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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.

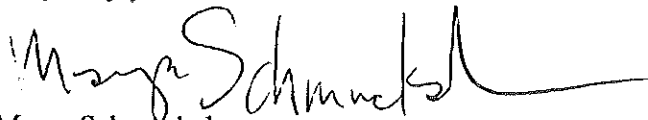
All the given listed uses of the Property are permitted in the B-2 Zone.

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", with a long horizontal flourish extending to the right.

Marge Schmuckal
Zoning Administrator

Cc: file

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Planning Copy**

2008-0027
Application I. D. Number

3/11/2008
Application Date

Westgate Shopping Plaza
Project Name/Description

Charter Realty & Development
Applicant
800 Westchester Ave Ste. S-632, Rye Brook, NY 10573
Applicant's Mailing Address

Consultant/Agent
Applicant Ph: (617) 591-9995 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

1354 - 1422 Congress Street, Portland, Maine
Address of Proposed Site
191 B019001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Apt 0 Condo 0 Other (specify) _____

Proposed Building square Feet or # of Units _____ Acreage of Site _____ Proposed Total Disturbed Area of the Site 0 Zoning B2

Check Review Required:

- Site Plan (major/minor) Zoning Conditional - PB Subdivision # of lots 3
- Amendment to Plan - Board Review Zoning Conditional - ZBA Shoreland Historic Preservation DEP Local Certification
- Amendment to Plan - Staff Review Zoning Variance Flood Hazard Site Location
- After the Fact - Major Stormwater Traffic Movement Other _____
- After the Fact - Minor PAD Review 14-403 Streets Review

Fees Paid: Site Plan \$2,175.00 Subdivision _____ Engineer Review _____ Date 3/12/2008

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached

OK to Issue Building Permit
signature _____ date _____

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

- Performance Guarantee Accepted
date _____ amount _____ expiration date _____
- Inspection Fee Paid
date _____ amount _____
- Building Permit Issue
date _____
- Performance Guarantee Reduced
date _____ remaining balance _____ signature _____
- Temporary Certificate of Occupancy
date _____ Conditions (See Attached) expiration date _____
- Final Inspection
date _____ signature _____
- Certificate Of Occupancy
date _____
- Performance Guarantee Released
date _____ signature _____
- Defect Guarantee Submitted
submitted date _____ amount _____ expiration date _____
- Defect Guarantee Released
date _____ signature _____



Development Review Application Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

Address of Proposed Development: 1354 – 1422 Congress Street		
Zone: B-2		
Project Name: Westgate Plaza		
Existing Building Size: 89,520 sq. ft.	Proposed Building Size: 92,520 sq. ft.	
Existing Acreage of Site: 496,199 sq. ft. or 11.391 acres	Proposed Acreage of Site: Same sq. ft.	
Proposed Total Disturbed Area of the Site: Approximately 87,000 sq. ft. * or 2 acres.		
* If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) or Chapter 500, Stormwater Management Permit with the Maine Department of Environmental Protection (DEP).		
Tax Assessor's Chart, Block & Lot: Chart # Block # 191/ 197 Lot # B-19/A-12, B-1, 15, 18 & 19	Property Owners Name/ Mailing address: Charter Westgate, LLC c/o Charter Realty & Development Corp 800 Westchester Avenue, Suite S-632 Rye Brook, New York, 10573	Telephone #: (914) 701-4002 Cell Phone #:
Consultant/Agent Name, Mailing Address, Telephone #, Fax # and Cell Phone # :	Applicant's Name/ Mailing Address:	Telephone #: (617) 591-9995 Cell Phone #: 203-605-9175
Bradlee Mezquita Appledore Engineering, Inc 15 Rye Street, Suite 305 Portsmouth, New Hampshire 03801 (603) 433-8818	Karen Johnson c/o Charter Realty & Development Corp 800 Westchester Avenue, Suite S-632 Rye Brook, New York, 10573	
Fee for Service Deposit (all applications) <u> X </u> (\$200.00)		
Proposed Development (check all that apply)		
<input checked="" type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input checked="" type="checkbox"/> Subdivision (\$500.00) + amount of lots <u> 3 </u> (\$25.00 per lot) \$ <u> 75 </u> + major site plan fee if applicable <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____		
~ Please see next page ~		

Major Development (more than 10,000 sq. ft.)

- Under 50,000 sq. ft. (\$500.00)
- 50,000 - 100,000 sq. ft. (\$1,000.00)
- Parking Lots over 100 spaces (\$1,000.00)
- 100,000 - 200,000 sq. ft. (\$2,000.00)
- 200,000 - 300,000 sq. ft. (\$3,000.00)
- Over 300,000 sq. ft. (\$5,000.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

Minor Site Plan Review

- Less than 10,000 sq. ft. (\$400.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

Plan Amendments

- Planning Staff Review (\$250.00)
- Planning Board Review (\$500.00)

Billing Address: (name, address and contact information)

Laura O'Brien
Charter Realty & Development Corp
800 Westchester Avenue, Suite S-632
Rye Brook, New York 10573

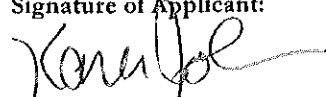
Submittals shall include seven (7) folded packets containing of the following materials:

- A. Copy of the application.
- B. Cover letter stating the nature of the project.
- C. Written Submittal (Sec. 14-525 2. (c), including evidence of right, title and interest.
- D. A standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
- E. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
- E. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
- F. In addition to the seven (7) sets of documents listed above, one (1) set of the site plans reduced to 11 x 17 must be submitted.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: 	Date: 3/7/08
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Conditional Use Application

Department of Planning and Development
Portland Planning Board

1. Applicant Information:

Charter Realty & Development Corp - Karen Johnson
Name

800 Westchester Avenue, Suite S-632
Address

Rye Brook, New York 10573

(914) 701-4002

Phone

(914) 701-4003

Fax

2. Subject Property:

1354 - 1422 Congress Street
Address

Westgate Plaza

191-B-19; 197-A-12; 197-B-1, 15, 18 & 19

Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Charter Westgate, LLC, c/o Charter Realty & Development Corp
Name

800 Westchester Avenue, Suite S-632
Address

Rye Brook, New York 10573

(914) 701-4002

Phone

(914) 701-4003

Fax

4. Current Zoning Designation(s):

B-2 Zone

5. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Owner, Deed

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

6. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

See Existing Conditions Plan.

