



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

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

December 21, 2009

Barbara Vestal  
Chester & Vestal – Attorneys at Law  
107 Congress Street  
Portland, Maine 04101

RE: 145 and 147 Cumberland Avenue – 022-L-017 (the “Property”) – R-6 Zone

Dear Barbara:

I am in receipt of your request for review of a functional division of land for the Property. The Property currently has two separate buildings. One is a retail bakery use and one is a legal four residential unit structure.

The proposed functional division of land is being requested using the criteria and test outlined in the Maine Law case Keith v. Saco River Corridor Commission.

The preliminary criteria described under Keith, are described at 464 A.2d 152:

- (i) *The structures were in existence prior to the zoning ordinance.* This criterion is being met. Evidence has been submitted showing both structures were built well before June 5, 1957, the basis of the current land use zoning ordinance.
- (ii) *From that time to the present they were separately used and occupied.* This criterion is being met as shown by submitted assessor’s evidence.
- (iii) *Each structure is served by its own utilities and sewage disposal systems.* Submitted with this request are individual bills for only the retail/bakery structure for electricity (Central Maine Power), water and sewer (Portland Water District) and gas (Unitil). It is assumed that there is another set of individual bills for only the four residential unit structure.

The test which the Law Court applied to determine whether the property in Keith was allowable to be divided appears at 464 A.2d 155:

- (i) *The use reflects the “nature and purpose” of the use prevailing when the zoning legislation took effect.* The prevailing use of the structures when the 1957 zoning went into effect as evidenced by the pre-1957 assessor’s records show that one structure was a “store” and the other structure was a four unit residential building.

- (ii) *The use created will not be different in quality or character, as well as in degree, from the original use.* There is no new use existing or proposed for either of the two structures on the Property. There have been no enlargements to either structure as evidenced by the assessor's records. The retail/store/bakery has not been changed in quality or character.
- (iii) *The current use is not different in kind, in its effect on the neighborhood, from the original use.* The existing use and past use for both structures are no different as outlined in the submittal letter. There would be no different effect on the neighborhood with the continued uses as outlined.

Therefore this office has determined that this land can be functionally divided as allowed under Keith v. Saco River Corridor Commission. As a follow up, this office would like a copy of the new deeds and a survey if created.

It is also noted that this one division of the Property is exempt from subdivision review as Portland and the State ordinances only regulated the division of property into 3 or more lots within a 5 year period.

Very truly yours,



Marge Schmuckal  
Zoning Administrator

Cc: Penny Littell, Director of Planning and Urban Development  
Danielle West-Chuhta, Corporation Counsel  
file

# CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

EDWIN P. CHESTER  
BARBARA A. VESTAL  
CAROLINE WILSHUSEN

107 Congress Street, Portland, Maine 04101

Telephone (207) 772-7426  
Fax (207) 761-5822  
chester@chesterandvestal.com  
vestal@chesterandvestal.com  
wilshusen@chesterandvestal.com

December 10, 2009

Marge Schmuckal  
Zoning Administrator  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: 145 and 147 Cumberland Avenue, Portland, Maine; Tax Assessor's Lot 22-L-17

Dear Marge:

Please accept this letter as a request for a determination that the properties at 145 and 147 Cumberland Avenue were functionally divided prior to June 5, 1957 and thus may lawfully be conveyed to separate owners with current uses continued, despite the fact that have been in common ownership since prior to June 5, 1957. Enclosed is a check payable to the City of Portland in the amount of \$150.00 as the fee.

I represent Julie and Lloyd Bailey, owners of 145 and 147 Cumberland Avenue. They currently rent the little storefront building at 147 Cumberland Avenue to Katie Capron, the proprietor of Katie Made Bakery. They would like to sell 147 Cumberland to Katie Capron, and sell the separate 4-unit apartment building at 145 Cumberland to another purchaser. As proposed, nothing about 147 Cumberland Avenue would change except that there would be an owner occupant rather than a tenant occupant. The bakery would continue to operate as it does now.

I understand that in a prior meeting with you and others the possibilities of applying for a contract zone or of converting the two structures to a condominium form of ownership were discussed. After reviewing the situation and talking with you, I subsequently proposed a third option: a finding that there has been a functional division of the property consistent with Keith v. Saco River Corridor Commission. I detailed that third approach in a letter to Penny Littell dated November 30, 2009 (copy attached). I understand that Penny Littell and Danielle West-Chuhta have reviewed that letter and decided that it is, in fact, appropriate for you to evaluate the proposed separate conveyances under the functional division theory.

As you know, the functional division doctrine basically holds that if at the time that a zoning law is enacted there exists a parcel of land under common ownership which is occupied by more than one building, and if at that time and continuously since that time the buildings were factually utilized as separate entities (e.g., separate uses, separate occupants, separate utilities), then they may be divided and conveyed separately. Keith v. Saco River Corridor Commission, 464 A.2d 150, 154

(1983). The accident of being in common ownership at the time the land use ordinance was enacted will not prevent a subsequent division of the lot and conveyance of the buildings to separate owners.

