



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

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

*up dated*

January 2, 2007

Bernstein Shur Sawyer & Nelson  
Attn: Jainie 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”)

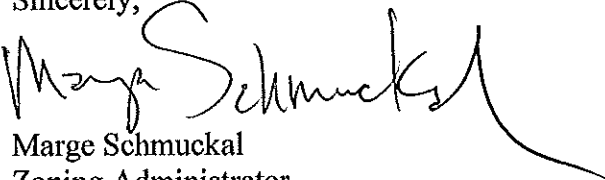
Ladies and Gentlemen:

This is an updated response to my original determination letter dated July 17, 2006.  
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,



Marge Schmuckal  
Zoning Administrator

enclosures

## BERNSTEIN SHUR

COUNSELORS AT LAW

207 774-1200 main  
207 774-1127 facsimile  
bernsteinshur.com

100 Middle Street  
PO Box 9729  
Portland, ME 04104-5029

Karen Pelletier  
Paralegal Supervisor  
207 228-7337 direct  
kpelletier@bernsteinshur.com

December 21, 2007

*Via Hand Delivery*

Marge Schmuckal  
Assistant Chief of Inspection Services  
Zoning Administrator  
Planning & Urban Development  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101

Re: 125 Industrial Way – 326-C-1-2-3-4

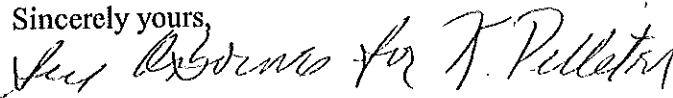
Dear Marge:

This will serve to follow-up our E-Mail correspondence. Will you please issue an updated letter of the previous letter (copy attached) confirming the above referenced Project is in compliance with applicable codes, regulations and ordinances and also please attach all copies of Certificates of Occupancy that have been issued along with any other filings.

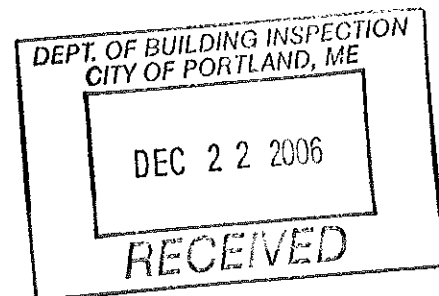
Enclosed please find our check in the amount of \$150 to cover the fees related to issuing this letter. Thank you very much for your assistance in this matter. Please call me if you have any questions.

Please Note: This is closing mid-January.

Sincerely yours,



Karen Pelletier  
Paralegal Supervisor





# 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,

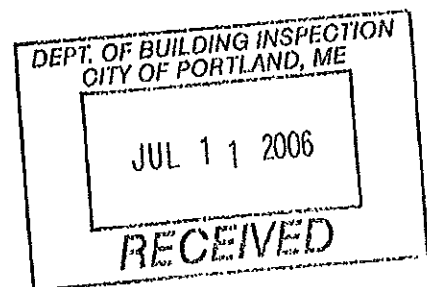
A handwritten signature in black ink, appearing to read "Marge Schmuckal". The signature is fluid and cursive, with the first name "Marge" written in a smaller, more compact script than the last name "Schmuckal", which is larger and more prominent.

Marge Schmuckal  
Zoning Administrator

enclosures

**EXHIBIT A**

[Attached legal Description]



DK7050P00911

038045

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS,

THAT PORTLAND VENTURE PARTNERS III, a Maine General Partnership, with a mailing address of 100 Silver Street, Portland, Maine 04101, of Portland, in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable considerations paid by

CONWAY & SCULLY ASSOCIATES, a Maine General Partnership with a mailing address of 80 Monument Square, Portland, ME 04101, (hereinafter, the Grantee)

The receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey, unto the said Grantee its successors and assigns forever, the following described property:

Lots No. 6, 7, 8 & 9 as depicted on a certain site plan of "Turnpike Industrial Park" dated March 25, 1986 and recorded at the Cumberland County Registry of Deeds at Plan Book 157, Page 61.

TO HAVE AND TO HOLD the aforesaid and bargained premises, with all privileges and appurtenances thereof to the said Grantee, its successors and assigns, to them and their use and behoof forever.

And it does covenant with the Grantee, its successors and assigns, that it is lawfully seised in fee of the premises; that the premises are free of all incumbrances, except as aforesaid; that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns, shall and will WARRANT AND DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

OK7050PG0812

IN WITNESS WHEREOF, PORTLAND VENTURE PARTNERS III,  
has caused this instrument to be signed this 30th day of  
June, 1987.

PORTLAND VENTURE PARTNERS III

Witness [Signature] BY [Signature]  
MICHAEL P. MANTROPHARDI  
General Partner

Witness [Signature] BY [Signature]  
RICHARD J. MCGOLDRIK  
General Partner

State of Maine  
Quiberland, ME.

June 30, 1987

Personally appeared the above named Michael P.  
Mantrophardi and Richard J. McGoldrick and acknowledged the  
above instrument to be their respective free acts and  
deeds and that of the Partnership.

