



# PORTLAND MAINE

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

*Jeff Levine, AICP, Director*

*Marge Schmuckal, Zoning Administrator*

March 8, 2013

Drummond Woodsum  
84 Marginal Way, Suite 600  
Portland, ME 04101-2480

Attn: Kimberly Sweatt

RE: 47-49 Boyd Street – 022-I-003 (the "Property") – R-6 Zone

Dear Ms. Sweatt,

I am in receipt of your request for a determination concerning the Property. The Property is located entirely within the R-6 Residential Zone. Research of our Inspection Services records indicate the last approved use for the Property as a legal nine (9) residential dwelling unit building as approved by the Zoning Board of Appeals on February 3, 2000. I have included a copy of the paperwork from our files.

I have attached copies of permits from the Inspection Services record that document the approved use. I have found no certificate of occupancy on file either for the Board approved nine unit building or a previous certificate of occupancy for the original building which was constructed well before the basis of the City's Land Use Zoning Ordinance of June 5, 1957.

I am not aware of any code violations from other code reviewing authorities. There are no open violations in regard to the Property that are shown in our files.

If you have any questions regarding this matter, please feel free to call me at (207) 874-8695. You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

enclosures

CITY OF PORTLAND, MAINE  
ZONING BOARD OF APPEALS

---

Elizabeth Bordowitz, Chair  
Lee Lowry III, Secretary  
William Neleski, Jr.  
Andrew Braceras  
Sam Sivovlos  
Julie Brady  
Peter Clifford

February 4, 2000

Perkins, Thompson, Hinckley & Keddy  
Attn: David B. McConnell, Esq.  
Attorneys and Counselors at Law  
One Canal Plaza – P.O. Box 426  
Portland, ME 04112-0426

RE: 47-49 Boyd Street  
CBL: 022-I-003  
ZONE: R-6 Zone

Dear Attorney McConnell;

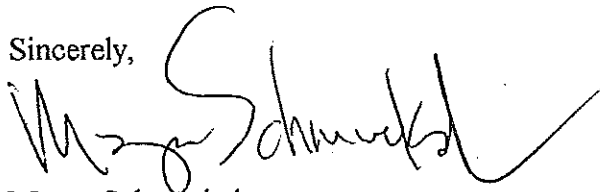
As you know, at its February 3, 2000 meeting, the Board of Appeals voted 5-1 to grant the concurrence that 47-49 Boyd Street is a legal 9-unit, R-2 Zone.

Enclosed please find a copy's of the Board's decision.

**It is now necessary for you to have the enclosed Certificate of Variance Approval recorded in the Cumberland County Registry of Deeds within 90 days in order for the variance to be valid.**

Should you have any questions regarding this matter, please do not hesitate to contact either myself or Nadine Williamson, Office Manager.

Sincerely,



Marge Schmuckal  
Zoning Administrator

MS/nbg  
Enclosure

CC: Area 1 (Arthur Rowe, David Caddell & Jeannie Bourke)

PRACTICAL DIFFICULTY VARIANCE

DECISION

Name and address of applicant: Paul and Donna Hodges

Location of property under appeal: 47-49 Boyd St. 22 -I- 3 +9

Appearances.

Names and addresses of witnesses (proponents, opponents and others):

<u>David McAnnell Esq.</u>	<u>Robert Harris, 14 Taylor St, Pat.</u>
<u>Alan Wolfe Esq.</u>	_____
<u>Donna Hodges</u>	_____

Exhibits.

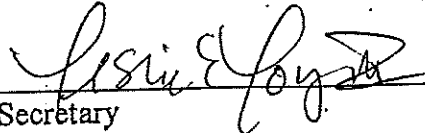
Application; legal pleadings;

CERTIFICATION BY ZONING ADMINISTRATOR

The Zoning Administer hereby certifies that:

- a. The Practical Difficulty variance applied for is permitted under §14-473(c)(3)(b)(1) (dimensional standards); and is not barred by the exceptions set forth in sections 14-473(c)(3)(a)(6) (shoreland and flood hazard areas); nor §14-473(c)(4) (relief limited to minimum variance required); nor §14-473(c)(3)(c) (specific variances prohibited); nor §14-473(c)(3)(d) (no relief for volume, floor area, nor setting of single-component manufactured homes).
- b. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. §435, nor within a shoreland zone or flood hazard zone as defined in this article.