7. Existing Use:

Describe the existing use of the subject property: Shopping Center

8. Type of Conditional Use Proposed:

Drive through window at proposed bank and proposed restaurant.

9. **Sketch Plan:** On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. **Conditional Use Authorized by:** Section 14- 183 (a) 4

11. **Standards - Criteria for Conditional Use Appeal**

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area;
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

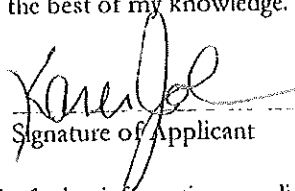
12. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

- X Fee for Service Deposit (\$200.00)
(Required for all applications in addition to the applicable application fee listed below)
- X Conditional Use \$100.00
- Legal Advertisements percent of total bill
- Notices .55 cents each
(workshop and public hearing)

NOTE: Legal notices placed in the newspaper for the public hearing meeting are required by State Statute and local ordinance. The cost of any and all newspaper advertisements, legal advertisements and Planning Board notices will be billed directly to the applicant.

13. **Signature:** The above information is true and accurate to the best of my knowledge.

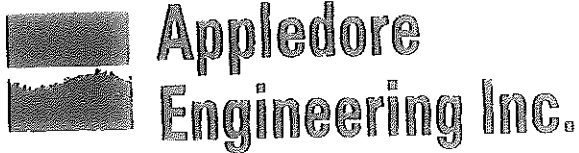
3/2/08
Date of Filing


Signature of Applicant

Further Information: Please contact the Planning Division for further information regarding the conditional use process. Applicants are encouraged to make an appointment to discuss their conditional use before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the conditional use application which can provide additional background or contextual information, and describe the proposed conditional use and reasons for the request in a manner that best suits the situation.

Portland Planning Board, Portland, Maine- Effective: July 6, 1998



Pease International Tradeport
15 Rye Street, Suite 305
Portsmouth, NH 03801
tel 603.433.8818
fax 603.433.8988
aei@appledoreeng.com
www.appledoreeng.com

MEMORANDUM

Date: March 5, 2008

To: City of Portland Planning Board

From: Bradlee Mezquita, P.E. 
Appledore Engineering, Inc.

Re: Evaluation of Availability of Off-Site Utilities
Westgate Plaza
Portland, Maine
AEI/2256

The proposed project consists of the redevelopment of the existing Westgate Plaza located on Congress Street, Portland Maine. Sewer, water, gas and electric services are all currently available to the existing tenants.

The redevelopment includes the construction of a 3,000 sf bank building with associated utility connections. In addition, a separate out parcel will become a new restaurant with a drive through. The restaurant will be located within the old Friendly's building and will utilize existing utility services. The proposed bank will connect to the existing sewer, water and gas services within Congress Street. Electric service will be provided to the building from an existing utility pole (CMP 181) located on the east side of Congress Street.

If you have any additional questions or concerns please do not hesitate to call.

BM/pw
(2256-007(anticipated water usage).doc)

**Memorandum
Department of Planning and Development
Planning Division**



To: Chair Tevanian and Members of the Portland Planning Board

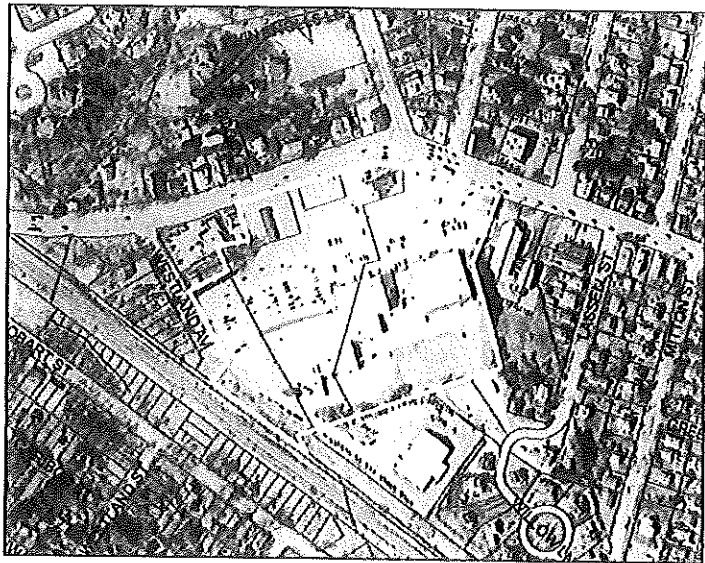
From: Molly Casto, Planner

Date: Prepared on: April 17, 2008
Prepared for: April 22, 2008 Workshop

Re: **Westgate Shopping Plaza. 1354-1422 Congress Street**
CBL: 191-B-19
Application #: 2008-0027

I. INTRODUCTION

Charter Realty and Development Corporation of Rye Brook, New York has requested a Planning Board workshop for their proposal to renovate the Westgate Shopping Center located at 1354-1422 Congress Street. The total land area of the site is 11.4 +/- acres. The site includes a main retail plaza housing a Shaw's supermarket and nine retail spaces, a free-standing Bank of America branch with drive-through and a freestanding vacant restaurant building (formerly a Friendly's restaurant). The site is located on the south side of the intersection of Stevens Avenue and Congress Street. The applicant



Site Location Map

proposes to construct a new TD Banknorth building with drive-through, to redesign the restaurant parking area and add a drive-through window to the existing building, to update the façade of the main shopping plaza and to make corresponding site infrastructure and landscaping improvements.

