters and the issuance of certificates of occupancy in the geographic area in which the Property is located. Please be advised as follows:

- (i) Certificates of occupancy have been issued without condition or variance and are in effect for all buildings and, if required all units at the Property. We are not aware of any circumstances that would render such certificates of off occupancy invalid or cause them to be revoked.
- (ii) The Property is zoned R-5A and ROS under the applicable zoning laws and ordinances. The ROS area is an overlay zone pertaining to the public trails and bike paths thru this project.
  - (a) This zoning classification allows the existing use of the Property, which constitutes a conforming use.
- (iii) Attached hereto are true copies of the applicable ordinances, resolutions or regulations relating to the zoning and use of the Property.
- (vi) As far as we are aware, the Property is in compliance with all applicable building codes, fire codes, other health and safety rules and regulations, parking, density and height requirements and other building and zoning laws.
- (vii) Attached is a copy of Section 14-385, Restoration of damaged nonconforming buildings or premises. This refers to the allowance to rebuild, within one year, structures that are damaged by sudden and accidental means. Please note that it has not been determined that the Property is a nonconforming building(s). It could be rebuilt meeting today's standards, which are the standards under which it was approved.

Sincerely,

Marge Schmuckal  
Zoning Administrator



Refinery  
Holiday

PSA/POS

PC

ZONING CERTIFICATE

To: Hopkinson & Abbondanza, P.A., as Attorney for Portland Retirement Residence Limited Liability Company.

RE: Zoning certificate for the property located at The Woods at Canco, 257 Canco Road, Portland, Maine (the "Property")

Gentlemen:

We are the authority responsible for the enforcement of zoning matters and the issuance of certificates of occupancy in the geographic area in which the Property is located. Please be advised as follows:

- (i) Certificates of occupancy have been issued without condition or variance and are in effect for all buildings and, if required, all units at the Property. We are not aware of any circumstances that would render such certificates of occupancy invalid or cause them to be revoked.
- (ii) The Property is zoned \_\_\_\_\_ under the applicable zoning laws and ordinances. **(Please check (a) or (b), as applicable, and complete all blanks)**

\_\_\_\_\_ (a) This zoning classification allows the existing use of the Property, which constitutes a conforming use.

\_\_\_\_\_ (b) Although this zoning classification does not permit the current use/density/height/parking/lot coverage/setbacks/yard requirements/\_\_\_\_\_ (circle applicable non-conformity), the Property is a legal non-conforming use. Restoration of the Property as it currently exists is permitted [following a casualty not exceeding \_\_\_\_ % of the Property's \_\_\_\_\_] [provided that such restoration is completed within \_\_\_\_\_ months after a casualty].

- (iii) Attached hereto are true copies of the applicable ordinances, resolutions or regulations relating to the zoning and use of the Property.
- (vi) As far as we are aware, the Property is in compliance with all applicable building codes, fire codes, other health and safety rules and regulations, parking, density and height requirements and other building and zoning laws.

*VII Damage Restoration Statement*  
Sincerely,

Dated: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 257 Canco Road (CBL: 149-B-001)

Issued to Portland Retirement Partnership LLC

Date of Issue July 27, 1999

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 980740 , has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES  
115 Dwelling Units 1 Main Building  
13 Dwelling Units 6 Cottages

APPROVED OCCUPANCY  
Use Group R-2  
Type of Construction 5A

Limiting Conditions:

This certificate supersedes  
certificate issued

Approved:

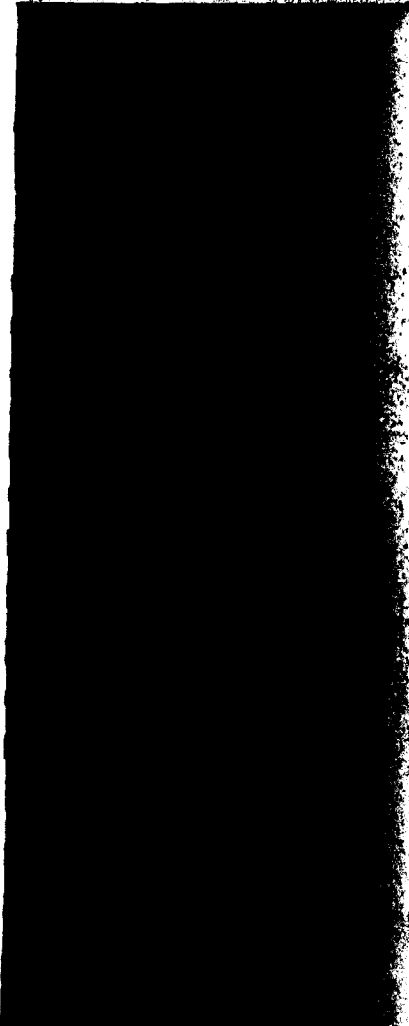
2 Sept 99  
(Date)

*[Signature]*  
Inspector

*[Signature]*  
Inspector of Buildings

*12/23/99*  
*9/22/99*

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



## Hopkinson & Abbondanza, P.A.

James A. Hopkinson  
Richard J. Abbondanza  
Frank K. N. Chowdry  
Richard E. Clarke

511 Congress Street  
Suite 801  
Portland, Maine 04101

Telephone (207) 772-5845  
Facsimile (207) 874-2330  
jah@hopabbo.com

VIA HAND DELIVERY

July 31, 2000

received  
7/31/00

Marge Schmuckal  
Zoning Administrator  
City of Portland  
389 Congress Street  
Portland, Maine 04101

RE: Owner: Portland Retirement Residence Limited Liability Company  
Property: The Woods at Canco Retirement Residence, 257 Canco Road, Portland, Maine  
Tax Map and Lot No.: Map 149 Block B Lot 1; Map 160 Block E Lot 1;  
Map 161 Block A Lot 1

Dear Marge:

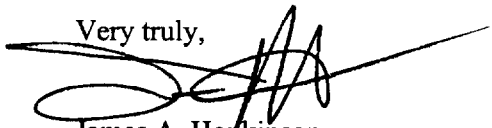
Our office is local counsel for Portland Retirement Residence Limited Liability Company, the owner of The Woods at Canco, the newly constructed retirement community on Canco Road. Our client is refinancing its construction loan into its permanent loan and its lender's attorneys have requested confirmation from the City of Portland concerning certain zoning information.

This letter requests zoning information for the above-referenced property in order to process a refinance request. Specifically, we need the following information:

1. Copies of current zoning ordinances pertaining to the subject property for both density and parking. Please include sections of the ordinances regarding non-conforming buildings.
2. Copies of zoning variances, bonus density agreements, or other applicable zoning information for this property (if any).
3. Please provide, on city letterhead, a "damage restoration statement," indicating that the project may be rebuilt to its current size and density. (In general, if the project is non-conforming, what restrictions apply?)
4. A completed zoning certificate, a copy of which is attached.

With the proposed loan closing very shortly, your written response as soon as possible will be appreciated. Should you have any questions or if there is a charge for this service, please contact me immediately. Please forward your correspondence to my office.

Very truly,

  
James A. Hopkinson

JAH:mb