

Strengthening a Remarkable City, Building a Community for Life . www.portlandmaine.gov

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

November 13, 2008

Maine State Housing Authority and Classic Title Company 84 Marginal Way Suite 600 Portland, Maine 04101-2480

RE: Northfield Green (the "Project") located at 145-151 Allen Avenue, Portland, Maine, Tax Map #436-A-022 (the "Jurisdiction") – R-5

#### Ladies and Gentlemen:

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

- (i) the Department of Planning and Development is responsible for (a) enforcement of building codes, zoning ordinances 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:
- the Project more particularly described in Exhibit A attached hereto is zoned (iii) **R-5** under the laws or ordinances of the City of Portland, which zoning is proper for the residential housing for the elderly 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; 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, any 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.; and

(iv)	a research of our files indicate that there are no pending or threatened zoning
	enforcement actions against the Project.

Sincerely,

Marge Schmuckal Zoning Administrator

Cc: file

enclosures

## APPLICATION FOR PERMIT

B.O.C.A. USE GROUP

B.O.C.A. TYPE OF CONSTRUCTION .....

ZONING LOCATION\_\_\_\_

APPROLATS BY:

PORTLAND, MAINE, .. Oct. . 25 .. . 19.76

The undersigned hereby applies for a peri	mlt to erect, alter, repair, demo	olish, move or install the following building, struc-
ture, equipment or change use in accordance	with the Laws of the State of )	Maine, the Portland B.O.C.A. Building Code and
Zoning Ordinance of the City of Portland will	th plans and specifications, if a	ny, submitted herewith and the following specifica-
tlons:		
LOCATION 145-147 Allen Ave		Fire District #1 [], #2 []
1. Owner's name and address Northfi	914, Grean, Axeon. 1:	330 Boylaton . Stdephentnyt .Hill
2. Lessee's name and adddress		Telephone 617-734-96

4. Architect	Specifications	ns No. of sheets
Proposed use of building housing for elder! Last use	<b>,</b>	No. families 201
Last usc		No. families
Material No. stories Heat		
Other buildings on same lot		

Fco \$..11,200.... Estimated contractural cost \$ 2,800,000.

FIELD INSPECTOR-Mr	GF	ENERAL DESCRIPTION	ON 5al	speal fee paid
This application is for:	@ 775-5451	a house	· , /	, ,
Dwelling	Ext. 234 To Cons	struct	ing complex co.	
Garage	₹ % of 3 b	uildings and a	community blo	ag
Masonry Bldg	as per	prans		

Stamp of Special Conditions Alterations ...... Demolitions ..... Appeal sustained 3-3/-76 Change of Use .....

Other ..... NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

PERMIT IS TO BE ISSUED TO	1 🗆	2 🖂	3 🔯	4 🗆
	ther:			

#### DETAILS OF NEW WORK

Is any plumbing involved	in this work?	Is any	electrical work involve	ed in this work?	
Is connection to be made t	o public sewer?	If not,	what is proposed for	sewage?	
Has septic tank notice bed	n sent?	Form	notice sent?		
Height average grade to to	p of plate	Height ave	erage grade to highest	point of roof	
Size, front de	oth No. s	stories solid o	r filled land?	earth or rock?.	
Material of foundation		Thickness, top	bottom	cellar	
Kind of roof	Rise per fool	t Roof s	covering		,
No of chimneys	Material of chi	mneys of linir	ıg Kind c	of heat fu	el
Framing Lumber—Kind.	Dressed	or full size?	Corner posts	Sills	
Size Girder	Columns under g	irders	Size	Max. on centers	
Studs (outside walls and o	carrying partitions)	2x4-16" O. C. Bridgir	ig in every floor and	flat roof span over 8	fcet.
Joists and rafters:	ist floor	2nd	3rd	roof	
On centers:	Ist floor	2nd	3rd	roof	
Maximum span:	1st floor	2nd	3rd	roof	
If one story building with					

#### IF A GARAGE

No can now ac	commodated on same lot	, to be accommodated .	number commercial cars to	be accommodated.
Will automobile	repairing be done other tha	in minor repairs to cars ha	abitually stored in the proposed	building?