Note that the Planning Authority has reviewed the proposed façade improvements for the main shopping plaza and has approved the release of a building permit prior to site plan and subdivision approval. The project is to be reviewed by the Planning Board according to the City standards for Subdivision, Major Site Plan, and Conditional Use (drive-through services adjacent to a residential zone).

Notice of the application and workshop was sent to 185 area property owners and was advertised in the Portland Press Herald and on the City website.

CITY OF PORTLAND, MAINE
PLANNING BOARD

Michael Patterson, Chair
Janice F. Tevanian, Vice Chair
Bill Hall
Joe Lewis
Lee Lowry III
Shalom Odokara
David Silk

June 24, 2008

Karen Johnson
Charter Realty and Development Corporation
800 Westchester Avenue
Suite S-632
Rye Brook, NY 10573

RE: Westgate Shopping Plaza
Application # 2008-0027
Chart: 191-B-19

Dear Karen:

On May 27, 2008 and June 10, 2008, the Portland Planning Board considered the submitted application for Westgate Shopping Plaza. The Planning Board reviewed the proposal for conformance with the standards for Conditional Use in the B-2 zone, standards and requirements for Traffic Movement Permit, and the standards of the Subdivision Ordinance and the Site Plan Ordinance. The Planning Board voted to approve the application with the following motions, waivers and conditions as presented below.

I. May 27, 2008 Public Hearing:

On May 27, 2008 the Portland Planning Board voted on the following motions concerning the proposed redevelopment of the Westgate Shopping Plaza:

A. CONDITIONAL USE

The Planning Board voted unanimously (5-0. Hall and Odokara absent) that the proposed conditional use for a drive-through adjacent to a residential use or zone meets the standards of Section 14-474 and the standards of Section 14-182 for the B2-b zone, subject to the following conditions:

- 1. Once a tenant for the restaurant has been identified, the applicant must submit final site plans and elevation drawings for the proposed development of Lot 3 for review and approval by the Planning Board prior to the issuance of a building permit. As part of the site plan review, the applicant shall submit information relating to Section 14-183 (a) (6) of the City Code demonstrating that the proposal for Lot 3 complies with zoning requirements, as determined by the City Zoning Administrator.*
- 2. The applicant shall address, to the satisfaction of the City Transportation Engineer, the location of crosswalks on Lot 3 as well as the any warning signage for lot 3 alerting vehicles to the presence of pedestrian crosswalks. In addition, if the tenant of the building causes*

"peak hour" traffic volumes to be greater than those included in the traffic analyses conducted for the project as submitted in connection with this application, a revised traffic analysis will be required for review and approval by the City Traffic Engineer (or if already before the Planning Board for site plan approval, then the Planning Board) prior to the issuance of a building permit.

3. *Once a tenant has been finalized for the proposed building on lot 3, the applicant shall submit sign details for the proposed use for review and approval by the Planning Authority prior to the issuance of a building permit.*
4. *A pre-development assessment of noise levels and a prediction of decibel levels from the proposed speaker system must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit. Post-development noise levels shall also be taken and submitted quarterly for the first year of operation to the Planning Authority. If it is determined that noise levels exceed the standards of Section 14-187, the applicant shall install noise mitigation measures for the intercom system prior to the release of the performance guarantee.*

B. WAIVERS

The Portland Planning Board voted unanimously (5-0, Hall and Odokara absent) to grant the following waiver from subdivision standards:

1. *A waiver from the requirements of Section 14-499 (h) that all utilities be placed underground for Lot 1.*

The Portland Planning Board voted unanimously (5-0, Hall and Odokara absent) to grant the following waiver from site plan standards:

2. *A partial waiver from the requirements of Section 14-526 (a) (9) requiring that exterior lighting comply with the applicable specifications of the City of Portland Technical and Design standards, as proposed for lot 1.*

C. TRAFFIC MOVEMENT PERMIT

The Portland Planning Board voted unanimously (5-0, Hall and Odokara absent) that the plan is in conformance with the standards for a Traffic Movement Permit, subject to the following conditions of approval:

1. *If the tenant of the proposed building on lot 3 changes such that "peak hour" traffic volumes are greater than that included in the traffic analyses conducted for the project a submitted as part of this application, a revised traffic analysis will be required for review and approval by the City Transportation Engineer.*

II. June 10, 2008 Motion to Reconsider:

On June 10, 2008, the Planning Board voted to reconsider the parking layout for the Westgate Shopping Plaza, approved on May 27, 2008. On June 10, 2008, the Planning Board voted on the following motions as presented below.

A. SUBDIVISION

The Portland Planning Board voted unanimously (6-0, Odokara absent) that the subdivision plan, entitled Westgate Shopping Plaza, is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. *The applicant should confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929 and to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This shall be confirmed by The Department of Public Services prior to the issuance of a building permit.*
2. *The applicant shall revise the site plan so as to include a continuous travel lane from the Stevens Avenue/Congress Street entrance to the front of retail 'A' of the main shopping plaza. The applicant shall submit final site plans showing the revised travel lane for review and approval by the City Transportation Engineer prior to the issuance of a building permit. The applicant shall also widen the proposed traffic islands in front of retail 'A', the width of which shall be determined by the City Transportation Engineer. The need to include an additional traffic island or additional demarcation in this location shall be determined by the City Transportation Engineer. Nine (9) parking spaces shall be relocated to the rear of the plaza, as shown on Alternative Schematic (2), submitted to the Planning Board on June 10, 2008.*