SEAL

Before Me,

[Signature]  
Notary Public  
JOSE F. JUDITH  
NOTARY PUBLIC STATE OF MAINE  
MY COM. EXPIRES 12/31/91

-2-

RECORDED  
1987 JUN 30 PM 11 25  
COMMISSIONARY  
James S. [Signature]





CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION: 125 Industrial Way

Issued to: Loring, Short and Harmon

Date of Issue: July 11, 1989

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. 877998, 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

Office/Warehouse

Limiting Conditions:

None

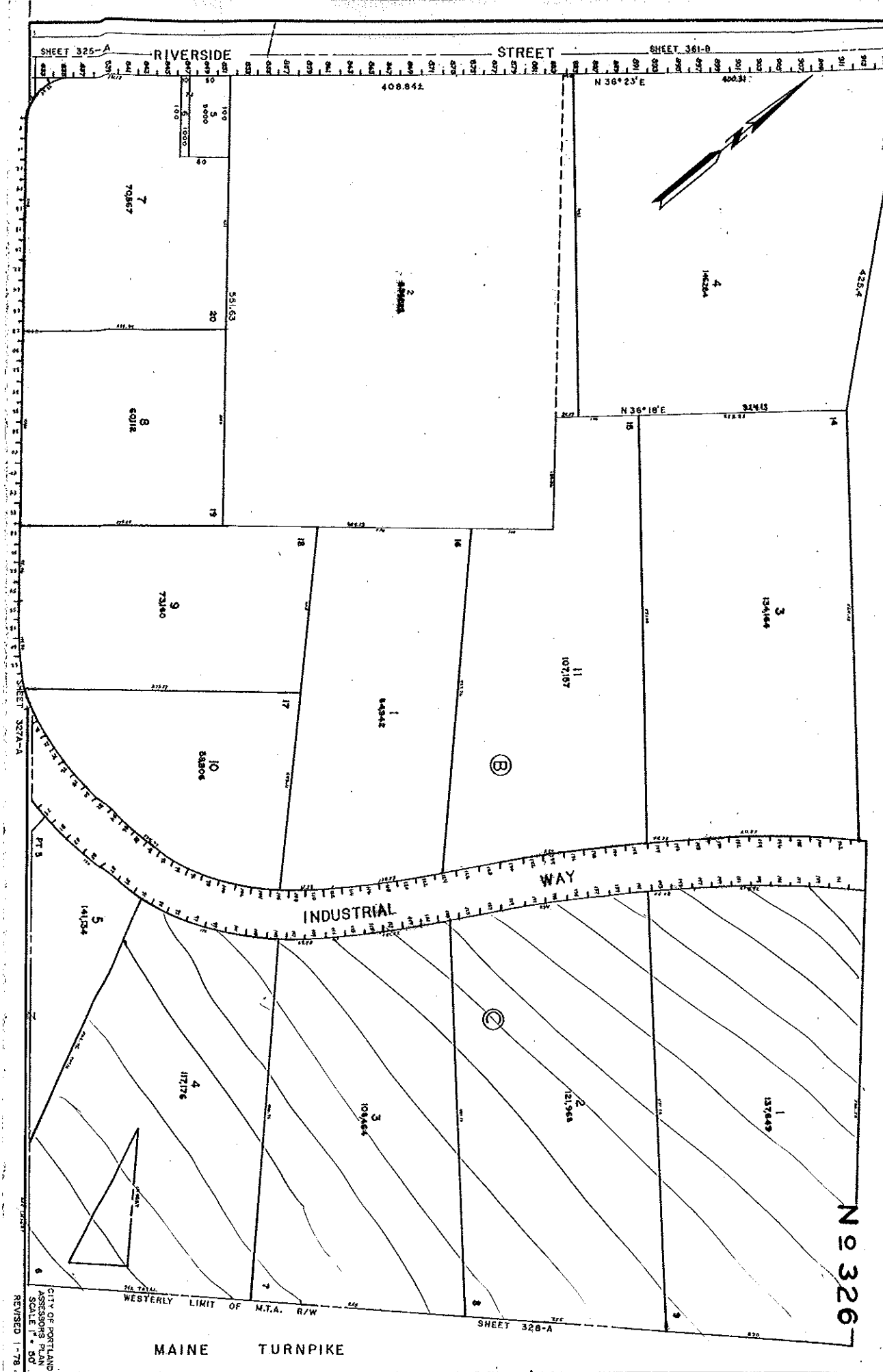
This certificate supersedes  
certificate issued

Approved:

(Date)

Inspector

This certificate becomes invalid if building is destroyed, and shall be for information only.  
It shall be renewed when property changes hands. City will be furnished a notice of renewal for one year.



REVISÉ 1-78  
CITY OF PORTLAND  
ASSESSOR'S PLAN  
SCALE 1" = 50'

MAINE TURNPIKE

N 326

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

Card Number	1 of 1
Parcel ID	326 C001001
Location	125 INDUSTRIAL WAY
Land Use	WAREHOUSE & STORAGE
Owner Address	125 INDURATIAL WAY PORTLAND LLC 125 INDURATIAL WAY PORTLAND ME 04104
Book/Page	24241/150
Legal	326-C-1-2-3-4 INDUSTRIAL WAY 143-163 485257 SF

*- New owner*

## Current Assessed Valuation

Land	Building	Total
\$891,200	\$2,835,270	\$3,726,470

## Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1988	1	51323	1
Total Acres	Total Buildings Sq. Ft.	Structure Type	Building Name	
11.14	51323	OFFICE WAREHOUSE	BOISE CASCADE	

## Exterior/Interior Information

Section	Levels	Size	Use
1	01/01	5219	OFFICE BUILDING
1	02/02	5304	OFFICE BUILDING
2	01/01	40800	WAREHOUSE

Height	Walls	Heating	A/C
14	BRICK/STONE	HOT AIR	CENTRAL
14	BRICK/STONE	HOT AIR	CENTRAL
28	METAL-LIGHT	UNIT HEAT	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

## Building Other Features

Line	Structure Type	Identical Units
3	DOCK LEVELERS	8
3	OVERHEAD DOOR - MOTOR OPR. WD/	1
3	OVERHEAD DOOR - MOTOR OPR. WD/	8
1	SPRINKLER - WET	1
1	OPEN AREA - BANK/OFFICE	1

## Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1989	ASPHALT PARKING	58000	1
1989	LIGHT - MERCURY VAPOR, POLE	1	12