DATE

BUILDING THOLECTION - LAN EXAMINER	will work require disturbing of a ree on a public street?
ZONING:	
BUILDING CODE:	Will there be in charge of the above work a person competent
Fire Dept	to see that the State and City requirements pertaining thereto are observed?
Health Dept :	are observed? Ves

..... Phone # . G(7. 73 4.960

**MISCELLANEOUS** 



#### CITY OF PORTLAND, MAINE Department of Building Inspection

# Certificate of Occupancy

LOCATION

147-151 Allen Avenue

Issued to Barken Const. Co. Inc.

1330 Boyliston St. Chestnut Hill, Mass. 02167

Chis is in certify that the building, premises, or part thereof, at the above location, built—altered -changed as to use under Building Permit No. 76/1000 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

Entire

Bldg. # 1- 72 Units

Limiting Conditions:

This certificate supersedes certificate issued

Approved;

Notice: This cartificate identifies lawid use of building or premises, and ought to be transferred from the owner when properly changes hands. Copy will be furnished to owner at legges fee one do



CITY OF PORTLAND, MAINE

Department of Building Inspection

LOCATION 1/151 Alien Avenue

Location Construction Company Incompany Incompa

北潭

PORTION OF BUILDING OR PREMISES

certificate issued

(Date)



# CITY OF PORTLAND, MAINE, Department of Building Inspection Operatificate of Occupancy

TOCATION 147-151
Borken Construction of spacy life

Issued to Barkan Construction of apply 1112/14/16/20167

Barkan Construction of apply 1112/14/16/20167

Date of Issue 12/15/05/

Date of Issue 12/15/

Date of substantially to requirements of Zonling Ordinance and Building Code of the City, and is hereby approved for

occupancy or use, limited or otherwise, as indicated Sciow PPROVED OCCUPANCY PORTION OF BUILDING OR PREMISES

I imiting Conditions:

This certificate supersedes certificate issued 8/25/1

#### 147-151 Allen Avers

April 1, 1976

Barken Const. Co., Inc. 1330 Boylston Street Chestnut Hill, MA 02167 cc: Jercme L. Marconi 1330 Boylston Street Chestnut Hill, MA 02167

> William B. Troubh 465 Congress Street Portland, ME 04111

Following is the decision of the Board of Appeals regarding your petition to construct three wood frame buildings with 201 dwelling units and one building as a community development building in the R-5 Residence Zone in which this property is located. Please note that your appeal was granted.

Also, before your permit can be issued, you must pay the permit fee itself. Therefore, we will have to know the estimated contractural cost.

Very truly yours,

A. Allan Soule Assistant Director

AAS/mt

## CITY OF PORTLAND, MAINE IN THE BOARD OF APPEALS

SPACE AND BULK VARIANCE (OTHER THAN FOR DWELLING UNIT CONVERSIONS)

Barken Const. Co., Inc., owner of property at 147-151 Allen Avenue under the provisions of Section 602.24 C of the Zoning Ordinance of the City of

Portland, hereby respectfully petitions the Board of Appeals to permit: the construction of three wood frame buildings with 201 dwelling units and one building as a community development building in theR-5 Residence Zone in which this property is located. This permit is not issuable under the Zoning Ordinance because only 67 parking spaces are to be provided instead of the 201 spaces required (Section 602.14.B.1)

I GAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 C(3)(b)(1) of the Zoning Ordinance have been met. (See reverse side hereof for said conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If pite plan approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

1111

## APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. .....

Portland, Maine, Mov. 9, 1977

# PERMIT ISSUED

NOV 10 1977

CITY of PORTLAND

			-
To the INSPECTOR OF BUILDINGS, PORTLAND, MA	INE STATE	•	
The undersigned hereby applies for amendment to Per in the original application in accordance with the Lowes the City of Portland, plans and specifications, if any, substitute of Portland, plans and specifications, if any, substitute of the City of Portland, plans and specifications, if any, substitute of the City of Portland, plans and specifications, if any, substitute of the City of Portland, plans and specifications and provide the City of Portland, plans and plans an	nitted herewith and the	following specifications:	
Location 145- 151 Allen Ave.	Within Fi	re Limits? Dist. No	
Owner's name and address Northfield Green	<b>Аврос 1330 В</b> о	ylaton St. Telephone 617-724	9.60
Lessee's name and address	Chest	nut Hill, Mass. 02167	
Contractor's name and address Barkan Constr	.sane	Telephone	
Architect		Plans filed No. of sheets	
Proposed use of building Housing for elder	ly		
Last use		No. iamilies	
Increased cost of work5., 0.00		Additional fee 22x 20.	00
Daamiatian	L December 1870-1		