The Zoning Administrator has certified/has not certified that the application comports with each of the above requirements.

  
Secretary

ORDINANCE CRITERIA

Findings of Fact:

Notwithstanding the provisions of §14-473(c)(1) and (2) of this section, the Board of Appeals may grant a variance from the dimensional standards of this article when strict application of the provisions of the ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood:  
IT IS 6 IT IS NOT 0 (deny application)

Comment: \_\_\_\_\_  
\_\_\_\_\_

2. The granting of the variance will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties:  
IT WILL NOT 6 IT WILL 0 (deny application)

Comment: \_\_\_\_\_  
\_\_\_\_\_

3. The Practical Difficulty is not the result of action taken by the applicant:  
IT IS NOT 6 IT IS 0 (deny application)

Comment: \_\_\_\_\_  
\_\_\_\_\_

4. No other feasible alternative is available to the applicant, except a variance:  
IT IS NOT 5 IT IS 1 (deny application)

Comment: \_\_\_\_\_  
\_\_\_\_\_

5. The granting of a variance will not have an unreasonably adverse effect on the natural environment:  
IT WILL NOT 6 IT WILL 0 (deny application)

Comment: \_\_\_\_\_  
\_\_\_\_\_

6. Strict application of the dimensional standards of the ordinance to the subject property will preclude a use which is permitted in the zone in which the property is located.  
IT WILL 6 IT WILL NOT 0 (deny application)

Comment: \_\_\_\_\_  
\_\_\_\_\_

7. Strict application of the dimensional standards of the ordinance to the subject property will result in economic injury to the applicant.  
IT WILL 6 IT WILL NOT 0 (deny application)

Comment: \_\_\_\_\_  
\_\_\_\_\_

If the appeal is granted, does the Board wish to impose conditions which will further the intent and purpose of this Ordinance?

YES \_\_\_\_\_  
NO 1

Specific Conditions: \_\_\_\_\_  
\_\_\_\_\_

Reasons: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

2/3/200

Motion: \_\_\_\_\_

TO GRANT PRACTICAL DIFFERENTIAL ALLOWANCE  
9 UNITS.

(including conditions and findings of fact) \_\_\_\_\_

Votes in favor

*Robert J. Boyd*

*James P. ...*

*James ...*

Votes Opposed

*[Signature]*

0008117

BK 5326PG 102

Inspection Services  
Marge Schmuckel  
Zoning Administrator

Department of Urban Development  
Joseph E. Gray, Jr.  
Director



CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Elizabeth Bordowitz, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 3<sup>rd</sup> day of February, 2000, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Property Owner:** Paul & Donna Hodges
2. **Property:** Cumberland County Registry of Book 13052, Page 090  
(Last recorded 4/29/97 Deed in Chain of Title)  
47-49 Boyd Street CBL: 022-1-003 & 009
3. **Variance and Conditions of Variance:**  
To grant relief from Section 14-139(2)A of the Zoning Ordinance to allow a nine (9) dwelling unit building on a lot(s) with a total land area of approximately 7020 square feet, R-6 Zone.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 10<sup>th</sup> day of February, 2000

RECEIVED  
RECORDED REGISTRY OF DEEDS:

2000 FEB 17 PH 1:01

CUMBERLAND COUNTY

John B O'Brien

*Elizabeth L. Bordowitz*, Chair

Elizabeth L. Bordowitz  
(Printed or Typed Name)

SEAL

STATE OF MAINE  
Cumberland, ss.  
Kennebec

Then personally appeared the above-named Elizabeth Bordowitz and acknowledged the above certificate to be her free act and deed in her capacity as Chairman of the Portland Board of Appeals.

*Sherry Y. Tompkins*

SHERRY Y. TOMPKINS  
Notary Public, Maine  
My Commission Expires May 4, 2004  
Notary Public

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.



# PORTLAND MAINE

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

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

March 7, 2013

Drummond Woodsum  
84 Marginal Way, Suite 600  
Portland, ME 04101-2480

SCANNED

Attn: Kimberly Sweatt

RE: 47-49 Boyd Street – 022-I-003 (the “Property”) – R-6 Zone

Dear Ms. Sweatt,

I am in receipt of your request for a determination letter concerning the Property. The Property is located entirely within the R-6 Residential Zone. Research of our Inspection Services records indicate the last approved use for the Property as a six (6) residential dwelling unit building. Therefore the legal approved zoning use of the Property is six (6) residential dwelling units. I have not been given any paperwork indicating the actual number of dwelling units currently in the building.