B. SITE PLAN

The Planning Board voted unanimously (6-0, Odokara absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. *The applicant shall provide easement language for the proposed bus turnout and sidewalk based on as-built condition for review and approval by Corporation Counsel prior to the issuance of a Certificate of Occupancy.*
2. *The applicant shall provide a license to the City of Portland to allow municipal vehicles to turn around at the end of Westland Street for review and approval by Corporation Counsel prior to the issuance of a Certificate of Occupancy.*
3. *The applicant shall provide a pre-development assessment of noise levels and a prediction of decibel levels from the proposed speaker system be submitted for review and approval by Planning staff prior to the issuance of a building permit. After construction, post-development noise levels shall be submitted to the Planning Authority for review. If it is determined that the levels exceed the standards of Section 14-187, the applicant shall install noise mitigation measures for the intercom system prior to the release of the performance guarantee.*
4. *The applicant shall provide evidence of adequate sewer capacity prior to the issuance of a building permit.*
5. *The applicant shall submit a photometric plan meeting the requirements of the City of Portland Technical and Design Standards, with respect to the rear of the building so as to demonstrate that no unnecessary light, as defined by City Standards, is being passed onto the abutting residential properties. This shall be reviewed and approved by the Planning Authority prior to the issuance of a building permit.*
6. *The applicant shall submit an updated landscaping plan for the rear portion of the property that abuts residential lots that provides continuous buffering along the property line between lot 1 and abutting residential properties for the Planning Authority's review and approval prior to the issuance of a building permit.*

7. *The applicant shall revise the site plan so as to include a continuous travel lane from the Stevens Avenue/Congress Street entrance to the front of retail 'A' of the main shopping plaza. The applicant shall submit final site plans showing the revised travel lane for review and approval by the City Transportation Engineer prior to the issuance of a building permit. The applicant shall also widen the proposed traffic islands in front of retail 'A', the width of which shall be determined by the City Transportation Engineer. The need to include an additional traffic island or additional demarcation in this location shall be determined based on review by the City Transportation Engineer. Nine (9) parking spaces shall be relocated to the rear of the plaza, as shown on Alternative Schematic (2), submitted to the Planning Board on June 10, 2008.*

Please note the following provisions and requirements for all site plan approvals:

1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, Phil DiPierro - Development Review Coordinator, Public Work's representatives and the property owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. He can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

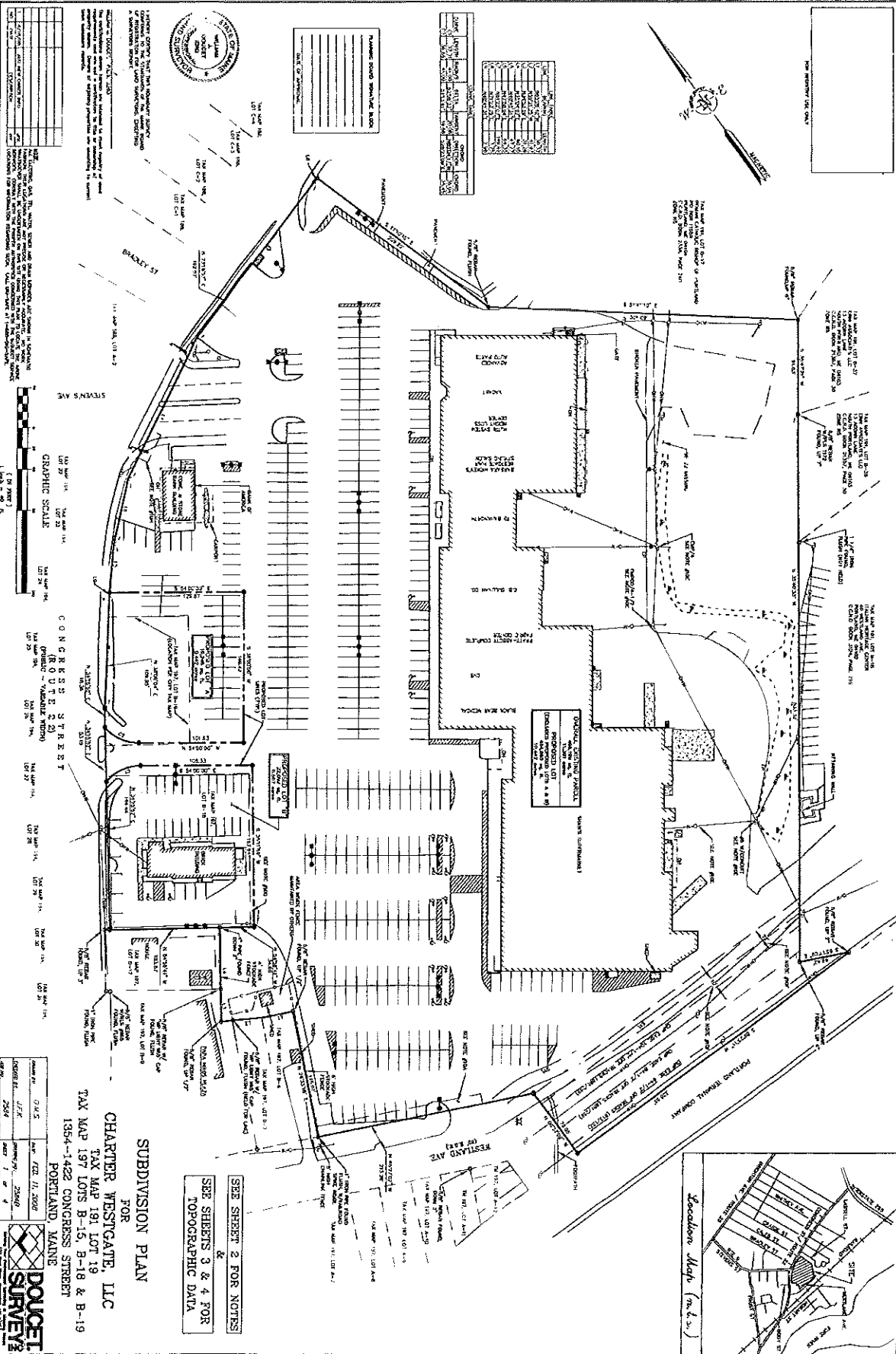
If you have any questions, please contact Molly Casto, Planner at (207) 874-8901.