#### Description of Proposed Work

Amendment to original permit to extend parking lot. Plan will be brought in.

### Details of New Work

Is any plumbing involved in t	his work?	Is any electrical work	involved in this wor	k?
Height average grade to top	of plate	Height average grade to h	ighest point of roof.	
Size, front depth	No. stories	solid or filled land?	earth (	r rock?
Material of foundation		ckness, top bottom	cellar	
Material of underpinning		Height	Thickness	
Kind of roof	Rise per foot	Roof covering		
No. of chimneys	Material of chimneys		of lining	
Framing lumber—Kind		Dressed or full size?		
Corner posts	Sills Girt or S	ledger board?	Size	
Girders Size	Columns under	girders Size	Max. d	on centers
Studs (outside walls and car	rying partitions) 2x4-16"	O. C. Bridging in every floor	r and flat roof span o	ver 8 feet.
Joists and rafters:	1st floor	, 2nd , 3rd.	) cor, ros	
On centers:	1st floor	, 2nd , 3rd	roof	
Maximum span:	1st floor	, 2nd , 3ra	, rcof	
Approved: CNING OK A	12 W 11/9/	Signature of Our	office ( )	osta fer 7
O.1C. Copy	//1/77	Approved:	Lord G	Inspector of Buildings

City Of Portland

11/6/2008

CHECK NO.

90115

nv. Date 1/6/2008 Invoice Number

Copies/JG

Amount Paid 150.00

Check Total:

150.00

DRUMMOND WOODSUM & MacMAHON OPERATING ACCOUNT

84 MARGINAL WAY, SUITE 600 PORTLAND, MAINE 04101-2480 (207) 772-1941 BANGOR SAVINGS BANK BANGOR, MAINE 04401 <u>52-7438</u> 2112 90115

DATE

CHECK NO

AMOUNT

11/6/2008

90115

\*\*\* 150.00

\*\*\*\*\* One Hundred Fifty & No/100 Dollars

PAY TO THE ORDER OF

City Of Portland 389 Congress Street PO Box 544 Portland ME 04112-0544 VOID AFTER 120 DAYS

# A

AUTHORIZED SIGNATURE

#090115# #211274382# 2010088805#

Drummond Wood Sum

FAX



To: (2) There ine		Alaxan	der
Fax Number: 772 -	362	7	

From: Mage Sch

Fax Number:

Date: 11/13/08
Regarding: Northerd Green

Total Number Of Pages Including Cover:

Phone Number For Follow-Up:

Comments:

The original is in The Mall -

MAS

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

Fax: (20/) 8/4-8/16

http://www.portlandmaine.gov/

# **Drummond**Woodsum

Catherine D. Alexander

calexander@dwmlaw.com

(207) 772-1941 (207) 772-3627 Fax (800) 727-1941

84 Marginal Way, Suite 600 Portland, ME 04101-2480 Admitted in ME only www.dwmlaw.com

Catherine D. Alexander\* Daniel Amory David J. Backer\* S. Campbell Badger Melissa L. Cillev◊ Jerrol A. Crouter\* Jessica M. Emmons\* Peter C. Felmly\* Jonathan M. Goodman Abigail Greene Goldman\* Sara S. Hellstedt\* Eric R. Herlan\*† Melissa A. Hewey\*t Michael E. High\* John S. Kaminski\* Edward J. Kelleher\* Jeanne M. Kincaid\*† John Lisnik, Jr.\*† Benjamin E. Marcus\* Brianne M. Martin\* Jordan D. McColman\* Elizabeth D. McEvoy\* Robert P. Nadeau\* Daina J. Nathanson\* Jeffrey T. Piampiano William L. Plouffe\* Aaron M. Pratt\*† Harry R. Pringle Daniel J. Rose\*† Gregory W. Sample\* James C. Schwellenbach\*† David S. Sherman, Jr.\* Richard A. Shinay\* Richard A. Spencer\* Kaighn Smith, Jr.\* Bruce W. Smith\* Chris G. Stevenson\* E. William Stockmeyer\*