The two buildings at 145-147 Cumberland Avenue have existed on that lot since well prior to 1957, one a four-family residential structure (145) and the other a business structure (147). The "Real Estate Assessment Record" for the parcel 22-L-17 which appears to be from approximately 1950 consists of 2 separate cards, one for the store at 147 Cumberland and one for the 4 unit apartment building at 145 Cumberland (copies attached). The store is listed with an age of 27, while the apartment building is listed with an age of 36. The photograph of 147 Cumberland in the tax records (copy attached) indicates its date of construction as 1924, and shows a pre-1957 structure which is virtually unchanged from its present day appearance.

The property identified as 22-L-17 is currently owned by Lloyd H. Bailey, Jr. pursuant to a deed to him from Lucia Lombardo dated November 1, 1995 and recorded in the Cumberland County Registry of Deeds in Book 12195, Page 326. Vincenzo and Lucia Lombardo had owned the property since prior to the enactment of Portland's zoning ordinance, having acquired it on October 18, 1955 by deed from Carl Kopel recorded in the Registry in Book 2257, Page 128. Copies are attached.

A scan of the Portland City Directory in 5-year increments confirms that the store at 147 Cumberland Avenue has been used for business purposes since before 1930. The 1930 and 1940 City Directories list it as a shoe repair shop. In 1950, 1955, 1956 and 1957 it is listed as a sign painter's shop. Subsequent directories list it as Apostolic Church Alliance (1960), Emanuel Temple Revival Center (1965), Meatland Market (1970, 1975), Izikson Kosher Meat Market (1980, 1985), Silly's Deli (1990), Bongo Pizza (1996), Barbeque Bobs (2000). Katie Made Bakery has been a tenant since 2000 or 2001.

The utilities for the two buildings are separate. Attached are copies of gas, electricity and water/sewer bills showing separate metering and accounts for 147 Cumberland Avenue.

Even though the property is currently zoned R-6, the structure at 147 Cumberland Avenue was built for and has continued to be used for business purposes. Portland's land use ordinance provides for the continuation of any lawful use of buildings existing on June 5, 1957, stating the use of the building may be continued even though the use of the building does not conform to the zoning ordinance provisions. (14-381) Similarly, Keith supports treating a nonconforming use as grandfathered for purposes of a functional division when the use reflects the nature and purpose of the use prevailing when the zoning legislation took effect; when the use created is not different in quality, character or degree from the original use; and when the current use is not different in kind in its effect on the neighborhood. (Keith, 155)

The proposed use can meet all of these tests. The use prevailing in 1957, a sign painter's shop, is not different in nature or purpose than the current small bakery use. Both are business uses. The current use is not different in quality, character or degree from the original use; both businesses had to be relatively modest operations due to the small size of the facility. The entire first floor of the store is only 434 square feet; there is also some basement storage. Similarly, the current bakery use is

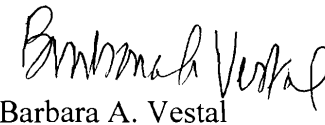
Marge Schmuckal  
December 10, 2009  
Page Three

not different in kind in its effect on the neighborhood from the 1957 use. The external effects of both are negligible. Any traffic generated by the business is insignificant in relation to the total volume of traffic passing the storefront on that portion of Cumberland Avenue. There are essentially no emissions, there is modest lighting, and any slight odors from the bakery are no doubt more pleasant than the paints in use in 1957. The physical impact is the same now as it was in 1957; the structure is essentially unchanged.

The Keith Court suggests that in dividing the lot, it is proper to include within the respective boundaries the structure plus suitable curtilages of land as had been used by tenants prior to and since the enactment of the Act. (Keith, 155). The proposed division at 147 and 145 Cumberland Avenue will include with the storefront the land which has traditionally been divided off from the residential apartment building by a retaining wall and a fence, and will set off all of the rest of the parcel for the apartment building. A surveyor will be hired to create appropriate legal descriptions for use in the conveyance.

Based upon the foregoing and the attachments, I respectfully request that you find that tax assessor parcel 22-L-17 meets the standards for a functional division occurring prior to and continuing after June 5, 1957 such that the store at 147 Cumberland Avenue and the 4-unit apartment building at 145 Cumberland Avenue may lawfully be divided from each other and conveyed to separate owners, with a continuation of the business use of the existing building at 147 Cumberland Avenue and the 4-unit residential use of the building at 145 Cumberland Avenue allowed as lawful, grandfathered uses. If you concur, I request that you sign one copy of this letter and return it to me.

