



PORTLAND MAINE

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

January 20, 2012

Denise Townsend
Zoning Research
First American
Commercial Due Diligence Services
1700 S. Broadway, Building E
Moore, OK 73160

RE: Bayside Village – 132 Marginal Way – ⁴⁴²~~422~~-A-1 (the “Property”) – B-7

Dear Ms. Townsend,

I am in receipt of your request for a determination letter concerning the Property. The current zoning for the Property is a B-7 Mixed Development District Zone. The permitted use of the Property is retail/personal services along the first floor front street line with a lodging house for a total of 100 lodging units with 4 beds each unit and accessory parking. Please note that lodging units are a separate and distinct use from residential *dwelling* units. The approved uses for retail, personal services and lodging are permitted uses by right as listed in the B-7 zone. The parking garage was an approved conditional use by the Planning Board.

The adjacent properties are all in the B-7 zone. A copy of the zoning map showing the Property and adjacent properties is enclosed.

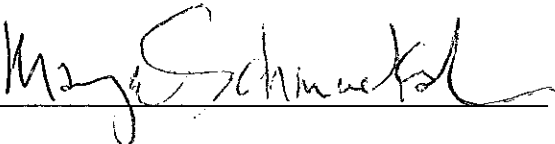
To the best of my knowledge the Property is legally conforming to the City's Land Use Zoning Ordinance and therefore complies with, or is otherwise exempt from, applicable zoning regulations, including parking. On November 20, 2006, The Planning Board approved the Conditional Use for the parking garage as allowed in the Land Use Zoning Ordinance. Subsequently, on August 3, 2007, Jeanie Bourke, the City's Inspections Division Director, approved a waiver request in regards to the International Building Code (IBC) to utilize the IBC 2006 for seismic design on the Property. A copy of these letters are enclosed.

In the event of casualty, in whole or in part, the structure located on the subject property may be rebuilt in its current form (i.e. no loss of square footage, same footprint) if it is rebuilt within 1 year of the event as allowed under section 14-385. A copy of section 14-385 is enclosed.

I am not aware of any outstanding / open zoning or building code violations that apply to the Property.

A valid Certificate of Occupancy has been issued for the Property and is attached.

This information was researched on January 18th and 19th, 2012 by the undersigned, per request. The undersigned certifies that the above information contained herein is believed to be accurate and is based upon, or relates to the information supplied by the requestor. The Authority assumes no liability for errors and omissions. All information was obtained from public records, which may be inspected during regular business hours.

By:  Printed Name: Marge Schmuckal

Title: Zoning Administrator

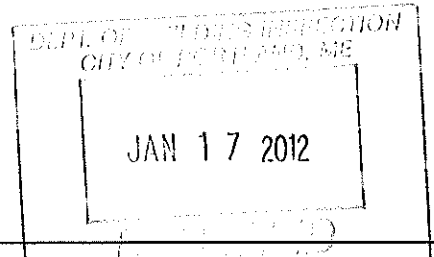
Department: Planning & Urban Dev.

Phone: (207) 874-8695



Reaching Beyond Our Client's Expectations, Providing Nationwide Solutions.

132 Marginal Way
442-A-001



Date: January 11, 2012

FOIA REQUEST

To:	Marge Schmuckal	From:	Denise Townsend
Company:	Zoning	Phone:	405-378-5834
Phone:	207-874-8695	Fax:	Toll-free 800-986-0586
Fax:	mes@portlandmaine.gov	Email:	dltownsend@firstam.com

Pages, including this cover page: 3

Subject: Bayside Village Apartments 132 Marginal Way, Portland, Maine

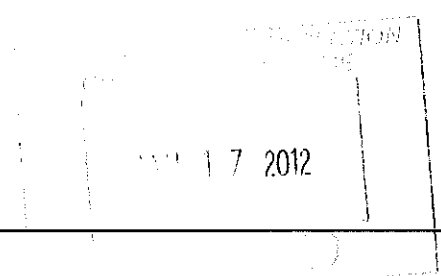
At our client's request, please provide the following information:

- **Zoning Compliance/Verification Letter:** Please supply a letter stating in which zoning district the subject property is currently located, whether or not it is considered to be a permitted use, and any compliance information you may be able to provide. Please use municipality letterhead, or if this is not possible for some reason, please enclose a municipality fax coversheet showing that the zoning letter is enclosed.
- **Adjacent Property Designations and Uses (if known):** Current zoning district in which properties adjacent to the subject property North, South, East & West are located
- **Any Variances, Special Permits or Conditions:** Please note the existence of these items as they relate to the subject property and supply documentation, if available
- **Code Violations:** Please note whether or not there are currently any open/outstanding zoning or building code violations that apply to the subject property
- **Certificates of Occupancy:** Please supply copies of any existing certificates of occupancy for the subject property. If none are available, please state the reason for this and whether there is any expected enforcement action due to the lack of certificate.

