



# PORTLAND MAINE

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*Lee Urban- Director of Planning and Development  
Marge Schmuckal, Zoning Administrator*

July 17, 2006

Bernstein Shur Sawyer & Nelson  
Attn: Jaimie Schwartz, Esq.  
100 Middle Street  
Portland, ME 04101

First American Title Insurance Co.  
and/or Ticor Title Insurance Co.  
c/o Monument Title Co.  
Portland, ME 04104

RE: 125 Industrial Way – 326-C-1-2-3-4 - I-M, Moderate Industrial Zone  
Portland, Maine (the "Jurisdiction")

Ladies and Gentlemen:

In response to your request concerning the Project's compliance with applicable codes, regulations and ordinances, please be advised as follows:

- (i) the Zoning Administrator is responsible for enforcement of zoning ordinances and similar codes or ordinances related to commercial development in the Jurisdiction. The Inspections Division Director is responsible for (a) enforcement of building codes and similar codes or ordinances related to commercial development in the Jurisdiction and (b) the issuance of certificates of occupancy in the Jurisdiction;
- (ii) certificates of occupancy have been issued and are in effect for all buildings and other units at the Project and we are not aware of any circumstances which would render the certificates of occupancy invalid or cause them to be revoked;
- (iii) the Project more particularly described in Exhibit A attached hereto is zoned I-M, a moderate impact industrial zone under the laws or ordinances of the City of Portland, Maine, which zoning is proper for warehouse and offices and related amenities comprising the Project, and accordingly the project is a conforming use. Attached hereto as Exhibit B are true copies of the applicable ordinances, resolutions or regulations relating to the zoning and use of the Project; and
- (iv) as a condition to the issuance of the certificates of occupancy in the Jurisdiction, a project must comply with all applicable codes and ordinances including, but not limited to, building codes, subdivision and setback requirements, and regulations pertaining to an entry sign board, fire department codes and regulations, applicable zoning laws, landscaping and parking requirements, obtaining appropriate curb cut permits and provisions for applicable sanitary sewer, water, storm drainage and other utilities. The

issuance of the certificates of occupancy for the Project is evidence that the conditions set forth have been satisfied at the Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Marge Schmuckal". The signature is fluid and cursive, with the first name "Marge" written in a smaller, more compact script than the last name "Schmuckal", which is larger and more prominent.

Marge Schmuckal  
Zoning Administrator

enclosures