Consultants

Amy K. Tchao\*†
Amy J. Visentin\*
Gary D. Vogel\*

Ronald N. Ward\* Brian D. Willing\* Gerald M. Zelint

Ann S. Chapman Policy & Labor Relations

Roger P. Kelley Labor Relations & Conflict Management

Christopher P. O'Neil Governmental Affairs

Michael J. Opuda Ph.D. Special Education

Of Counsel

Joseph L. Delafield III\* Robert L. Gips\* Donald A. Kopp\* Hugh G. E. MacMahon\* Harold E. Woodsum, Jr.\*

\* Admitted In Maine
 † Admitted In New Hampshire
 ◇Admitted in Missouri

November 3, 2008

Marge Schmuckal. City Of Portland City Hall - Room 315, 389 Congress Street Portland, ME 04101

RE: Northfield Green

Marge Dear Ms. Schmuckal:

Enclosed is a check for \$150 to cover the cost of a zoning opinion on Northfield Green, a 201 unit residential rental project located at 145-151 Allen Avenue in Portland (Tax Map 436-A-022).

Please call my office if you have any questions.

Sincerely,

Catherine D. Alexander

Enclosure

CDA/jjg

TT MERITAS



Strengthening a Remarkable City. Building a Community for Life . www.portlandmaine.gov

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

November 4, 2008

Catherine D. Alexander Drummond Woodsum & MacMahon 84 Marginal Way, Suite 600 Portland, ME 04101

RE: Determination letter for Northfield Green – 436-A-022

Dear Ms. Alexander,

I have returned your check for \$150 that was to go toward a zoning determination letter. I have noted that there is no authorized signature on it. Please have it signed and returned to me.

Thank you,

Marge Schmuckal Zoning Administrator

Cc: file

City Of Portland

11/3/2008

CHECK NO.

79202

Amount Paid 150.00

Check Total:

150.00

**DRUMMOND WOODSUM & MacMAHON** 

245 COMMERCIAL STREET PORTLAND, MAINE 04101 (207) 772-1941 BANK OF AMERICA PORTLAND, MAINE 04101

52-<u>36</u> 112 79202

DATE

CHECK NO

AMOUNT

11/3/2008

79202

\*\*\* 150.00

PAY TO THE \*\*\*\*\* One Hundred Fifty & No/100 Dollars

VOID AFTER 120 DAYS

ORDER OF City Of Portland

City of Portland Parking Division

PO Box 544

389 Congress St. Room 102

Portland, ME 04112

AUTHORIZED SIGNATURE

SECURITY FEATURES
INCLUDED
DETAILS ON BACK

"079202" CO11200365C 000064149628"

From:

Marge Schmuckal

To:

Catherine Alexander 11/4/2008 12:44:41 PM

Date: Subject:

**Determination letter** 

#### Catherine,

I received your cover letter and \$150 check in the mail today. However, the check does not have an authorized signature on it. I will be mailing it back to you in order to get it signed.

From: To: Marge Schmuckal Catherine Alexander

Date:

10/29/2008 4:43:47 PM

Subject:

Re: Northfield Green Zoning Opinion request

#### Hi Catherine,

I can do a new determination letter for you concerning this site. There is a \$150 fee for such a request. I will do more research to be sure nothing has changed as far as the ordinances concerning the site or whether there are any pending enforcement actions. I assume that you would prefer a similar format as the previous letter 2 years ago.