Please advise me at your earliest convenience of any required fees or forms, if any of these items is not available or if I should be directing any portion of my request to another party. Upon completion, please forward the information to me via fax (800-986-0586) and US mail (do not staple). I truly appreciate your help with this matter and look forward to your reply. Please do not hesitate to contact me with any questions or concerns you may have. Thank you very much for your assistance!

This telecopy contains privileged and confidential information intended only for the use of the individual named above. If the reader of this telecopy is not the intended recipient you are notified that any dissemination or reproduction is prohibited. If you have received this telecopy in error, please call us collect and return the original telecopy to the address above via US Mail. PLEASE COPY ON REVERSE SIDE

Denise Townsend
Zoning Research
First American
Commercial Due Diligence Services
1700 S. Broadway, Building E
Moore, OK 73160



Subject: Bayside Village Apartments 132 Marginal Way, Portland, Maine

To Whom It May Concern:

In response to your request for information regarding the above-referenced property, we have researched our files and present the following:

1. The current zoning classification for the subject property is _____.

2. according to the zoning ordinances and regulations of this district, the use of the subject property is a:

- Permitted Use by Right
- Permitted Use by Special/Specific Use Permit (see comments, or attached approval documentation)
- Permitted Use by Conditional Use Permit (see comments, or attached approval documentation)
- Legal Non-Conforming Use (use was existing prior to the adoption of the zoning ordinance/code)
- Non-Permitted Use

3. Adjacent property zoning designation: North: _____
South: _____
East: _____
West: _____

4. Conformance: per current zoning ordinances and regulations applicable to the subject property, the current structure(s) is:

- Legal Conforming (complies with, or is otherwise exempt from, applicable zoning regulations, including parking)
- Legal Non-Conforming (does not meet the current zoning requirements due to amendments, re-zoning, variance granted or other changes. See comments)
- Grandfathered (developed prior to the adoption of the zoning code/ordinance)
- Non-Conforming (see comments)

Comment: _____

5. Information regarding variances, special permits/exceptions, ordinances or conditions:

- There do not appear to be any variances, special permits/exceptions, ordinances or conditions that apply to the Subject property.
- The following _____ Variance _____ apply to the subject property.
_____ Special Permit/Exception
_____ Ordinance
_____ Conditions

Comment: _____

6. Rebuild: In the event of casualty, in whole or in part, the structure located on the subject property:

- May be rebuilt in its current form (i.e. no loss of square footage, same footprint, with drive through(s), if applicable).
- May not be rebuilt in its current form, except upon satisfaction of certain conditions, limitations or requirements. Please see section _____ of the current zoning code/ordinance for details.

7. Code Violations Information:

- There do NOT appear to be any outstanding/open zoning or building code violations that apply to the subject property.
- The following outstanding/open _____ zoning / _____ building code violations apply to the subject property:

Comment: _____

8. Certificate of Occupancy, status:

- A valid Certificate of Occupancy has been issued for the subject property and is attached.
- A valid Certificate of Occupancy has been issued for the subject property (approximate issuance date _____); however, we are unable to locate a copy in our records. The absence of a Certificate of Occupancy will not give rise to any enforcement action affecting the property.
- Certificates of Occupancy for projects constructed prior to the year _____ are no longer on file with this office. The absence of a Certificate of Occupancy will not give rise to any enforcement action affecting the property. A Certificate of Occupancy will only be required for new construction.
- A Certificate of Occupancy is not required for the subject property.

Comment: _____

Further comments regarding the subject property:

This information was researched on _____, 2010, by the undersigned, per request and as a public service. The undersigned certifies that the above information contained herein is believed to be accurate and is based upon, or relates to the information supplied by the requestor. The Authority assumes no liability for errors and omissions. All information was obtained from public records, which may be inspected during regular business hours.