I have attached copies of permits from the Inspection Services record that document the approved use. There is no certificate of occupancy on file. The building was constructed well before the basis of the City’s Land Use Zoning Ordinance of June 5, 1957. The absence of a certificate of occupancy for the building constructed in the early 1900’s would not be considered unusual or a violation.

I am not aware of any code violations from other code reviewing authorities. There are no open violations in regard to the Property that are show in our files.

If you have any questions regarding this matter, please feel free to call me at (207) 874-8695. You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

enclosures



R6 RESIDENTIAL HOME

PERMIT ISSUED  
223  
CITY of PORTLAND



# APPLICATION FOR PERMIT

Class of Building or Type of Structure

Portland, Maine, Sept. 23, 1971

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure or equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 47-49 Boyd St. Within Fire Limits? \_\_\_\_\_ Dist. No. \_\_\_\_\_  
 Owner's name and address Frank P. Briggs, 4 Orchard St. Telephone \_\_\_\_\_  
 Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Contractor's name and address Owner Telephone \_\_\_\_\_  
 Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans yes No. of sheets 2  
 Proposed use of building Apartment house No. families 6  
 Last use \_\_\_\_\_ " " \_\_\_\_\_ No. families \_\_\_\_\_  
 Material \_\_\_\_\_ No. stories \_\_\_\_\_ Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_  
 Other buildings on same lot \_\_\_\_\_  
 Estimated cost \$ 1500. Fee \$ 6.00

## General Description of New Work

To erect an non-bearing partition on second floor to provide hallway - to remove one set of front stairs and one set of rear stairs  
 To change one front door to window and also rear door to window

sent to \_\_\_\_\_ 9/27/71  
 rec'd from \_\_\_\_\_ 10/1/71

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. **PERMIT TO BE ISSUED TO** owner

## Details of New Work

Is any plumbing involved in this work? \_\_\_\_\_ Is any electrical work involved in this work? \_\_\_\_\_  
 Is connection to be made to public sewer? \_\_\_\_\_ If not, what is proposed for sewage? \_\_\_\_\_  
 Has septic tank notice been sent? \_\_\_\_\_ Form notice sent? \_\_\_\_\_  
 Height average grade to top of plate \_\_\_\_\_ Height average grade to highest point of roof \_\_\_\_\_  
 Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories \_\_\_\_\_ solid or filled land? \_\_\_\_\_ earth or rock? \_\_\_\_\_  
 Material of foundation \_\_\_\_\_ Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_  
 Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_  
 No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_ Kind of heat \_\_\_\_\_ fuel \_\_\_\_\_  
 Framing Lumber-Kind \_\_\_\_\_ Dressed or full size? \_\_\_\_\_ Corner posts \_\_\_\_\_ Sills \_\_\_\_\_  
 Size Girders \_\_\_\_\_ Column under girders \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_  
 Studs (outside walls and carrying partitions) 2x4-16" (1. C. Bridging in every floor and flat roof span over 8 feet.  
 Joists and rafters: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 On centers: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 Maximum span: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 If one story building with masonry walls, thickness of walls? \_\_\_\_\_ height? \_\_\_\_\_

## If a Garage

No. cars now accommodated on same lot \_\_\_\_\_ to be accommodated \_\_\_\_\_ number commercial cars to be accommodated \_\_\_\_\_  
 Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? \_\_\_\_\_

## Miscellaneous

Will work require disturbing of any tree on a public street? \_\_\_\_\_  
 Will there be in charge of the above work a person competent to \_\_\_\_\_ that the State and City requirements pertaining thereto are \_\_\_\_\_

APPROVED:  
Gene A. C. Ruel 10/1/71  
 000



# APPLICATION FOR PERMIT

B.O.C.A. USE GROUP .....

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

ZONING LOCATION ..... PORTLAND, MAINE, Jan 18, 1974

To the DIRECTOR OF BUILDING & INSPECTION SERVICES, PORTLAND MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, 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 with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION 49 Boyd St. Fire District #1  #2

1. Owner's name and address F. Briggs, same Telephone .....

2. Lessee's name and address Telephone .....

3. Contractor's name and address owner Telephone .....

4. Architect Specifications Plans No. of sheets

Proposed use of building eight apartments No. families

Last use seven apartments No. families

Material No. stories Heat Style of roof Roofing

Other buildings on same lot

Estimated contractual cost \$ Fee \$ 5.00

FIELD INSPECTOR—Mr. Cartwright

### GENERAL DESCRIPTION

This application is for: @ 775-5451 Ext. 234 Change of use as above. Closing of one door on first floor only, as per plan.

