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

October 24, 2008

Charter Realty & Development Corp.  
22 McGrath Highway  
Somerville, MA 02143  
Attn: Karen Johnson

RE: 1354-1422 Congress Street Westgate Plaza – 191-B-19, 197-A-12 & 187-B-1,  
15,18 & 19 (the "Property") – B-2 Zone

Dear Ms. Johnson,

I am in receipt of your request to update a previous determination letter dated March 5, 2008. A revised site plan of existing conditions has been provided to me that reflects the correction of an error by the surveyor concerning parking spaces. The new survey provided to me is from Doucet Survey, Inc. and titled, "ALTS/ACSM LAND TITLE SURVEY OF WESTGATE SHOPPING PLAZA, CONGRESS STREET & WESTLAND AVENUE, PORTLAND, MAINE", and dated October 10, 2007.

The Property is located within a B-2 Community Business Zone which permits such uses as, but not limited to:

- a) General, business and professional offices;
- b) Personal services;
- c) Retail establishments;
- d) Restaurants.

All the given listed uses of the Property are permitted in the B-2 Zone.

Currently the Property is legally nonconforming in regards to front yard parking. The number of parking spaces as shown on the revised site plan conforms to the current parking requirements as listed under Division 20. The Property is also legally nonconforming in regards to the maximum impervious surface. All other dimensional requirements currently listed in the B-2 Zone are being met on the Property. The Property is not within a Shoreland Zone. The Property is located in a Zone "C" as shown on panel 13 of the FIRM Flood Maps.

To the best of my knowledge all appropriate and required City permits, licenses, and approvals have been taken out and approved for the current use(s) and development of the Property.

It has been noted during a subsequent inspection that an illegal sign as pointed out previously has been removed from the site. I am unaware of any pending or contemplated land use or zoning actions with respect to the Property.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal", followed by a long horizontal flourish.

Marge Schmuckal  
Zoning Administrator

Cc: file

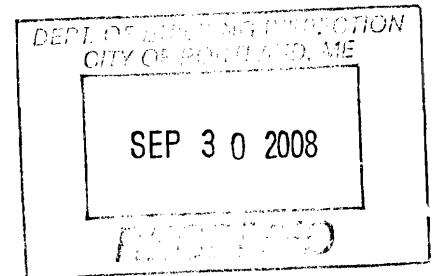


## CHARTER REALTY & DEVELOPMENT CORP.

22 McGrath Highway  
Somerville, MA 02143  
617-591-9995 Fax 617-591-9966  
www.chartweb.com

September 29, 2008

Ms. Marge Schmuckal  
Zoning Administrator  
Planning and Development Department  
City of Portland  
389 Congress Street  
Portland, ME 04101



Re: Request for Determination for Westgate Plaza  
1364 Congress Street  
Portland, ME


Dear Ms. Schmuckal:

You prepared a letter last spring at our request outlining the zoning compliance of Westgate Plaza. We were made aware of an error by the surveyor of the parking spaces provided in the main parking field involving the striping of 10 parking spaces. In our original request to you last January, we enclosed a parking required table that shows 397 spaces were required and an existing conditions plan that showed 415 spaces provided. The revised existing conditions plan shows 405 spaces which still provides the minimum necessary to meet the parking requirements for the uses in Westgate Plaza at that time.

We are attempting to correct the information regarding the existing conditions for our Title Company and lender. In connection with this, we are requesting an amendment of your zoning determination letter based on the revised existing conditions plan prepared by Appledore Engineering; we enclose a check for \$150 to cover the review fee.

Sincerely,

CHARTER REALTY & DEVELOPMENT CORP.

  
Karen Johnson, AICP