ZONING AUTHORITY:

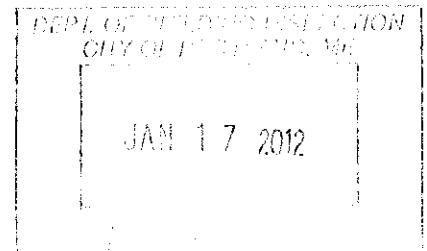
By: _____

Printed Name: _____

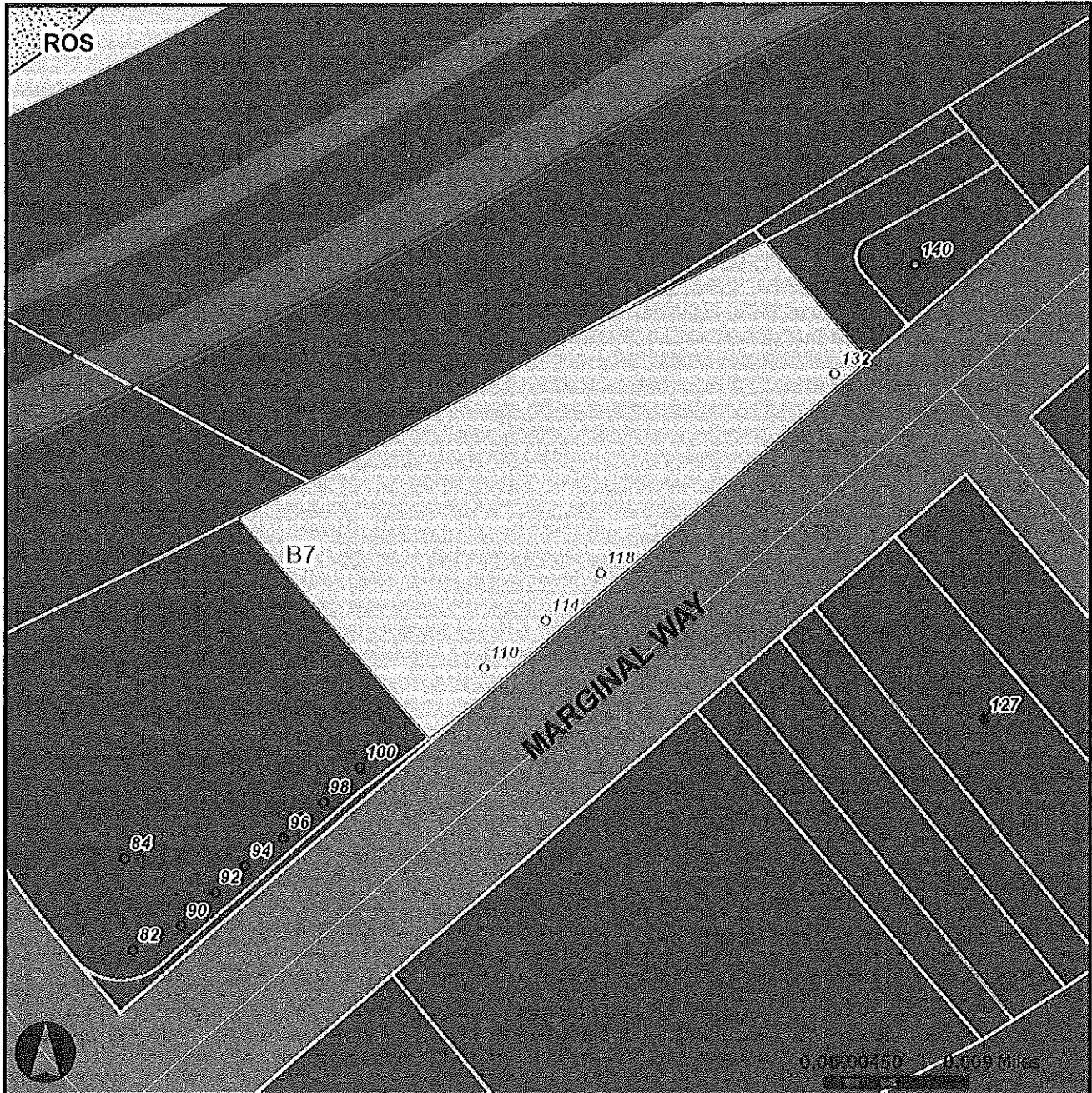
Title: _____

Department: _____

Phone: _____



Map



Parcels

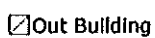


Interstate

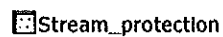


Streets

Buildings



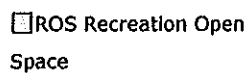
Stream Overlay Zone



Island Zoning



Zoning (continued)



Zoning (continued)