Thank you, Marge

>>> Catherine Alexander <cda@dwmlaw.com> 10/29/2008 1:18:23 PM >>> Hi Marge:

I represent Community Housing of Maine, Inc. in connection with its pending acquisition of Northfield Green, a 201 unit residential rental project located at 145-151 Allen Avenue in Portland (Tax Map 436-A-022) ("Northfield Green"). In 2006, you drafted a zoning opinion regarding Northfield Green for the Maine State Housing Authority and Monument Title. I have attached a copy of the opinion for your convenience. I am writing to ask you for an updated zoning opinion to be addressed to the Maine State Housing Authority and Classic Title Company (address is 84 Marginal Way, Suite 600, Portland, Maine 04101-2480). In the updated opinion could you address whether there are any pending or threatened zoning enforcement actions against Northfield Green in addition to the matters you addressed for the 2006 opinion. The anticipated closing date for the acquisition is November 12 and I would appreciate it if you could provide the opinion to me in advance of that date. Please let me know if you will be able to help me with this matter. Thanks.

I hope all is well with you and that you are enjoying the fall.

Best.

Catherine

Catherine D. Alexander, Esq.

[cid:481145216@29102008-14A4] 245 Commercial Street P.O. Box 9781 Portland, Maine 04104-5081 207-772-1941 207-253-0502 Direct Line 207-772-3627 Fax calexander@dwrnlaw.com

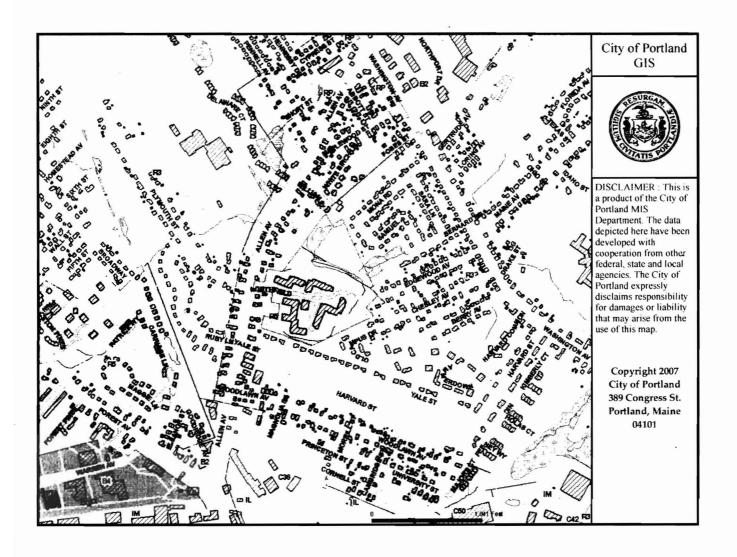
The information transmitted herein is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the email and any attachments from any computer.

Treasury Regulations require us to notify you that any tax advice in this communication (including any attachment) is not intended or written to be used, and cannot be used, for the purpose of avoiding tax penalties, and may not be referred to in any marketing or promotional materials.

Please note that our Portland office is moving. As of Monday, November 3, our new address will be 84 Marginal Way, Suite 600, Portland, Maine 04101-2480. All telephone and fax numbers will remain the same. Thank you.

CC:

'Erin Cooperrider'



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 3

 Parcel ID
 436 A022001

 Location
 145 ALLEN AVE

Land Use BENEVOLENT & CHARITABLE

Owner Address ALLEN AVE HOUSING ASSOCIATES

707 SABLE OAKS DR

SOUTH PORTLAND ME 04106

Book/Page 9037/328

Legal 436-A-22 ALLEN AVE 145-151

831193 SF

#### **Current Assessed Valuation**

Land Building Total \$2,026,100 \$9,561,700 \$11,587,800

### **Building Information**

 Bldg #
 Year Built
 # Units
 Bldg Sq. Ft.
 Identical Units

 1
 1977
 59
 57598
 1

Total Acres Total Buildings Sq. Ft. Structure Type Building Name
19.082 57598 APARTMENT - GARDEN NORTHFIELD GREEN

#### Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	5604	SUPPORT AREA
1	01/01	33316	APARTMENT
1	02/02	15274	APARTMENT
2	01/01	3404	OFFICE ENCLOSURE

