



# PORTLAND MAINE

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

December 9, 2010

John Poliquin  
Hakken Properties LLC  
PO Box 10379  
Portland, ME 04101

Re: 34 Rainmaker Drive (585 Riverside Street) – 306 B006201 – IM Zone – Riverside Hair Salon

Dear Mr. Poliquin,

I am receipt of your letter regarding Riverside Hair Salon at 34 Rainmaker Drive. I just want to confirm what you said in your letter.

A hair salon is not a permitted use in the I-M Zone.

The City of Portland has agreed to allow Riverside Hair Salon located at 34 Rainmaker Drive to remain at that space until their lease expires on April 30, 2011. Their lease may not be renewed. If they vacate the premises before their lease expires would you please notify our office.

Once Riverside Hair Salon has vacated the premises, another tenant may not occupy the space until they apply for tenant fit up permit to establish a specific use for that space. Any new use must meet the permitted uses allowed in the I-M Industrial Zone.

Please feel free to call me at 874-8709 if you have any questions.

Yours truly,

Ann B. Machado  
Zoning Specialist  
(207) 874-8709

Cc. file


Mrs. Ann Machado  
Zoning Specialist  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Dear Ann,

Thank you for your assistance with our zoning issue. It is my understanding that the Riverside Hair Salon is not an accepted use for the I-M zone that exists at 34 Rainmaker Drive. Of course, we were unaware of this when the tenant moved in. It is also my understanding that the City of Portland is willing to allow the Riverside Hair Salon to complete the duration of its lease, which expires in five months at the end of April 2011. The willingness of the city to allow that time is based on our understanding that the Riverside Hair Salon will vacate the premises before the end of April and that any new tenant shall meet the zoning requirements and shall obtain a permit from the city to operate in that space.

I am aware that the hair salon is already seeking new quarters for its business and I am in the process of offering that space to a new tenant. I thank you for your consideration and willingness to work with us to provide a reasonable time frame for the transition of the use of that space. If I can be of any further assistance, please contact me at 730-2835.

Best regards,

A handwritten signature in black ink, appearing to read 'John Poliquin', followed by a horizontal line.

John Poliquin  
Hakken Properties, LLC

RECEIVED

DEC -7 2010

Dept. of Building Inspections  
City of Portland Maine

RECEIVED

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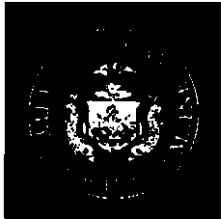
**Tenancy Agreement**Dept. of Building Inspections  
City of Portland, Maine

This Agreement is made between Hakken Properties, LLC, PO Box 10379, Portland, Maine, 04104 herein called Lessor and  
Riverside Hair Salon  
 Of \_\_\_\_\_ Portland, Maine, herein called Tenant.

Lessor is the owner of the building, land and improvements known and numbered as Building 2 Unit 1 (the building), 34 Rainmaker Drive Portland, Maine 04103 and makes available for lease a portion of the building designated as Building 2 Unit 1A, herein called the "Leased Premises".

The Lessor desires to lease the Leased Premises to Tenant and Tenant desires to lease the Leased Premises for the term, at the rental and upon the covenants, conditions and provisions herein set forth.

1. Term and Rental. The term of this lease shall be 12 months with initial term beginning May 1st, 2010 and ending on April 30th, 2011.
2. The rental shall be \$380.00 per month to be paid in advance on, or before, the first day of each month for that month's rental. All rental payments shall be made to Lessor at the address specified above or at another agreed upon location.
3. Use. Tenant shall use and occupy the Leased Premises for general office use. Tenant shall not use the Leased Premises for the purpose of storing, manufacturing or selling any explosives, flammables or other inherently dangerous substance, chemical, thing or device.
4. Assignment and Sublease. The tenant shall have the right to assign this lease to a corporation or LLC which is under common control with, or subsidiary of, Tenant. Tenant shall not sublease all or any part of the Leased Premises without prior written consent of the Lessor, which shall not be unreasonably withheld.
5. Alterations. Following obtaining the written consent of the Lessor, which consent shall not be unreasonably withheld, Tenant, at Tenant's expense, shall have the right to remodel, redecorate, and make improvements, additions or replacements in or about the Leased Premises, provided that same are made in a workmanlike manner and using good quality materials. Tenant shall have the right to place personal property, trade fixtures, equipment and other temporary installations in and upon the Leased Premises. All personal property, equipment and fixtures placed on or in the Leased Premises by Tenant shall remain Tenant's property free and clear of any claim by Lessor. Tenant shall have the right to remove the same at any time during the term of this lease provided that all damages to the Leased Premises caused by such removal shall be repaired by Tenant at tenant's expense.
6. Care and Maintenance. Tenant acknowledges that the Leased Premises are in good order and repair, unless otherwise indicated herein. Tenant shall, at his own expense and at all times, maintain the Leased Premises in good and safe condition, and make repairs to floors, walls, ceilings, glass and other parts of Leased Premises damaged or worn through normal occupancy, except for major mechanical systems. The Lessor, at its sole expense, shall be responsible for



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

November 29, 2010

*- handdelivered to John Poliquin  
of Hakken Properties LLC*

Hakken Properties LLC  
PO Box 10379  
Portland, ME 04101

Re: 34 Rainmaker Drive (585 Riverside Street) – 306 B006201 – IM Zone – illegal nail salon

To Whom It May Concern:

It has come to the attention of our office that there is a nail salon at 34 Rainmaker Drive. We have no permit on file for a nail salon at that address. 34 Rainmaker Drive is located in the I-M Industrial zone. Section 14-247 of the ordinance lists the uses that are permitted in the I-M zone. Section 14-248 lists what are called performance based uses that are allowed and section 14-248.1 lists one specific conditional use that is allowed. Section 14-249 states that uses that are not expressly enumerated as a permitted use are prohibited. A nail salon is considered a personal service. Personal service is not a permitted use in the I-M zone. Since it is not a permitted use in this zone, it is illegal and needs to be removed.

Your property needs to be brought into compliance as soon as possible. Please call me at 874-8709 as soon as you receive this letter, so that we can discuss what needs to be done to achieve compliance.

You have the right to appeal my decisions. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Yours truly,

Ann B. Machado  
Zoning Specialist  
(207) 874-8709