PREBLE ST EXT
181 - 283

GIS_MDOT

GIS_MDOT

034A
B001

Interfired, 84

Retail #1, 90
Retail #2, 92
Retail #3, 94
Retail #4, 96
Retail #5, 98
Retail #6, 100

Retail #7, 110
Retail #8, 114
Retail #9, 118

442 A001

442 A002

442 A002

442 A005

Bliss
Portland Diner 442 A006

Bayside Village
Student Housing, 132

82 - 136
MARGINAL WY
81 - 135

138 - 222
MARGINAL WY
137 - 221

034 D007

034 D007

025 A014

025 A014

025 A014

025 A014

025 A005

025 B021

87

Planet
Fitness, 145

122 - 170
CHESTNUT ST
121 - 169



PORTLAND MAINE

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Lee Urban - Director of Planning and Development
Jeanie Bourke - Inspection Division Services Director

August 3, 2007

Becker Structural Engineers, INC
75 York Street
Portland, ME 04101

RE: Bayside Village Waiver Request – 110 Marginal Way – CBL: 442 A001

Dear Mr. Becker,

Thank you for your request for waiver received June 29, 2007. The proposed project is a 5 story structure with Parking, Mercantile and Residential Uses. The request is to utilize the 2006 version of the International Building Code (IBC) for the structural design. The following are the facts:

1. The City of Portland is currently working under the IBC 2003. State Law does not allow the City to adopt the IBC 2006.
2. The Seismic Spectral Values used for the seismic design of buildings have been updated in the 2006 Edition of the IBC Code. The updated values based on the 2004 Edition of the National Earthquake Hazard Reduction Program (NEHRP) for recommendations for Seismic Regulations and FEMA supersedes the 1998 version, which is the basis of the 2003 Edition of the IBC.
3. These guidelines are based on newer, more recent data provided by the United States Geological Survey (USGS), and represent the latest science and data in the structural engineering field.
4. The portions of IBC 2006 that are less restrictive than the IBC 2003 are the Seismic requirements. The other portions of Chapter 16, IBC 2006 are either procedural modifications or are generally more restrictive than the requirements of the IBC 2003.
5. For this specific project the Seismic Design Category has been reduced to "C" from "D", affecting the detailing requirements of multiple building systems.

The Waiver Request is approved to utilize the IBC 2006 for seismic design on the above mentioned project by this office, based on the latest scientific research, and the inability of the City to adopt this code.

Yours truly,

Jeanie Bourke
Inspections Division Director

Sec. 14-385. Restoration or reconstruction within an existing footprint of damaged nonconforming building or premises.

A nonconforming building, or building of nonconforming use, damaged by fire, explosion, flood, riot, act of the public enemy, accident of any kind, decay or otherwise may be restored or rebuilt only where:

- (a) The restoration or reconstruction is of a building which is nonconforming only as to land area, setbacks or any other dimensional requirements; and
- (b) Where the restoration or reconstruction will occur entirely within the existing footprint and previous shell of the building and will not create a new nonconformity; and
- (c) Restoration or reconstruction occurs within one (1) year of the initial damage where such damage is sudden and accidental; or
- (d) Restoration or reconstruction necessitated by decay must be completed within one (1) year of the demolition of the building or the commencement of the restoration or reconstruction, whichever occurs first.

For the purpose of this section, the footprint of a building is the perimeter of the foundation supporting a structure.

(Code 1968, § 602.17.E; Ord. No. 89-88, 7-19-88; Ord. No. 284-99, §2, 5-17-99, enacted as an emergency to take effect immediately pursuant to Article II, Sec. 8 of the Portland City Charter)

*Editor's note--Ord. No. 89-88, adopted July 19, 1988, amended this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 89-88.

CITY OF PORTLAND, MAINE
PLANNING BOARD

Kevin Beal, Chair
Michael Patterson, Vice Chair
Bill Hall
Lee Lowry III
Shalom Odokara
David Silk
Janice E. Tevanian

November 20, 2006

Mr. Ed Marsh
Realty Resources (Southern Maine Student Housing, LLC)
247 Commercial Street
Rockport, Maine 04856

RE: Bayside Village Student Housing; Southern Maine Student Housing, LLC, (Applicant); 120 Marginal Way; #2006-0125; CBL- 034A-B-001

84 Marginal Way

Dear Mr. Marsh:

The Planning Board considered the proposal by Southern Maine Student Housing, LLC to create a 400 bed student lodging house in the vicinity of 120 Marginal Way and voted on the motions described in this letter.

On October 10, 2006, the Planning Board voted 5-0 (Hall and Tevanian absent) that the Bayside Village housing development was in conformance with the Conditional Use (parking garage) Standards of the Land Use Code.