Height	Walls	Heating	A/C
8		HW/STEAM	NONE
8	FRAME	HW/STEAM	NONE
8	FRAME	HW/STEAM	NONE
10	FRAME	HW/STEAM	NONE
		NONE	NONE

## **Building Other Features**

Line	Structure Type	Identical Units
2	PORCH - ENCL	2
2	GARAGE - FRAME	1
2	PORCH - COVERED	1
3	PORCH - ENCL UPPER	1
3	OPEN AREA - MOTEL/APARTMENT	1
2	PORCH - ENCL	1

### Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	Ft. # Units
1977	ASPHALT PARKING	57390	1
1977	PAVING CONC. AVG	1936	7



From:

Catherine Alexander <cda@dwmlaw.com>

To:

'Marge Schmuckal' <MES@portlandmaine.gov>

Date:

10/29/2008 2:31:11 PM

Subject:

Northfield Green Zoning Opinion request

Hi Marge:

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I hope all is well with you and that you are enjoying the fall.

Best.

Catherine

Catherine D. Alexander, Esq.

[cid:481145216@29102008-14A4] 245 Commercial Street P.O. Box 9781 Portland, Maine 04104-5081 207-772-1941 207-253-0502 Direct Line 207-772-3627 Fax calexander@dwmlaw.com

The information transmitted herein is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the email and any attachments from any computer.

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# PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life . www.portlandmaine.gov

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

June 26, 2006

Maine State Housing Authority 353 Water Street Augusta, ME 04330-4633 Commonwealth Land Title Insurance Company c/o Monument Title Company 100 Middle Street Portland, ME 04104

RE: Northfield Green (the "Project") located at 145-151 Allen Avenue, Portland, Maine, Tax Map #436-A-022 (the "Jurisdiction") – R-5 Zone

#### Ladies and Gentlemen:

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

- (i) the Department of Planning and Development is responsible for enforcement of building codes, zoning ordinances 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 R-5 under the laws or ordinances of the City of Portland, which zoning is proper for the residential housing for the elderly 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, any 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 sever, 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

# **Drummond**

Catherine D. Alexander

calexander@dwmlaw.com

84 Marginal Way, Suite 600 Portland, ME 04101-2480 (207) 772-1941 (207) 772-3627 Fax (800) 727-1941

Admitted in ME only www.dwmlaw.com

Catherine D. Alexander\* Daniel Amory David J. Backer\* S. Campbell Badger\* Melissa L. Cilley♦ Jerrol A. Crouter\* Jessica M. Emmons Peter C. Felmly\* Jonathan M. Goodman\* Abigail Greene Goldman\* Sara S. Hellstedt\* Eric R. Herlan\*t Melissa A. Hewey\*t Michael E. High\* John S. Kaminski\* Edward J. Kelleher\* Jeanne M. Kincaid\*t John Lisnik, Jr.\*1 Benjamin E. Marcus\* Brianne M. Martin\* Jordan D. McColman\* Elizabeth D. McEvoy\* Robert P. Nadeau\* Daina J. Nathanson\* Jeffrey T. Piampiano\* William I. Plouffe\* Aaron M Pratt\*† Harry R. Pringle\* Daniel J. Rose\*t Gregory W. Sample\*
James C. Schwellenbach\*† David S. Sherman, Jr.\* Richard A. Shinay\* Richard A. Spencer\* Kaighn Smith, Jr.\* Bruce W. Smith\* Chris G. Stevenson\* E. William Stockmever\* Amy K. Tchao\*† Amy J. Visentin\* Gary D. Vogel\*

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Consultants

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Michael J. Opuda Ph.D. Special Education

Of Counsel

Joseph L. Delafield III\* Robert L. Gips\* Donald A. Kopp\* Hugh G. E. MacMahon\* Harold E. Woodsum, Jr.\*

\* Admitted In Maine † Admitted In New Hampshire ♦ Admitted in Missouri November 3, 2008

Marge Schmuckal. City Of Portland City Hall - Room 315, 389 Congress Street Portland, ME 04101

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Please call my office if you have any questions.

Sincerely,

Catherine D. Alexander

Enclosure

CDA/jjg

MOY - 7. 2003

CC:

'Erin Cooperrider' <erin@cooperrider.org>