Sincerely,


Janice Tevanian, Chair
Portland Planning Board

cc: Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Molly Casto, Planner
Phil DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jeanie Bourke, Director of Inspections
Inspections Division
Michael Bobinsky, Public Works Director
Mike Farmer, Project Engineer
Jim Carmody, City Transportation Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Captain Greg Cass, Fire Prevention, Fire Department
Assessor's Office
Approval Letter File

Attachments: Planning Board Report #26-08
Revised Recommended Motions for Planning Board Report #26-08
Planning Board Memorandum re: June 10, 2008 Reconsideration



GENERAL NOTES:

1. REFER TO ALL OTHER SHEETS FOR DETAILS.
2. REFER TO ALL OTHER SHEETS FOR DETAILS.
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EXISTING CONDITIONS:

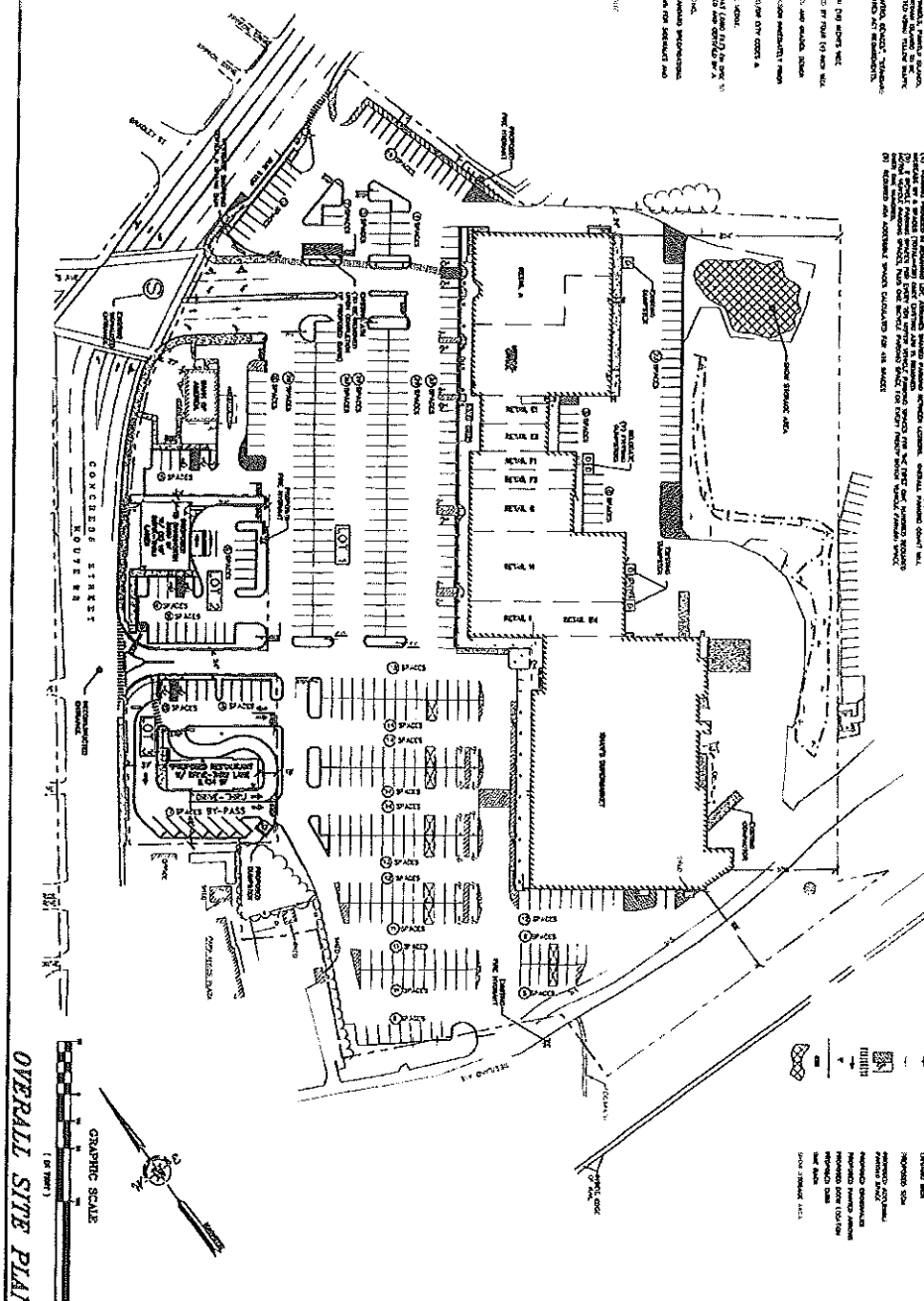
NO.	DESCRIPTION	AREA (SQ. FT.)	TYPE
1	EXISTING BUILDING	10,000	RETI
2	EXISTING DRIVEWAY	500	DR
3	EXISTING PARKING	1,500	PK
4	EXISTING LANDSCAPE	2,000	LD
5	EXISTING UTILITIES	100	UT
6	EXISTING FENCES	100	FC
7	EXISTING SIGNAGE	50	SG
8	EXISTING LIGHTING	50	LI
9	EXISTING TREES	100	TR
10	EXISTING BUSHES	100	BU
11	EXISTING GRASS	1,000	GR
12	EXISTING PAVEMENT	500	PA
13	EXISTING CURBS	100	CU
14	EXISTING WALKWAYS	100	WA
15	EXISTING STAIRS	100	ST
16	EXISTING ELEVATORS	100	EL
17	EXISTING MECHANICAL	100	ME
18	EXISTING ELECTRICAL	100	EC
19	EXISTING PLUMBING	100	PL
20	EXISTING HVAC	100	HV

PROPOSED CONDITIONS:

NO.	DESCRIPTION	AREA (SQ. FT.)	TYPE
1	NEW BUILDING	15,000	RETI
2	NEW DRIVEWAY	500	DR
3	NEW PARKING	2,500	PK
4	NEW LANDSCAPE	3,000	LD
5	NEW UTILITIES	100	UT
6	NEW FENCES	100	FC
7	NEW SIGNAGE	50	SG
8	NEW LIGHTING	50	LI
9	NEW TREES	100	TR
10	NEW BUSHES	100	BU
11	NEW GRASS	1,000	GR
12	NEW PAVEMENT	500	PA
13	NEW CURBS	100	CU
14	NEW WALKWAYS	100	WA
15	NEW STAIRS	100	ST
16	NEW ELEVATORS	100	EL
17	NEW MECHANICAL	100	ME
18	NEW ELECTRICAL	100	EC
19	NEW PLUMBING	100	PL
20	NEW HVAC	100	HV

NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND ZONING ORDINANCES.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND BUILDING CODE.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND PLUMBING CODE.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND ELECTRICAL CODE.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND MECHANICAL CODE.
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND ENVIRONMENTAL CODE.
7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND FIRE CODE.
8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND SAFETY CODE.
9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND HEALTH CODE.
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND WELFARE CODE.
11. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND EDUCATION CODE.
12. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND CULTURE CODE.
13. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND RECREATION CODE.
14. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND ARTS AND RECREATION CODE.
15. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND COMMUNITY DEVELOPMENT CODE.
16. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND ECONOMIC DEVELOPMENT CODE.
17. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND HOUSING CODE.
18. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND LABOR CODE.
19. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND OCCUPATIONAL SAFETY AND HEALTH CODE.
20. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND ENVIRONMENTAL PROTECTION ACT.



OVERALL SITE PLAN

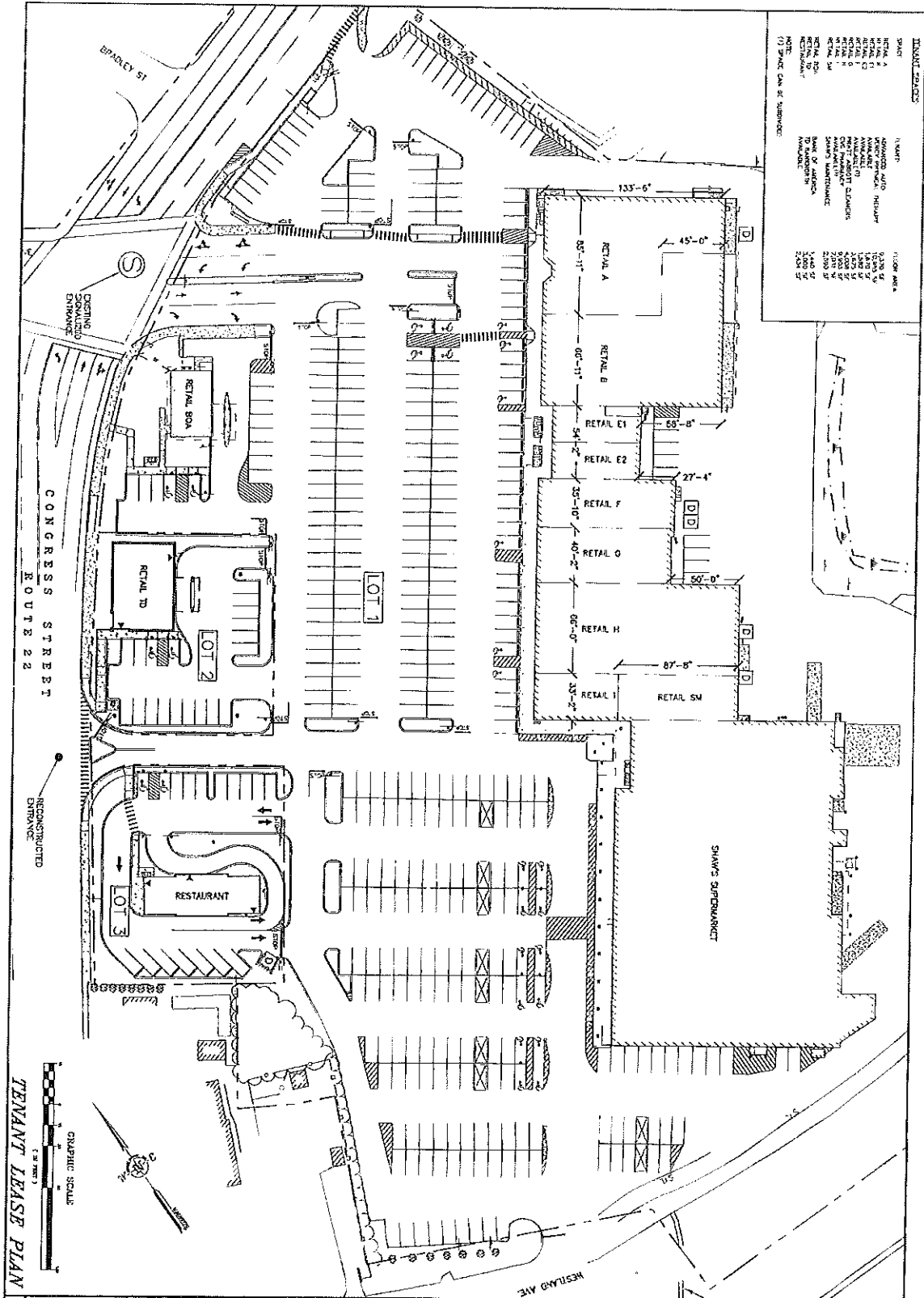
GRAPHIC SCALE
1" = 100'

APPLEDORE ENGINEERING
177 CORPORATE DRIVE
PORTSMOUTH, NEW HAMPSHIRE 03801
(603) 433-8818
e@appledore.com

**WESTGATE PLAZA
CONGRESS STREET
PORTLAND, MAINE**

DATE: SEPTEMBER 24, 2008
SCALE: AS SHOWN
DESIGNED BY: EY/BJM
DRAWN BY: SAM/KJM
APPROVED BY: BJM
PROJECT NO.: 2234
FILE NO.: 2234-02-019