On November 14, 2006, the Planning Board voted 5-2 (Silk and Tevanian opposed) that the Bayside Village housing development was in conformance with the Site Plan Ordinance of the Land Use Code, including Traffic Movement Permit. The approval was granted for this project with the following conditions:

- i. That the Applicant shall revise the plan and implement the recommendations contained in Tom Errico's (Traffic Review Consultant) memo dated October 20, 2006, except that the Applicant shall not be required to operate a car-share program.
- ii. The Applicant shall contribute \$90,000 towards a Transportation Demand Management Fund to be established by the City of Portland to implement Transportation Demand Management measures in Bayside. The parking monitoring study of the site, which will be performed by the Applicant as noted in Mr. Errico's memo, will be used to guide the use of those funds. For the purposes of conducting the monitoring study full occupancy shall be considered 90% of the beds.
- iii. That the pedestrian easement for the easterly side of the building shall be submitted for City staff review and approval.
- iv. That all exterior signs shall be subject to Planning staff review and approval.
- v. That the project lighting shall be subject to Planning staff review and approval.
- vi. That final details and materials of the building façade shall be subject to Planning staff review and approval.
- vii. In the event that the project changes from student housing as presented by the Applicant to another use, the Applicant shall submit such changes to the Planning Board for review and approval.
- viii. The project is approved for a maximum of 400 beds with one occupant per bed.
- iv. Applicant shall provide a binding lease agreement for off-hours parking at 84 Marginal Way.

The approval is based on the submitted site plan and the findings related to site plan and conditional use review standards as contained in Planning Report 52-06 and Planning staff memo dated for November 14,2006.

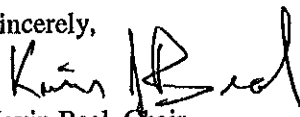
Please note the following provisions and requirements for all site plan approvals:

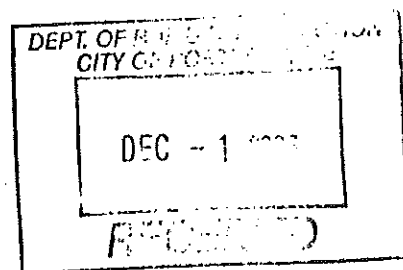
1. Where submission drawings are available in electronic form, the Applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Richard Knowland at 874-8725.

Sincerely,


Kevin Beal, Chair
Portland Planning Board



cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager
Richard Knowland, Senior Planner
Jay Reynolds, Development Review Coordinator
→ Marge Schmuckal, Zoning Administrator
Jeanne Bourke, Inspections Division
Michael Bobinsky, Public Works Director
Eric Labelle, City Engineer
Bill Clark, Public works

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Zoning Copy**

2006-0125
Application I. D. Number

B-7

7/12/06

Southern Maine Student Housing, LLC.
Applicant

7/11/2006
Application Date

247 Commercial Street, Rockport, ME 04856
Applicant's Mailing Address

Bayside Village - Student Housing Co
Project Name/Description

Consultant/Agent
Applicant Ph: (207) 236-4067 Applicant Fax: (207) 236-6307

120 - 120 Marginal Way, Portland, Maine
Address of Proposed Site

Applicant or Agent Daytime Telephone, Fax

34A b001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Other (specify) _____

Proposed Building square Feet or # of Units _____ Acreage of Site _____ **B7**
Zoning

Check Review Required:

- Site Plan (major/minor) Subdivision # of lots 101 PAD Review 14-403 Streets Review
- Flood Hazard Shoreland Historic Preservation DEP Local Certification
- Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Pla \$7,025.00 Subdivision _____ Engineer Review _____ Date 7/12/2006

Zoning Approval Status:

Reviewer Margie S. - Insp.

- Approved Approved w/Conditions See Attached Denied

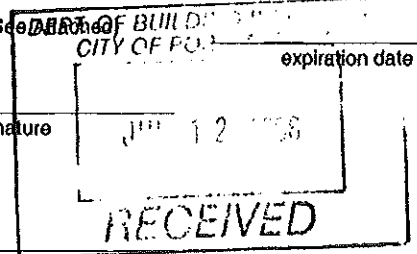
Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached

Condition Compliance _____ signature _____ date _____

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit Issue	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	_____	_____
	date	signature	expiration date
<input type="checkbox"/> Final Inspection	_____		
	date		
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	_____
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____	_____	_____
	date	signature	



