

Zoning Division  
Marge Schmuckal  
Zoning Administrator

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



**CITY OF PORTLAND**

February 1, 2001

Debra R. Napolitano  
C/o The Boulos Company  
One Canal Plaza  
Portland, ME 04101

RE: 2319-2349 Congress Street - 238A-A-003 - I-M zone

Dear Deb,

I am in receipt of your letter dated January 25, 2001 asking about the use at the Clark Insurance buildings. I have reviewed the information you submitted. It was all very helpful in making my determination.

I believe that Clark Insurance does meet the criteria of a back office use. There is minimal public visitation or direct in-person sales on site. There are no appraisals or repair of damaged vehicles on-site. There is a support staff that does data processing and performs clerical tasks. All these functions comply with the definition and intent of a back office use.

There for I have determined that the Clark Insurance offices are allowable under the I-M zone. They are considered a legal, conforming use.

If you have any other questions or requests on this matter, please do not hesitate to call.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

Cc: Sarah Hopkins, Planning Division  
File



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Portland, ME 04101  
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Individual Member



Individual Membership  
Specialist,  
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January 25, 2001

via Fax (207) 874-8716  
and U.S. Mail

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

Re: 2331 Congress Street, Clark Insurance Occupancy

owner: WEL/WH 1275 K Street LLC

238A-A-3

IM

Zone

Dear Marge:

In follow up to our meeting on Tuesday, January 23, this letter shall serve as a written request for a "Determination" from you with regard to Clark Associates' occupancy at the above referenced location. As this property is located in Portland's IM Zone and back office use is a permitted use, I am seeking a "Determination" that Clark Associates' occupancy is a permitted use under the current Zoning Ordinance.

Clark Associates is an insurance company with three locations other than its Portland location, to include branch offices in Windham, Gorham and East Waterboro, Maine. The insurance company sells and administers business policies for: Workmen's Compensation, property and liability packages, auto fleets and garages, professional liability and bonding, group life and health, and personal policies to include: auto, home, boats, RVs, life, health and disability, and long term nursing care. There is minimal public visitation or direct in-person sales at the 2331 Congress Street location. Sales associates work from both the Congress Street and branch offices, contacting clients via telephone, internet, or in person off-site at the client/customer's home or business location. The Congress Street location provides support staff and processing services for the network of branch offices. In the instance of auto insurance customers, there are no appraisals or repair of damage vehicles on-site, whatsoever.

legal

— minimal public visitation  
— no direct in-person sales or service to the general public

examples — clerical uses  
Data processing  
relying on telecommunications  
Support Services — (CRS, SO, Services, Agency, educational)

Marge Schmuckal  
January 24, 2001  
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Should you wish to clarify the description of Clark Associates' business operations, please feel free to contact Dale Hudson of Clark Associates directly at (207) 774-6257.

I would appreciate your verbal response to this request at your earliest possible opportunity. I look forward to your "Letter of Determination" within a week or so. I am the agent for Wellsford/Whitehall LLC (the owner of the property), and I ask that your written response be addressed to it in care of my office. I have enclosed the \$50 check payable to the City of Portland with this request via ordinary mail.

I am happy to discuss this matter further. Thank you for your consideration.

Sincerely,



Debra R. Napolitano

Encl.

cc: Dale Hudson, Clark Insurance

appropriate use of land throughout the community.

(Code 1968, § 602.1.A)

**Sec. 14-47. Definitions.**

The following words shall be defined as set forth below for use in this article. Definitions set forth in the building code of the city shall apply to words not herein defined:

**Accessory uses:** Uses which are customarily incidental and subordinate to the location, function and operation of permitted uses.

**Apartment:** See "dwelling unit."

**Apartment house:** See "multifamily dwelling."

**Arcade:** A covered passageway, generally occurring at the street level of a building, running parallel and adjacent to the street or as a through-block pedestrian connection, which is intended to provide sheltered access to directly adjoining commercial or other uses. Arcades are provided physical definition by the regular placement of structural elements throughout their length which support enclosed building uses above.

**Assembly:** A joining together of completely fabricated parts to create a finished product.

**(Back office use):** An office-related use providing support services to a primary or headquarter use, with minimal public visitation and no direct in-person sales or services to the general public. Back office uses may include data processing, or other clerical uses relying heavily on a telecommunications infrastructure and may also include support services to educational institutions or social service agencies as long as no direct in-person services to the general public are provided.

**Bed and breakfast:** A building in which more than two (2) but not more than nine (9) guest rooms are used to provide or offer overnight accommodations for transient guests. An owner, manager, or operator shall live in the building as a permanent resident. No cooking facilities shall be permitted in any of the guest rooms.