- Dwelling
- Garage
- Masonry Bldg.
- Metal Bldg.
- Alterations
- Demolitions
- Change of Use
- Other

Stamp of Special Conditions

*Refused April 19, 1974*

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

Other: .....

### DETAILS OF NEW WORK

Is any plumbing involved in this work? Is any electrical work involved in this work?

Is connection to be made to public sewer? If not, what is proposed for sewage?

Has septic tank notice been sent? Form notice sent?

Height average grade to top of plate Height average grade to highest point of roof

Size, front depth No. stories solid or filled land? earth or rock?

Material of foundation Thickness, top bottom cellar

Kind of roof Rise per foot Roof covering

No. of chimneys Material of chimneys of lining Kind of heat fuel

Framing Lumber—Kind Dressed or full size? Corner posts Sills

Size Girder Columns under girders Size Max. on centers

Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.

Joists and rafters: 1st floor 2nd 3rd roof

On centers: 1st floor 2nd 3rd roof

Maximum span: 1st floor 2nd 3rd roof

If one story building with masonry walls, thickness of walls? height?

### IF A GARAGE

No. cars now accommodated on same lot to be accommodated number commercial cars to be accommodated

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVALS BY: DATE

BUILDING INSPECTION—PLAN EXAMINER

ZONING:

BUILDING CODE:

Fire Dept.:

Health Dept.:

Others:

MISCELLANEOUS

Will work require disturbing of any tree on a public street? ..

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? Yes

*4 10 72*

CITY OF PORTLAND, MAINE

Department of Building Inspection

49 Boyd Street

Jan. 21, 1974

Mr. F. P. Briggs  
4 Orchard Street

Dear Mr. Briggs:

In checking your application to change the use of this building at the above named location from six families to eight families, we find that we are unable to continue processing your application because 8,000 sq. feet is required for eight families (1,000 sq. feet per family), in the R-6 Residential Zone in which this property is located, whereas this lot has only 7,020 sq. feet. You do have appeal rights however, and if you so desire we will write you a certification letter denying this permit so that you may go before the Board of Appeals for this use. You can change from six to seven apartments if you so desire by changing your application and giving us a plot plan showing us one additional parking place (8' x 18'), for the location of a motor vehicle. If you decide to appeal for eight apartments it will be necessary to show us parking space for two additional motor vehicles.

If you will let us know what you plan to do we will be glad to go ahead on your appeal request or in the case of the seven apartments, continue processing your application as soon as a plot plan is submitted.

Very truly yours,

A. Allan Soule  
Asst. Dir. Building & Inspection Services

AAS:m

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

Permit No: 03-1513	Issue Date:	CBL: 022 I003001
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Location of Construction: 47 Boyd St	Owner Name: Hodges Donna E & Paul H Jts	Owner Address: 30 Pierce St	Phone:
Business Name:	Contractor Name: Avery Services, Inc.	Contractor Address: 7 Thomas Drive Westbrook	Phone 2077728687
Lessee/Buyer's Name	Phone:	Permit Type: HVAC	Zone:

Past Use: Multi - Family - Legal use: six (6) dwelling units only	Proposed Use: Install Empire comfort system Model DV-25-2SG NAT in Apt. B - No change of use permitted	Permit Fee: \$30.00	Cost of Work: \$612.00	CEO District: 1
		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: Type	

Proposed Project Description: Install Empire comfort system Model DV-25-2SG NAT in apt. B- no change of use permitted	Signature:	Signature:
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) <input type="checkbox"/> <input type="checkbox"/> Approved w/Condition <input type="checkbox"/>		

	Date Applied For:	
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 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"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Maj <input type="checkbox"/> <input type="checkbox"/> MM <input type="checkbox"/>	Historic Preservation <input type="checkbox"/> Not in District or Landma <input type="checkbox"/> Does Not Require Revie <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Approved w/Condition <input type="checkbox"/>

**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 APPLICAN	ADDRESS	DATE	PHO
RESPONSIBLE PERSON IN CHARGE OF WORK, TIT		DATE	PHO

## **Marge Schmuckal - 47-49 Boyd Street determination letter**

---

**From:** Marge Schmuckal  
**To:** cpierce@dwmlaw.com  
**Date:** 3/7/2013 4:40 PM  
**Subject:** 47-49 Boyd Street determination letter  
**Attachments:** 2013 Detremination letter.pdf

---

Hi Candice,

I am attaching a copy of the determination letter concerning 47-49 Boyd Street. The original letter will go out in tomorrow's mail.