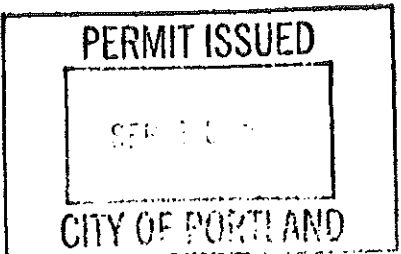
City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 07-0864	Issue Date:	CBL: 442 A001001
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Location of Construction: 133 310 Marginal Way	Owner Name: CAPITAL LLC	Owner Address: 50 PORTLAND PIER STE 400	Phone:
Business Name:	Contractor Name: Pizzagalli	Contractor Address: 131 Presumpscot St Portland	Phone: 2078742323
Lessee/Buyer's Name	Phone:	Permit Type: Commercial	Zone: B-7
Past User: Vacant Land	Proposed Use: Commercial / Student Housing Bayside Village 193,820 sf steel and stick bldg / columns & Phase 2 Concrete decks	Permit Fee: \$12,600.00	Cost of Work: \$1,257,915.00
Proposed Project Description: Phase 2 193,820 sf steel and stick bldg columns & concrete decks <i>Foundation permit under # 07-0733</i>		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>See Conditions</i>	INSPECTION: Use Group: STRUCTURE & SHELL ONLY 9/16/07 <i>[Signature]</i>
		Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) 9/16/07	
		Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	Date:

Permit Taken By: dmartin	Date Applied For: 07/17/2007	Zoning Approval		
<ol style="list-style-type: none"> This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. Building permits do not include plumbing, septic or electrical work. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.. 		Special Zone or Reviews <input type="checkbox"/> Shoreland <i>N/A</i> <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <i>Panel 13 zone C</i> <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i>RF 2006-0125</i> Major <input checked="" type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Denied Date: <i>7/19/07</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>[Signature]</i>



CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

442-A 001
 -0344-B001001-

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 07-0733
 Issue Date: _____

Location of Construction:
 132 MARGINAL WAY
 Business Name: ~~CANTALE~~
 Lessee/Buyer's Name: _____

Owner Name: *Reality Resources*
 Contractor Name: Pizzagalli
 Phone: _____
 Owner Address: 50 PORTLAND PIER STE 400
 Contractor Address: 131 Presumpscot St Portland
 Phone: 2078742323
 Permit Type: Commercial
 Zone: B-7

Past Use: Vacant Land
 Proposed Use: Commercial / Student Housing
 Bayside Village 48500 sf
 foundation only

Permit Fee: \$23,735.00
 Cost of Work: \$2,363,589.00
 CEO District: 1

Proposed Project Description:
 Bayside Village 48500 sf foundation only

FIRE DEPT: Approved Denied
 INSPECTION: Use Group: *7/24/0* Type: *FOUNDATION*
 Signature: *[Signature]*
 PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)

Action: Approved Approved w/Conditions Denied
 Signature: _____ Date: _____

Permit Taken By: dmartin
 Date Applied For: 06/20/2007

Special Zone or Reviews
 Shoreland *NA*
 Wetland
 Flood Zone *Panel B*

Zoning Appeal
 Variance
 Miscellaneous
 Conditional Use

Historic Preservation
 Not in District or Landmark
 Does Not Require Review
 Requires Review

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
 2. Building permits do not include plumbing, septic or electrical work.
 3. Building permits are void if work is not started

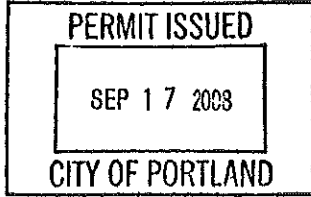
City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 08-1150	Issue Date: 9/16/08	CBL: 442 A001001
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Location of Construction: 1st floor 132 MARGINAL WAY (left side)	Owner Name: BAYSIDE VILLAGE STUDENT H	Owner Address: 247 COMMERCIAL ST	Phone: 207-761-0173
Business Name:	Contractor Name: Bassco Home Improvement	Contractor Address: 4 Autumn Way East Bridgewater	Phone: 2077610173
Lessee/Buyer's Name:	Phone:	Permit Type: Alterations - Commercial	Zone: B-7

Past Use: Commercial - Bayside Student Housing	Proposed Use: Commercial - Bayside Student Housing - UPS Tenant Fit-up. (Retail)	Permit Fee:	Cost of Work: \$0.00	CEO District: 1
Proposed Project Description: UPS Tenant Fit-up. (Retail)		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>See Conditions</i>	INSPECTION: Use Group: M Type: SA IBC-2003	
		Signature: <i>[Signature]</i>	Signature: 9/16/08 <i>[Signature]</i>	
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied				
Signature: _____ Date: _____				

