



PORTLAND MAINE

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*Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator*

December 21, 2012

Thomas G. Leahy, Esq.
Monaghan Leahy, LLP
P.O. Box 7046
Portland, ME 04112

RE: 190 Rand Road - 255-A-008 (the "Property") – I-M Zone

To Whom It May Concern:

I am in receipt of a request for a determination concerning the Property. In my capacity as a Zoning Administrator for the City of Portland, I hereby certify that the following is true:

1. The Property is classified as an I-M Moderate Industrial Zone, under the Portland Code of Ordinances.
2. To the best of my knowledge, the Property is a lawfully created parcel according to applicable subdivision laws, including 30-A. M.R.S.A. § 4401, et seq., and regulations and ordinances adopted pursuant thereto, including the Portland Code of Ordinances.
3. I am not aware of any current zoning, subdivision, land use or code violations of record in the City of Portland concerning the Property.
4. Based on the Certificates of Occupancy, the buildings and structures on the Property complied with the dimensional requirements, (area, width, or depth of the land as a building site for the structure; floor space area of the structure; setback of the structure from the property lines of land; height of the structure) and parking requirements of the Portland Code at the time they were constructed and are not required to comply with current dimensional and parking requirements.
5. The current use of the Property as an industrial machine shop, warehouse and associated offices complies with the current use regulations of the Portland Code of Ordinances.

Regards,

Marge Schmuckal
Zoning Administrator
For the City of Portland, Maine



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 190 Rand Road

Issued to Motion Industries

Date of Issue 25Sept97

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. 970862, 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

APPROVED OCCUPANCY

Second Floor Entire
First Floor Entire

Office
Office/Warehouse

Limiting Conditions:

This certificate supersedes certificate issued

Approved:

9-25-97 *[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.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 192 Rand Road 255-A008

Issued to Stultz

Date of Issue April 7, 2000

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. 991234, 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

APPROVED OCCUPANCY

New section 3000 s.f.

use group s1 type of const. 2C
Boca 96

Limiting Conditions:

See attached conditions from development review coordinator

This certificate supersedes certificate issued

Approved:

4 APR 11 2000 *[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.

FAX



To: Evelyn King
Fax Number: 774-3833
From: Marge Schuckel
Fax Number:
Date: 12/21/12
Regarding: 190 Rand Rd
Total Number Of Pages Including Cover: 3
Phone Number For Follow-Up:

Evelyn

Comments:

I will send the original by
mail —

Marge

City Of Portland, Maine
Inspections Division Services
389 Congress St Room 315 Portland Me 04101-3509
Phone: (207) 874-8703 or (207)874-8693
Fax: (207) 874-8716
<http://www.portlandmaine.gov/>

* * * Communication Result Report (Dec. 21. 2012 2:27PM) * * *

2}

Date/Time: Dec. 21. 2012 2:26PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
0922 Memory TX	97743833	P. 3	OK	

Reason for error

m. 1) Hang up or line fail	E. 2) Busy
m. 3) No answer	E. 4) No facsimile connection
m. 5) Exceeded max. E-mail size	

FAX



To: Evelyn King
 Fax Number: 274-3833
 From: Marge Schuckel
 Fax Number: _____
 Date: 12/21/12
 Regarding: 190 Bond Rd
 Total Number Of Pages Including Cover: 3
 Phone Number For Follow-Up: _____

Comments:
Evelyn
 I will send the original by
 mail —

Marge

MONAGHAN LEAHY, LLP

ATTORNEYS AT LAW

THOMAS G. LEAHY
KEVIN G. LIBBY
CHRISTOPHER C. DINAN
JOHN J. WALL, III
KENNETH D. PIERCE
CORNELIA S. FUCHS
ZACHARY I. GREENFIELD
PATRICK D. THORNTON
MATTHEW K. LIBBY

THOMAS F. MONAGHAN
OF COUNSEL

95 EXCHANGE STREET
P.O. BOX 7046
PORTLAND, MAINE
04112-7046

TEL 207-774-3906
FAX 207-774-3833

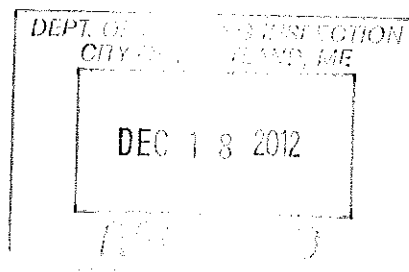
tleahy@monaghanleahy.com

December 17, 2012

Marge Schmuckal
Planning and Urban Development
City of Portland
389 Congress Street, Room 315
Portland, Maine 04101

RE: 190 Rand Road, Portland
Tax Map 255-A-8

I m



Dear Marge,

Would you please provide us with a land use determination letter for the above property, owned by Philip E. Stultz, Jr. The parties are very eager to close before year end and we realize that you are out of the office next week. Please consider this a request to expedite the process, if at all process, to allow us to close in a timely fashion.