I hope this helps you,

Marge

# DrummondWoodsum

Kimberly Sweatt

kswlatt@dwmlaw.com

84 Marginal Way, Suite 600  
Portland, ME 04101-2480

(207) 772-1941

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

www.dwmlaw.com

Daniel Amory\*  
David J. Backer\*  
S. Campbell Badger\*  
Michael L. Buescher\*  
Alexandra E. Caulfield\*  
Jerrold A. Crouter\*  
George T. Dilworth\*  
Peter C. Felmly\*  
Erin R. Fettest  
Adrienne E. Fouts\*  
Sara S. Hellstedt\*  
Eric R. Herlan\*\*†  
Melissa A. Hewey\*\*†  
Michael E. High\*  
David M. Kallen\*  
John S. Kaminski\*  
Edward J. Kelleher\*  
James T. Kibreth\*  
Jeanne M. Kincaid\*\*†  
Peter D. Klein\*  
Rodney A. Lake\*  
Benjamin E. Marcus\*  
Elek A. Miller\*  
Mona T. Movafaghif  
Michael J. Murray\*  
Robert P. Nadeau\*  
Daina J. Nathanson\*\*†  
Kimberly A. Pacelli\*  
Jeffrey T. Piampliano\*  
William L. Plouffe\*  
Aaron M. Pratt\*\*†  
Harry R. Pringle\*  
Kerriann Romant  
Daniel J. Rose\*\*†  
George Royle V\*  
Gregory W. Sample\*  
Jessica M. Scherb\*\*†  
David S. Sherman, Jr.\*  
Richard A. Shinay\*  
Christina R. Simpson†  
Kaighn Smith, Jr.\*  
Bruce W. Smith\*  
Richard A. Spencer\*\*†  
Christopher G. Stevenson\*  
E. William Stockmeyer\*\*†  
Amy K. Tchaof†  
Joanna B. Tourangeau\*\*†  
M. Thomas Trenholm\*  
Matthew H. Upton†  
Gary D. Vogel\*  
Ronald N. Ward\*  
Thomas R. Watson†  
Brian D. Willing\*  
Reade E. Wilson\*  
Gerald M. Zelint

#### Consultants

Ann S. Chapman  
Policy & Labor Relations

Roger P. Kelley  
Labor Relations &  
Conflict Management

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

February 26, 2013

Ms. Marge Schmuckal  
City of Portland  
389 Congress Street  
Portland, ME 04101

Re: 47-49 Boyd Street, Portland, Maine  
CBL – 022 I003001

Dear Marge:

We represent Portland Housing Development Corporation which plans to purchase the above noted property. We kindly request that you prepare a zoning determination letter to address any land use or zoning issues which may exist.

Specifically, we would like to verify the use as an apartment building is lawful and that there are no outstanding zoning, building or life safety code violations. Please also provide copies of any certificates, permits, approvals or violations which pertain to the property.

I am enclosing a firm check in the amount of \$150.00 for your services. Thank you for your assistance in this matter.

Sincerely,



Kimberly Sweatt  
Paralegal

Enclosure

RECEIVED

FEB 27 2013

Dept. of Building Inspections  
City of Portland Maine

MERITAS

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
 Portland, Maine 04101

**RECEIPT OF FEES**

<b>Application No:</b> 0000-1647	<b>Applicant:</b> MOONSTONE PROPERTIES LLC
<b>Project Name:</b> 47 BOYD ST	<b>Location:</b> 47 BOYD ST
<b>CBL:</b> 022 I003001	<b>Application Type:</b> Determination Letter
<b>Invoice Date:</b> 02/27/2013	

<b>Previous Balance</b>	-	<b>Payment Received</b>	+	<b>Current Fees</b>	-	<b>Current Payment</b>	=	<b>Total Due</b>	<b>Payment Due Date</b>
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