NO.	DESCRIPTION	DATE



TENANT SPACES

RETAIL A
 RETAIL B
 RETAIL C
 RETAIL D
 RETAIL E
 RETAIL F
 RETAIL G
 RETAIL H
 RETAIL I
 RETAIL SU
 RESTAURANT
 RETAIL BOX
 RESTAURANT
 RECONSTRUCTED DRIVEWAY

1. NAME
 2. ADDRESS AND CITY
 3. PHONE NUMBER
 4. TYPE OF BUSINESS
 5. LEASE TERM
 6. START DATE
 7. END DATE
 8. RENT PER MONTH
 9. SECURITY DEPOSIT
 10. OTHER TERMS AND CONDITIONS
 11. SIGNATURE OF TENANT
 12. SIGNATURE OF LANDLORD
 13. DATE

1. NAME
 2. ADDRESS AND CITY
 3. PHONE NUMBER
 4. TYPE OF BUSINESS
 5. LEASE TERM
 6. START DATE
 7. END DATE
 8. RENT PER MONTH
 9. SECURITY DEPOSIT
 10. OTHER TERMS AND CONDITIONS
 11. SIGNATURE OF TENANT
 12. SIGNATURE OF LANDLORD
 13. DATE

APPLEDORE ENGINEERING
 177 CORPORATE DRIVE
 PORTSMOUTH, NEW HAMPSHIRE 03801
 (603) 433-5518
 www.appledoreeng.com

**WESTGATE PLAZA
 CONGRESS STREET
 PORTLAND, MAINE**

DATE: JAN 8, 2008
 SCALE: AS SHOWN
 DESIGNED BY: CY/BLU
 DRAWN BY: SM/AM
 APPROVED BY: BLM
 PROJECT NO: 2726
 FILE NO: 2726-1000-0000

NO.	REVISIONS	DATE

TENANT LEASE PLAN
 1 OF 1

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Planning Copy**

2008-0113
Application I. D. Number

7/23/2008
Application Date

Amendment to Plan - Westgate Plaza
Project Name/Description

Charter Realty & Development
Applicant
800 Westchester Ave Ste. S-632, Rye Brook, NY 10573
Applicant's Mailing Address

1354 - 1422 Congress St, Portland, Maine
Address of Proposed Site
197 B018001
Assessor's Reference: Chart-Block-Lot

Consultant/Agent
Applicant Ph: (617) 591-9995 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Apt 0 Condo 0 Other (specify) _____

Proposed Building square Feet or # of Units	22092	Proposed Total Disturbed Area of the Site	22092	Zoning	B2
---	-------	---	-------	--------	----

Check Review Required:

- | | | |
|--|---|--|
| <input type="checkbox"/> Site Plan (major/minor) | <input type="checkbox"/> Zoning Conditional - PB | <input type="checkbox"/> Subdivision # of lots _____ |
| <input checked="" type="checkbox"/> Amendment to Plan - Board Review | <input type="checkbox"/> Zoning Conditional - ZBA | <input type="checkbox"/> Shoreland |
| <input type="checkbox"/> Amendment to Plan - Staff Review | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Flood Hazard |
| <input type="checkbox"/> After the Fact - Major | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Traffic Movement |
| <input type="checkbox"/> After the Fact - Minor | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| | | <input type="checkbox"/> Historic Preservation |
| | | <input type="checkbox"/> DEP Local Certification |
| | | <input type="checkbox"/> Site Location |
| | | <input type="checkbox"/> Other _____ |

Fees Paid: Site Plan \$500.00 Subdivision _____ Engineer Review _____ Date 7/23/2008

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit Issue	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)	_____
	date		expiration date
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____	_____	
	date	signature	

CITY OF PORTLAND, MAINE

PLANNING BOARD

Janice E. Tevanian, Chair
David Silk, Vice Chair
Bill Hall
Joe Lewis
Lee Lowry, III
Shalom Odokara
Michael J. Patterson

August 18, 2008

Charter Realty and Development Corporation
Attn: Karen Johnson
22 McGrath Highway
Somerville, MA 022143

RE: Tim Horton's Restaurant. Westgate Shopping Plaza
1412 Congress Street

CBL: 197-B-18
Application ID: 2008-0113

Dear Karen,

On August 12, 2008, the Portland Planning Board considered the amended site plan and conditional use application for the redevelopment of the lot [referred to as Lot 3 on the approved Subdivision Plan for Westgate Shopping Plaza at 1412 Congress Street] into a Tim Horton's restaurant with drive-through service. The Planning Board reviewed the proposal for conformance with the standards for Conditional Use in the B-2 zone and the standards of the Site Plan Ordinance. The Planning Board voted (6-0, Odokara absent) to approve the application with the following motions and conditions as presented below.

1. CONDITIONAL USE:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 46-08, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the proposed conditional use for a drive-through adjacent to a residential use or zone does meet the standards of Section 14-474 and the standards of Section 14-183 for the B-2 zone, subject to the following conditions:

- a. The final site plan must comply with any additional site plan conditions of approval, as listed below.

2. SITE PLAN:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 46-08, relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

- a. Two (2) additional emerald green arborvitae (*thuja occidentalis 'smargd'*) shall be added

to the final site plan to be located on the west end of the line of emerald green arborvitae proposed along the southerly boundary of the site (as shown on the plan labeled 'Revised Landscape Plan. Proposed Restaurant. Congress Street. Portland, ME', dated August 8, 2008, which is attached).

The approval is based on the submitted site plan and the findings related to site plan and conditional use review standards as contained in Planning Report #46-08, which is attached.