Enclosed please find the sample format that you can use as a reference. Also enclosed please find our check in the amount of \$150.00 as required.

Thank you for your assistance in this regard.

Regards,

Monaghan Leahy, LLP

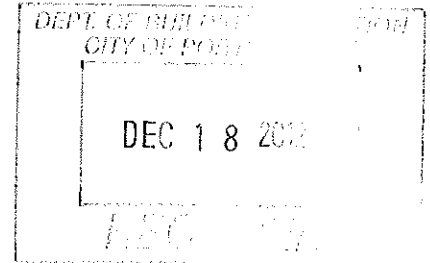
[Handwritten signature]
By: Thomas G. Leahy, Esq.

TGL/ehk
Enclosures

Marge Schmuckal
Planning and Urban Development
City of Portland
389 Congress Street, Room 315
Portland, Maine 04101

December ____, 2012

Thomas G. Leahy, Esq.
Monaghan Leahy, LLP
P.O. Box 7046
Portland, ME 04112



RE: 190 Rand Road, Portland, Maine
Tax Map 255-A-8

To Whom It May Concern:

In my capacity as an Inspector for the City of Portland, I hereby certify that the following is true:

1. The property above is classified _____, under the Portland Code.
2. The property is a lawfully created parcel according to applicable subdivision laws, including 30-A, M.R.S.A. Section 4401, et seq., and regulations and ordinances adopted pursuant thereto, including the Portland Code.
3. There are no current zoning, subdivision, land use or code violations of record in the City of Portland concerning the Property.
4. Based on the Certificates of Occupancy, the buildings and structures on the Property complied with the dimensional requirements, (area, width, or depth of the land as a building site for the structure; floor space area of the structure; setback of the structure from the property lines of the land; height of the structure) and parking requirements of the Portland Code at the time they were constructed and are not required to comply with current dimensional and parking requirements.
5. The current use of the Property as an industrial machine shop complies with the current use regulations of the Portland Code.

Regards,

City of Portland
Inspections Division Services

By Marge Schmuckal

City of Portland, Maine – Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: Rand Road		Owner: Stultz		Phone: Not Given		Permit No:	
Owner Address: N/A		Lessee/Buyer's Name: N/A		Phone: N/A		Business Name: N/A	
Contractor Name: Patco Const. *Dennis Waters		Address: Sanford		Phone: * 324-5574		Permit Issued: 8	
Past Use: Warehouse/office		Proposed Use: Warehouse		COST OF WORK: \$ 88,000		PERMIT FEE: \$ 552.00	
Proposed Project Description: 3000 s.f. warehouse addition. Pre-engineered metal building.		FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: <i>2 Type 2C</i>		Zone: <i>2</i> CBL: 255-A-008	
		Signature: <i>[Signature]</i>		Signature: <i>[Signature]</i>		Zoning Approval: <i>Continued Use</i>	
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Signature: _____ Date: _____		Special Zone of Review: <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan major <input type="checkbox"/> minor <input type="checkbox"/> <i>19990114</i>	
Permit Taken By: KA		Date Applied For: 11-2-99				Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied	

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

* Call for Pick Up: Dennis Waters 324-5574

PERMIT ISSUED WITH REQUIREMENTS

CERTIFICATION

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

SIGNATURE OF APPLICANT _____ ADDRESS: _____ DATE: 11-2-99 PHONE: _____

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE _____ PHONE: _____
White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

PERMIT ISSUED WITH REQUIREMENTS
CEO DISTRICT
ub
[Signature]

PERMIT # 901799

TOWN OF Portland BUILDING PERMIT APPLICATION

MAP # _____

LOT# 255-A-008

Please fill out any part which applies to job. Proper plans must accompany form.