**Previous Balance** **\$0.00**

<b>Fee Description</b>	<b>Qty</b>	<b>Fee/Deposit Charge</b>
Zoning Determinations	1	\$150.00
		<u>\$150.00</u>
<b>Total Current Fees:</b>		+ <b>\$150.00</b>
<b>Total Current Payments:</b>		- <b>\$150.00</b>
<b>Amount Due Now:</b>		<u><b>\$0.00</b></u>

**CBL** 022 I003001  
**Bill to:** MOONSTONE PROPERTIES LLC  
 PO BOX 9739 # 1140  
 PORTLAND, ME 04103

**Application No:** 0000-1647  
**Invoice Date:** 02/27/2013  
**Invoice No:** 40248  
**Total Amt Due:** \$0.00  
**Payment Amount:** \$150.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8166

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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:**

**Services**

Applications

Doing Business

Haps

Tax Relief

Tax Roll

Q & A

[browse city services a-z](#)

[browse facts and links a-z](#)



Best viewed at 800x600, with Internet Explorer

**CBL** 022 I003001  
**Land Use Type** FIVE TO TEN FAMILY  
**Property Location** 47 BOYD ST  
**Owner Information** MOONSTONE PROPERTIES LLC  
 PO BOX 9739 # 1140  
 PORTLAND ME 04103  
**Book and Page** 30131/245  
**Legal Description** 22-1-3-9  
 BOYD ST 45-49

**Acres** 7020 SF  
 0.1612

**Current Assessed Valuation:**

**TAX ACCT NO.** 3208 **OWNER OF RECORD AS OF APRIL 2012**  
 SYNERGY PROPERTIES LLC  
**LAND VALUE** \$69,600.00 **661 ALLEN AVE**  
**BUILDING VALUE** \$495,100.00 **PORTLAND ME 04103**  
**NET TAXABLE - REAL ESTATE** \$564,700.00  
**TAX AMOUNT** \$10,627.66

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

**Building Information:**

**Building 1**  
**Year Built** 1915  
**Style/Structure Type** APARTMENT - GARDEN  
**# Units** 9  
**Square Feet** 10176

[View Sketch](#) [View Map](#) [View Picture](#)



**Exterior/Interior Information:**

**Building 1**  
**Levels** B1/B1  
**Size** 2544  
**Use** SUPPORT AREA  
**Height** 7  
**Heating** NONE  
**A/C** NONE

**Building 1**  
**Levels** 01/01  
**Size** 2544  
**Use** APARTMENT  
**Height** 10  
**Walls** FRAME  
**Heating** HW/STEAM  
**A/C** NONE