Please note the following provisions and requirements for all site plan approvals:

1. The above approval does not constitute approval for building plans, which must be reviewed and approved the City of Portland's Inspection Division.
2. Where submission drawings are available in electronic form, final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, Planning Division's Development Review Coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Molly Casto, Senior Planner at (207) 874-8901

Sincerely,

Janice Tevanian, Chair
Portland Planning Board

Attachments:

2. Planning Board Report #46-08
3. Memorandum to the Planning Board from Molly Casto dated August 12, 2008
4. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Molly Casto, Senior Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jeanie Bourke, Inspections Division
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Earley, Public Works
Bill Clark, Public Works
Michael Farmer, Public Works
Jim Carmody, City Transportation Engineer
Jane Ward, Public Works
Captain Greg Cass, Fire Prevention
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

CITY OF PORTLAND, MAINE
PLANNING BOARD

Stuart O'Brien, Chair
Timothy Dean, Vice Chair
Elizabeth Boepple
Sean Dundon
Bill Hall
Carol Morrissette
Jack Soley

May 28th, 2014

Charter Realty and Development Corporation
Attn: Karen Johnson, AICP Charter Westgate LLC
800 Westchester Avenue, Suite S-632
Rye Brook, NY 10573

Project Name: Reuse of Tim Horton's Restaurant for Dunkin Donuts, Westgate Shopping Plaza
Project ID: #2014-033
Address: 1412 Congress Street
CBL: 197-B-18
Applicant: Charter Realty and Development Corporation
Planner: Jean Fraser

Dear Karen,

On May 13th, 2014, the Portland Planning Board considered the amended site plan and conditional use application for the reuse of the Tim Hortons restaurant and drive-through [referred to as Lot 3 on the approved Subdivision Plan for Westgate Shopping Plaza at 1412 Congress Street] into a Dunkin Donuts restaurant and drive-through.

On the basis of the applications, plans, reports, and other information submitted by the applicant, and on findings and recommendations contained in the May 13th, 2014 Planning Report for Project #2014-033 1412 Congress Street (Lot #3 in the Westgate Shopping Plaza), relevant to Portland's Conditional Use Standards, Site Plan Standards and other applicable regulations, and testimony presented at the Planning Board Hearing, and based upon the City of Portland's Delegated Review Authority for Traffic Movement Permits, the Planning Board voted 5-0 (Dundon and Morrissette absent) to approve the application with the following motions and conditions as presented below.

1. **CONDITIONAL USE:**

The Portland Planning Board finds the plan is in conformance with the B2 conditional use standards (14-183 and 14-474) of the Land Use Code, subject to the following condition of approval:

- a. That the applicant shall obtain Planning Board approval to any modifications to the characteristics subject of the conditional use review (including but not limited to lighting and hours of operation) prior to the introduction of such revision.

2. **TRAFFIC MOVEMENT PERMIT:**

The Portland Planning Board finds the plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits and grants the modification to the Traffic Movement Permit granted in 2008 for the Westgate Shopping Plaza, subject to the following condition of approval:

- a. That the applicant shall contribute \$5000 to an account maintained by the City that will be used to fund pedestrian improvements to the intersection at Congress Street/Stevens Avenue near the Westgate Shopping Plaza.

3. SITE PLAN:

The Planning Board finds that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

- a. That the applicant shall submit a final revised site plan, prior to the opening of the Dunkin Donuts, that shows the approved location of the menu board as in Plan P8 of this report; and
- b. That separate permits and/or site plan approvals shall be required for any exterior changes to the site and drive-through features, and or any new signage.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. Department of Public Services Permits If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

All conditional use, TMP and site plan requirements, as outlined in the above conditions, must be completed and approved by the Development Review Coordinator (Phil diPierro on 207 874 8632) prior to issuance of a Certificate of Occupancy.

If there are any questions, please contact Jean Fraser at (207) 874- 8728.

Sincerely,



Stuart O'Brien, Chair
Portland Planning Board

Attachment: Planning Board Report

Electronic Distribution:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services

Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhita, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 1372 CONGRESS ST CBL 191 B019001
Date of Issue 07/11/2008

Issued to Charter Westgate, LLC/Zachau Construction, Inc.

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. 08-0546, 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

Maintenance facility for Shaws Realty & Development Corp.

APPROVED OCCUPANCY

Use Group F2/M
Type 3
IBC 2003

Limiting Conditions: none

This certificate supersedes certificate issued

Approved: 7-11-08 [Signature]
(Date) 7-11-08
Inspector: Greg Cook PFD

[Signature]
Inspector of Buildings

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.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

Issued to Charter Westgate Llc /Langford & Low, Inc. LOCATION 1372 CONGRESS ST CBL 191 B019001
Date of Issue 11/21/2008

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. 08-0815, 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

Entire

APPROVED OCCUPANCY

Medical Office Space
Use Group B
Type 2B
IBC 2003

Limiting Conditions: none

This certificate supersedes certificate issued

Approved:

Michael A. Collins
(Date) 11-21-08

Inspector

[Signature]
Inspector of Buildings

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.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

Issued to **Bradley Realty Co/Great Falls Builders, Inc./Jon Smith** **1412 CONGRESS ST** **CBL 197 B018001**
11/24/2008

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. 08-0816, 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

Entire

APPROVED OCCUPANCY

Restaurant
Use Group A2
Type 5B
IBC 2003

Limiting Conditions: none

This certificate supersedes certificate issued

Approved:

[Signature]
(Date)

Inspector

[Signature]
Inspector of Buildings

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.

[Signature]
P.F.D



Certificate of Occupancy



CITY OF PORTLAND, MAINE

Department of Planning and Urban Development
Building Inspections Division

Location: 1372 CONGRESS ST

CEL: 191- B-019-001

Issued to: Westgate LLC

Date Issued: 11/15/2011

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. 2011-07-1738-CH OF USE, has had a final inspection, has been found to conform substantially to the requirements of the Building Code and the Land Use Code of the City of Portland, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Anytime Fitness

APPROVED OCCUPANCY

Use Group A-3, Type 2B, IBC 2009

Approved:

11-15-2011

(Date)

Inspector

Inspections Division Director

Notice: This certificate identifies the legal use of the building or premises, and ought to be transferred from owner to owner upon the sale of the property.