Owner: Stultz Fluid Power

Address: 401 Riverside St

LOCATION OF CONSTRUCTION: 8 Rand Rd Pine Tree Ind Park

CONTRACTOR: F.W. Cunningham Sons SUBCONTRACTORS: 773-0246

ADDRESS: 85 West Commercial St P.O. Box 1140

Est. Construction Cost: 384,309. Type of Use: Warehouse 09104

Past Use: Sales Service

Building Dimensions L _____ W _____ Sq. Ft. _____ # Stories _____ Lot Size _____

Is Proposed Use: _____ Seasonal _____ Condominium _____ Apartment _____

Conversion - Explain: Construction of new warehouse

COMPLETE ONLY IF THE NUMBER OF UNITS WILL CHANGE

Residential Buildings Only:

Of Dwelling Units _____ # Of New Dwelling Units _____

Foundation:

- 1. Type of Soil: _____
- 2. Set Backs - Front _____ Rear _____ Side(s) _____
- 3. Footings Size: _____
- 4. Foundation Size: _____
- 5. Other _____

Floor:

- 1. Sills Size: _____ Sills must be anchored.
- 2. Girder Size: _____
- 3. Lally Column Spacing: _____ Size: _____
- 4. Joists Size: _____ Spacing 16" O.C.
- 5. Bridging Type: _____ Size: _____
- 6. Floor Sheathing Type: _____ Size: _____
- 7. Other Material: _____

Exterior Walls:

- 1. Studding Size: _____ Spacing _____
- 2. No. windows: _____
- 3. No. Doors _____
- 4. Header Sizes _____ Span(s) _____
- 5. Bracing: Yes _____ No _____
- 6. Corner Posts Size _____
- 7. Insulation Type _____ Size _____
- 8. Sheathing Type _____ Size _____
- 9. Siding Type _____ Weather Exposure _____
- 10. Masonry Materials _____
- 11. Metal Materials _____

Interior Walls:

- 1. Studding Size _____ Spacing _____
- 2. Header Sizes _____ Span(s) _____
- 3. Wall Covering Type _____
- 4. Fire Wall if required _____
- 5. Other Materials _____

For Official Use Only

Date: _____ Subdivision: Yes / No _____

Inside Fire Limits _____

Bldg Code _____

Time Limit _____

Estimated Cost: 384,309.

Value/Structure _____

Fee _____

Block _____

Permit Expiration: AUG 24 1990

Ownership: _____ Private _____

PERMIT ISSUED

City Of Portland

Ceiling:

- 1. Ceiling Joists Size: _____
- 2. Ceiling Strapping Size _____ Spacing _____
- 3. Type Ceilings: _____
- 4. Insulation Type _____ Size _____
- 5. Ceiling Height: _____

Roof:

- 1. Truss or Rafter Size _____ Span _____
- 2. Sheathing Type _____ Size _____
- 3. Roof Covering Type _____
- 4. Other _____

Chimneys:

Type: _____ Number of Fire Places _____

Heating:

Type of Heat: _____

Electrical:

Service Entrance Size: _____ Smoke Detector Required Yes _____ No _____

Plumbing:

- 1. Approval of soil test if required Yes _____ No _____
- 2. No. of Tubs or Showers _____
- 3. No. of Flushes _____
- 4. No. of Lavatories _____
- 5. No. of Other Fixtures _____

Swimming Pools:

- 1. Type: _____
- 2. Pool Size: _____ Square Footage _____
- 3. Must conform to National Electrical Code and State Law.

Zoning:

District: 71 Street Frontage Req.: _____ Provided _____

Required Setbacks: Front _____ Back _____ Side _____ Side _____

Review Required:

Zoning Board Approval: Yes _____ No _____ Date: _____

Planning Board Approval: Yes _____ No _____ Date: _____

Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____

Shore and Floodplain Mgmt _____ Special Exception _____

Other (Explain): _____

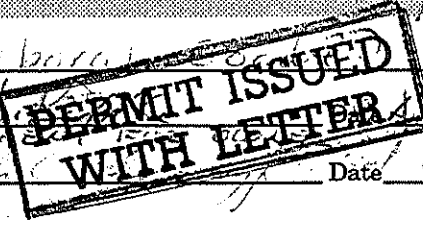
Date Approved: _____

Permit Received By Deborah

Signature of Applicant [Signature] Date 8.20.89

Signature of CEO [Signature] Date 8.20.89

Inspection Dates _____



78.05.74A

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 04-1522	Issue Date:	CBL: 255 A008001
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Location of Construction: 190 Rand Rd	Owner Name: Stultz Philip E Jr	Owner Address: 13 High Bluffs Rd	Phone:
Business Name:	Contractor Name: Patco Construction	Contractor Address: 1293 Main St Sanford	Phone: 2013245514
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Commercial	Zone: FM

Past Use: Commercial retail <i>wholesale - Service and warehouse</i>	Proposed Use: Commercial/ retail 2500 Sq. Ft Addition to existing metal building for <i>warehouse</i>	Permit Fee: \$1,047.00	Cost of Work: \$114,000.00	CEO District: 3
Proposed Project Description: 2500 Sq. Ft Addition to existing metal building for <i>warehouse</i>		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>F1</i> Type: <i>2C</i> <i>11/24/04</i>	

Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	
Signature:	Date:

Permit Taken By: Idobson	Date Applied For: 10/05/2004	Zoning Approval	
-----------------------------	---------------------------------	------------------------	--

Special Zone or Reviews <input type="checkbox"/> Shoreland <i>N/A</i> <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <i>Panel 2 zone X</i> <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i>2004-0100</i> Maj <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM <input type="checkbox"/> late:	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmar <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied late: <i>[Signature]</i>
--	---	--

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

Applicant: Patco Const for Stultz Date: 11/12/04
 Address: 190 Rand Rd Fluid Power C.B.L.: 255-A-008

CHECK-LIST AGAINST ZONING ORDINANCE

Date - Existing Bldg permit #04-1522

Zone Location - I-M

Interior or corner lot -

Proposed Use/Work - to construct addition to ^{25' x 100'} bathroom

Sewage Disposal - City

Lot Street Frontage - 60' min - 356.79' given

Front Yard - 1' for each 1' of height max. - 24' min req - 50' + show

Rear Yard - 1' for each 1' of height up to 25' - 24' min req - 100' + show

Side Yard - 1' for each 1' of height up to 25' - 20' scale - 24' min

Projections -

Width of Lot - N/A

Height - 75' MAX - showing 24' in height

Lot Area - 10,000 sq ft - 82,454 sq ft assessors

Lot Coverage (Impervious Surface) 75% MAX
 25% min - 20,617.5

Area per Family -

Off-street Parking - $100 \times 132 = 13200$
 $25 \times 100 = 2500$
 $151700 \div 1000 = 151.7$ 16 spaces
 Loading Bays - Adding one 14' x 50' Loading Dock
 $50' \times 220' = 11,000$
 $25' \times 230' = 5750$
 $110' \times 110' = 12,100$
 28850 plus more

Site Plan -

minor # 200 & - 0180
 Shoreland Zoning/ Stream Protection - N/A

Flood Plains - Panel 12 - Zone X

PAVEMENT: No closer than 10' from boundary line - 13' show

Assessor's Office | 359 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#) [Home](#) [Departments](#) [City Council](#) [E-Services](#) [Calendar](#) [Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

- Applications
- Doing Business
- Haps
- Tax Relief
- Tax Roll

CB1 255 A008001
Land Use Type MULTI-USE COMMERCIAL
Property Location 190 RAND RD
Owner Information STULTZ PHILIP E JR
 13 HIGH BLUFFS RD
 FALMOUTH ME 04105
Book and Page 9268/42
Legal Description 255-A-8
 RAND ROAD 176-202
 82454 SF
Acres 1.8929

Current Assessed Valuation:

Q & A

[browse city services a-z](#)

[browse facts and links a-z](#)

TAX ACCT NO. 30050 **OWNER OF RECORD AS OF APRIL 2012**
 STULTZ PHILIP E JR
LAND VALUE \$205,400.00 **13 HIGH BLUFFS RD**
BUILDING VALUE \$724,000.00 **FALMOUTH ME 04105**
NET TAXABLE - REAL ESTATE \$929,400.00
TAX AMOUNT \$17,491.32

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).



Best viewed at 800x600, with Internet Explorer

Building Information:

Building 1
Year Built 1991
Style/Structure Type PREFAB WAREHOUSE
Units 1
Building Num/Name 1 - MOTION INDUSTRIES
Square Feet 14440

[View Sketch](#) [View Map](#) [View Picture](#)



Exterior/Interior Information:

Building 1
Levels 01/01
Size 13000
Use LIGHT MANUFACTURING
Height 24
Walls METAL-LIGHT
Heating UNIT HEAT
A/C NONE

Building 1
Levels M1/M1
Size 1440
Use MULTI-USE OFFICE
Height 12
Walls ENCLOSURE
Heating HOT AIR
A/C CENTRAL