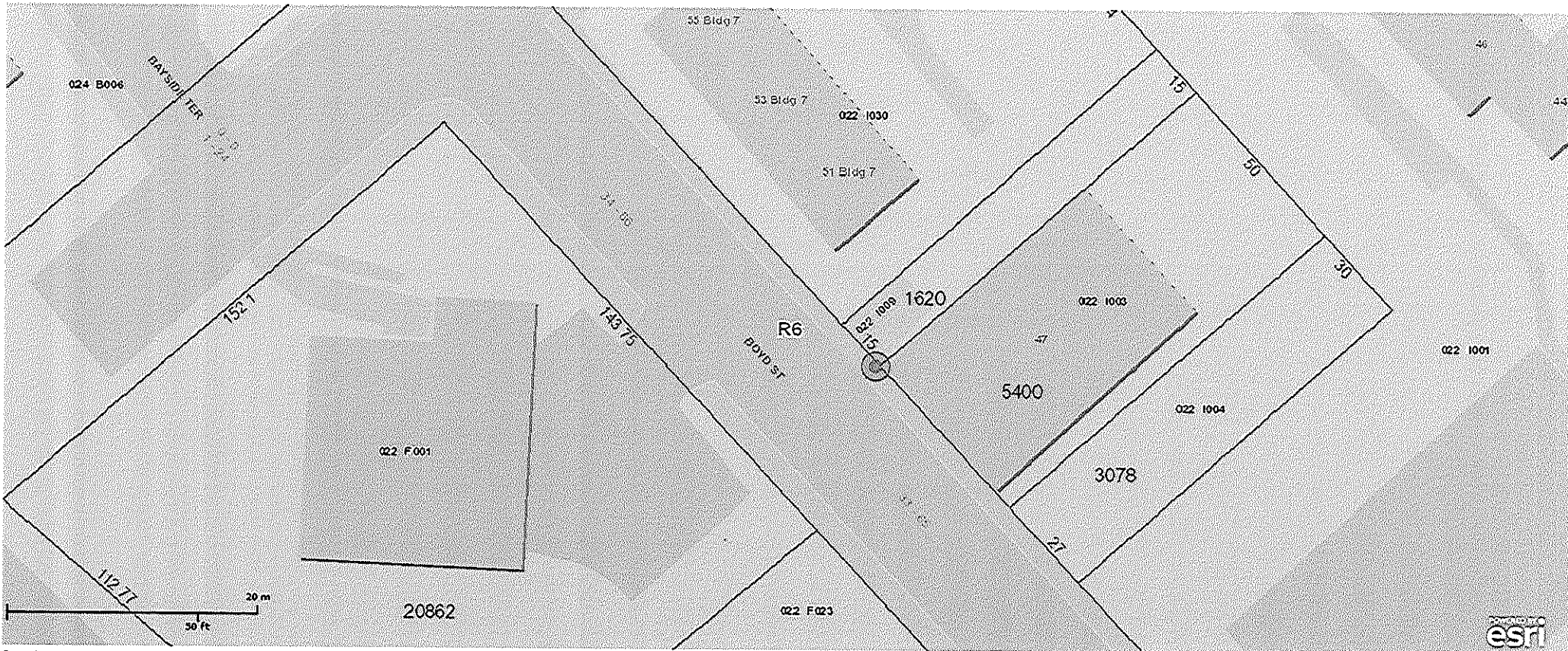
**Building 1**  
**Levels** 02/03  
**Size** 2544  
**Use** APARTMENT  
**Height** 10  
**Walls** FRAME  
**Heating** HW/STEAM  
**A/C** NONE

**Sales Information:**

Sale Date	Type	Price	Book/Page
11/15/2012	LAND + BUILDING	\$0.00	30131/245
8/16/2011	LAND + BUILDING	\$500,000.00	28894/018
5/12/2005	LAND + BUILDING	\$510,000.00	22630/19



# 47-49 Boyd st



## **Marge Schmuckal - revised determination letter**

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**From:** Marge Schmuckal  
**To:** LMagnacca@dwmlaw.com; cpierce@dwmlaw.com  
**Date:** 3/8/2013 10:17 AM  
**Subject:** revised determination letter  
**Attachments:** revised determination letter.pdf

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Hi Lisa,  
I have revised my determination letter. Sorry for the inconvenience. I will send out the original in the mail.  
Marge

0008717

BK 5326PG 102

Inspection Services  
Marge Schmuckal  
Zoning Administrator

Department of Urban Development  
Joseph E. Gray, Jr.  
Director



**CITY OF PORTLAND**

**CERTIFICATE OF VARIANCE APPROVAL**

I, Elizabeth Bordowitz, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 3<sup>rd</sup> day of February, 2000, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Property Owner:** Paul & Donna Hodges
2. **Property:** Cumberland County Registry of Book 13052, Page 090  
(Last recorded 4/29/97 Deed in Chain of Title)  
47-49 Boyd Street CBL: 022-1-003 & 009
3. **Variance and Conditions of Variance:**  
To grant relief from Section 14-139(2)A of the Zoning Ordinance to allow a nine (9) dwelling unit building on a lot(s) with a total land area of approximately 7020 square feet, R-6 Zone.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10<sup>th</sup> day of February, 2000

RECEIVED  
RECORDED REGISTRY OF DEEDS:

2000 FEB 17 PH 1:01

CUMBERLAND COUNTY

John B. O'Brien

*Elizabeth L. Bordowitz*  
\_\_\_\_\_  
, Chair

Elizabeth L. Bordowitz  
(Printed or Typed Name)

SEAL

STATE OF MAINE  
Cumberland, ss.  
Kennebec

Then personally appeared the above-named Elizabeth Bordowitz and acknowledged the above certificate to be her free act and deed in her capacity as Chairman of the Portland Board of Appeals.

*Sherry Y. Tompkins*  
\_\_\_\_\_  
Notary Public

SHERRY Y. TOMPKINS  
Notary Public, Maine  
My Commission Expires May 4, 2001  
(Printed or Typed Name)  
Notary Public

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.