Permit Taken By: lmd	Date Applied For: 09/10/2008	Zoning Approval		
<ol style="list-style-type: none"> This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. Building permits do not include plumbing, septic or electrical work. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work. 		Special Zone or Review <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: 9/16/08 <i>[Signature]</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>[Signature]</i>



CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

CITY OF PORTLAND, MAINE
Department of Building Inspection



Certificate of Occupancy

Issued to **Bayside Village Student Housing Llc /Pizzagalli** **LOCATION** **132 MARGINAL WAY** **CBL 442 A001001**
Date of Issue **09/30/2008**

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. 07-1179 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

100 Residential Units
Occupancy Load 401
Use Group S2/R2
Type 1A/5A

Limiting Conditions:

None

This certificate supersedes certificate issued *08/25/08*

Approved:

Christopher M. Churchill
Inspector

Michael A. Collins
Inspector of Buildings

C. Phillips
R.F.D.

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or leasee for one dollar.



9000 E Pima Center Parkway
Scottsdale, AZ 85258

No 29036587



Supplier Number		13960			
Customer Number					
Invoice Date	Invoice Number	Reference	Invoice Amount	Description	PO Number
11-Jan-2012	CR011112		150.00	BAYSIDE VILLAGE	
			Total	150.00	

DEPT. OF BUILDINGS INSPECTION
CITY OF PORTLAND, ME
JAN 17 2012
13960

Marge Schmuckal - Re: 132 Marginal Way - Bayside student housing

From: Rick Knowland
To: Alex Jaegerman; Barbara Barhydt; Marge Schmuckal
Date: 1/19/2012 6:47 AM
Subject: Re: 132 Marginal Way - Bayside student housing

Marge, You are correct. The project was not approved for dwelling units. There was no subdivision approval.

>>> Marge Schmuckal Wednesday, January 18, 2012 >>>

Hi,

I just wanted to check on the use status of this property. The original use approval was for residential housing units and not dwelling units. The housing units did not require a subdivision approval. I find nothing in our system to show that there was an approved change of use from residential housing units to residential dwelling units. I also do not remember an application for a subdivision approval to allow dwelling units.

Am I correct in my assumptions?

thank you,

Marge

From: Marge Schmuckal
To: RICK KNOWLAND
Date: 9/7/2006 4:43:24 PM
Subject: 120 Marginal Way - Bayside Village

Rick,

This memo is in regards to the use of the proposed Bayside Village. I have reviewed the sample leases received from Ed Marsh on August 25, 2006. A review of the leases clearly shows that the bedrooms are to be leased out individually with separate and distinct individual leases and rights. Rents are collected separately from each bedroom tenant.

The use of the Bayside Village would fall under the definition for "Lodging House" within the City's Land Use Zoning Ordinance. Lodging houses are a listed, permitted use under section 14-295(b)3 of the B-7 Zone in which this property is located.

Marge Schmuckal
Zoning Administrator

WJH R.I.V

Applicant: Southern Maine Housing LLC Date: 7/26/06

Address: 120 Marginal Way C-B-L: 3AA-b-001

KeyStone Management will run it

CHECK-LIST AGAINST ZONING ORDINANCE

Date - New Foundry only #07-0733 Private home owned

Zone Location - B-7

Interior or corner lot -

IS A lodging house based on the question on use - hour parking lot

Proposed Use/Work - to construct 100 unit student housing - five stories (208,322 sq ft) - 47501 sq foot print

Savage Disposal - 1st floor parking with retail along Marginal Way

Lot Street Frontage - 304' of street frontage - Bldg length (340') check

Front Yard - None except less than 5' within 10' 90% of Bldg - 10' of street

Rear Yard - None

Side Yard - None

Projections -

Width of Lot - N/A - 59' shown

Height - max height over by MAP showing 5 floors min - 3 floors

Lot Area - None - 117,464 sq ft given for student housing = 57,887 sq ft

Lot Coverage/Impervious Surface - 100%

Area per Family - No MAX RES. Density

Off-street Parking - Determined by Planning - 102 park

Loading Bays - None req.