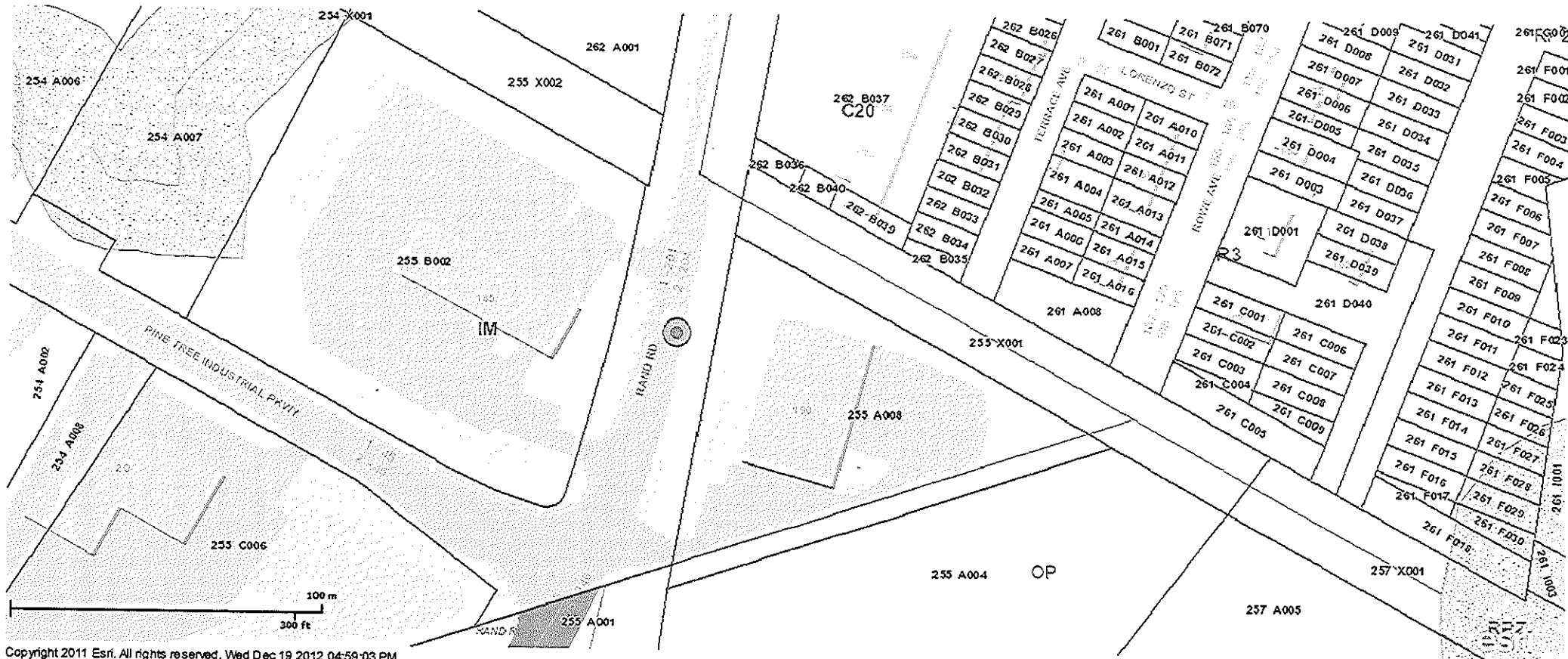
Other Features:

Building 1
Structure OVERHEAD DOOR - WD/HT
Size 10X14

Building 1
Structure LOADING DOCK - STEEL/CONC
Size 144X1

Building 1
Structure OVERHEAD DOOR - WD/HT
Size 10X12

190 Rand RD



MONAGHAN LEAHY, LLP

ATTORNEYS AT LAW

THOMAS G. LEAHY
KEVIN G. LIBBY
CHRISTOPHER C. DINAN
JOHN J. WALL, III
KENNETH D. PIERCE
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95 EXCHANGE STREET
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04112-7046

TEL 207-774-3906
FAX 207-774-3833

tleahy@monaghanleahy.com

December 20, 2012

THOMAS F. MONAGHAN
OF COUNSEL

Marge Schmuckal
Planning and Urban Development
City of Portland
389 Congress Street, Room 315
Portland, Maine 04101

RE: 190 Rand Road, Portland
Tax Map 255-A-8

Dear Marge,

Would you be able to let me know if it is likely that you will be able to complete the land use letter for the above property prior to your departure for the holiday? You can fax this letter back with a note or call, whichever is easiest.

Thank you for your assistance in this regard!

Regards,

Monaghan Leahy, LLP



By: Evelyn King, Paralegal

Thanks!

TGL/chk
Enclosures

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

Receipt Date: 12/18/2012
Zoning Determination 190 Rand Road

Invoice No: 39478

Receipt of Payment

Invoice Date	Invoice No	Fee Description	Qty	Fee Charge
12/18/2012	39478	Miscellaneous Review	1	\$150.00
				\$150.00
			Amount Due	+ \$150.00
			Payments Received	- \$150.00
			Total Amount Due	\$0.00