



# PORTLAND MAINE

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*Greg Mitchell – Acting Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

January 3, 2012

Adam Shapiro  
7 Knight Hill Road  
Falmouth, ME 04105

RE: 64 Auburn Street – 375 A003 – B-1 Zone – Permit #2012-01-3001

Dear Mr. Shapiro,

This letter is a follow up to the telephone conversation that we had earlier today. When Mr. Bagel moved into the space at 64 Auburn Street in November 1995, the legal use was Retail Sales (Food) with twenty-five seats. Today, if a retail establishment has more than 9 seats the use changes to restaurant. Since Mr. Bagel was approved for twenty-five seats, you may keep the same number of seats. If you decide to add more than twenty-five seats, you need to apply for a change of use permit to become a restaurant. I have enclosed a Commercial Interior & Change of Use Permit Application Checklist and General Building Permit Application.

64 Auburn Street is located in the B-1 Neighborhood Business Zone. A restaurant is a conditional use in this zone [section 14-163(1)] which needs to be approved by the Zoning Board of Appeals. I have enclosed a conditional use appeal application, a sheet outlining the application process for the Zoning Board of Appeals, the 2012 meeting schedule and a copy of section 14-163 which outlines the criteria a restaurant must meet. You need to get approval for the conditional use from the Zoning Board of Appeals before the Inspections Division can issue a change of use permit to be a restaurant in order for you to add more than twenty-five seats.

At this point, I am signing off on the permit to install a kitchen exhaust hood system with the condition that there will not be more than twenty-five seats in the space. 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