Site Plan - 4 subdivision # 2006-0125

Shoreland Zoning/Stream Protection - N/A

Flood Plains - Panel B - Zone C ~~subdivision 101~~ - lodging house

NO MAX RES. Density 30'g entrances - 299 (0) - 1+g-2 shown

Marge Schmuckal - 132 Marginal Way request

From: "Townsend, Denise L." <DLTownsend@firstam.com>
To: Marge Schmuckal <MES@portlandmaine.gov>
Date: 1/18/2012 3:57 PM
Subject: 132 Marginal Way request
Attachments: Alta Survey Haskell 2007.pdf

Hello Marge,

I have the use as student housing.

Thank you in advance for all your efforts.

Denise Townsend
Zoning Research

First American
Commercial Due Diligence Services
1700 S. Broadway, Building E, Moore, OK 73160
Office: (405) 378-5800 Direct: (405) 378-5834
Fax: (800) 986-0586
Email: dltownsend@firstam.com

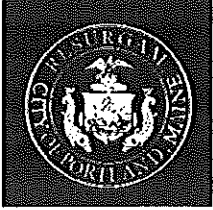
From: Marge Schmuckal [mailto:MES@portlandmaine.gov]
Sent: Wednesday, January 18, 2012 2:44 PM
To: Townsend, Denise L.
Subject: RE: 132 Marginal Way request

Hi Denise,
FYI, late yesterday I did receive your request by Fed-Ex. I also wanted to verify the current use of the building.
thank you,
Marge Schmuckal

This message may contain confidential or proprietary information intended only for the use of the addressee(s) named above or may contain information that is legally privileged. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message and any copies immediately thereafter.

Thank you.~

FAFLD



PORTLAND MAINE

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

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

December 21, 2010

Brian Connell
c/o The Federated Companies
404 Washington Ave, Floor 8
Miami Beach, FL 33139

RE: Bayside Village – 132 Marginal Way – 442-A-1 (the “Property”) – B-7 Zone

Dear Mr. Connell,

I am in receipt of your request for a determination letter concerning the Property. The Property is located within a B-7 Mixed Development District Zone. The Property was reviewed and approved by the Planning Board and under Zoning as a 400-bed student lodging house (a total of 100 lodging units with 4 beds each).

The B-7 Zone allows lodging houses as a permitted use.

I am not aware of any pending or contemplated zoning violations regarding the Property.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: file



CITY OF PORTLAND, MAINE
Department of Building Inspections

Original Receipt

1/18/ 2012

Received from Commercial Due Diligence

Location of Work 132 Marginal way

Cost of Construction \$ _____ Building Fee: _____

Permit Fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: _____

Total: _____

Building (IL) _____ Plumbing (IS) _____ Electrical (I2) _____ Site Plan (U2) _____

Other Zoning Paperwork

CBL: _____

Check #: 29036587 Total Collected \$ 150 _____

**No work is to be started until permit issued.
Please keep original receipt for your records.**

Taken by: (BS) MARCE

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Permit Copy

FAX



To: Denise Townsend

Fax Number: 1-800-986-0586

From: MARGE Schmuckel

Fax Number:

Date: 1/20/12

Regarding: 132 Marginal Way

Total Number Of Pages Including Cover: 13

Phone Number For Follow-Up: (207) 874-8695

Comments:

Hi Denise -

The original is going out in today's mail.

Marge

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
<http://www.portlandmaine.gov/>

* * * Communication Result Report (Jan. 20, 2012 12:51PM) * * *

13

Date/Time: Jan. 20, 2012 12:48PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
0311	Memory TX	918009860586	P. 13	OK	

Reason for error
 M. 1) Hang up or line fail
 M. 3) No answer
 M. 5) Exceeded max. E-mail size
 E. 2) Busy
 E. 4) No facsimile connection

FAX



To: Denise Townsend
 Fax Number: 1-800-986-0506
 From: MARGE Schmeckel
 Fax Number:
 Date: 1/20/12
 Regarding: 132 Marginal Way
 Total Number Of Pages Including Cover: 13
 Phone Number For Follow-Up: (207) 874-0695

Comments:

Hi Denise -
 The original is going out in
 today's mail.

Marge



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 132 MARGINAL WAY CBL 442 A001001

Issued to Bayside Village Student Housing Llc /Pizzagalli Date of Issue 09/30/2008

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PORTION OF BUILDING OR PREMISES

Entire

APPROVED OCCUPANCY

101 Residential Units
Occupancy Load 401
Use Group S2/R2
Type 1A/5A

Limiting Conditions:

None

This certificate supersedes
certificate issued 07/19/08

Approved:

[Signature]

(Date) Inspector

[Signature]

Inspector of Buildings

*Copy sent
P.D.*

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.