Very truly yours,

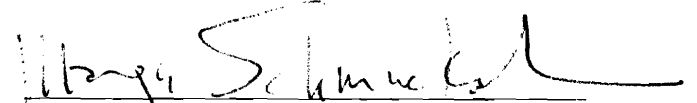


Barbara A. Vestal

BAV/om  
Enclosures  
cc: Danielle West-Chuhta  
Julie Bailey

I, Marge Schmuckal, Zoning Administrator for the City of Portland, verify that I have reviewed the above letter and the related attachments and I concur that tax assessor parcel 22-L-17 meets the standards for a functional division occurring prior to and continuing after June 5, 1957 such that the store at 147 Cumberland Avenue and the 4-unit apartment building at 145 Cumberland Avenue may lawfully be divided from each other and conveyed to separate owners, with a continuation of the business use of the existing building at 147 Cumberland Avenue and the 4-unit residential use of the building at 145 Cumberland Avenue allowed as lawful, grandfathered uses.

Dated: 12/21/09



Marge Schmuckal, Zoning Administrator

# CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

107 Congress Street, Portland, Maine 04101

EDWIN P. CHESTER  
BARBARA A. VESTAL  
CAROLINE WILSHUSEN



Telephone (207) 772-7426  
Fax (207) 761-5822  
chester@chesterandvestal.com  
vestal@chesterandvestal.com  
wilshusen@chesterandvestal.com

November 30, 2009

Penny St. Louis Littell  
Director of Planning and Urban Development  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: 145 and 147 Cumberland Avenue, Portland, Maine

Dear Penny:

Thank you for speaking with me concerning the proposed division of the lot at 145-147 Cumberland Avenue. The intent is to allow the separate conveyance of 147 Cumberland Avenue to the owner of Katie Made Bakery, the current occupant. In an e-mail dated November 18<sup>th</sup>, I suggested that you consider allowing the conveyance under the functional division doctrine as articulated in Keith v. Saco River Corridor Commission (464 A.2d 150 (1983)). As I understand it from our conversation, you have no concerns about continuing the nonconforming use as grandfathered, but have reservations about whether the law extends so far as to support the physical division of the parcel when it will result in the creation of a small, undersized lot. I agreed to review the relevant codes and cases to address your concern.

In reviewing Maine law, I believe application of the functional division doctrine frequently produces precisely this result – the approval of the conveyance of individual buildings on lots which do not otherwise meet the relevant frontage or dimensional requirements. The functional division doctrine basically holds that if at the time that a zoning law is enacted there exists a parcel of land under common ownership which is occupied by more than one building, and if at that time and continuously since that time the buildings were factually utilized as separate entities (e.g., separate uses, separate occupants, separate utilities), then they may be divided and conveyed separately. (*Keith*, 154) The accident of being in common ownership at the time the land use ordinance was enacted will not prevent a subsequent division of the lot and conveyance of the buildings to separate owners. It is the separately used and occupied building (together with the land used by its occupant) which is grandfathered, not the relationship of the building's occupant to the owner of the land. (*Id.*) The Law Court held that a mere change from tenant occupancy to owner occupancy of such a nonconforming property is not a change of use, nor is it an extension, expansion or enlargement of a nonconforming use. (*Keith*, p. 155)

In Keith the parcel which predated the passage of the Saco River Corridor Act ("the Act") held a total of three buildings -- one building with two dwelling units and two additional buildings each containing one dwelling unit. Those three buildings "together with appropriate curtilage, were

separately occupied and used by tenants.” Each of the three buildings was served by its own utility and sewage disposal system. The Law Court approved of the division of the original parcel of land into four separate lots, three lots containing one building each and a fourth vacant lot. It approved the separation into four lots even though the Law Court observed that none of the three lots occupied by a building could conform to the aggregate frontage and setback requirements of the Act. That inability to conform to those dimensional requirements was the very reason the owner had applied to the Commission for an official determination of the legality of the proposed separate conveyances. (Id. 154).

The Keith Court notes that the Saco River Corridor Act does not purport to regulate land subdivisions (Id., 156) and that the Saco’s Planning Board had already determined that the proposed division into 4 lots was exempt from its subdivision review. The Act does, however, have as one of its general purposes to prevent the overcrowding of land. Despite this purpose, the Keith Court found the multiple buildings on one lot were grandfathered and could be separately conveyed. Without making a distinction between uses and buildings, it explained:

Also, the central point to be kept in mind when dealing with nonconforming buildings or uses is, that it is the building or the land that is “grandfathered” and not the owner. . . . Once a nonconforming use or building is shown to exist, neither is affected by the user’s title or possessory rights in relation to the owner of the land. . . . Where a nonconformity legally exists, it is a vested right which adheres to the land or building itself and the right is not forfeited by a purchaser who takes with knowledge of the regulations which are inconsistent with the existing use. (Keith, 154, citations omitted)

In holding that the “mere change from tenant occupancy to owner occupancy” was not a prohibited extension, expansion or enlargement of the previously existing nonconforming buildings, structures or use, the Keith Court stated:

The only real difference in the change contemplated by the division and sale of the three reference lots is a change in ownership. Without clear language to the contrary, we cannot infer a legislative intent from any of the provisions of the Saco River Corridor legislation which would prohibit the separate conveyance of parcels of land on which nonconforming buildings or structures have previously and continuously been factually treated separately, as in the instant case, simply because they happened to exist in common ownership at the time the zoning law was enacted. . . . In the instant case, the three nonconforming buildings preexisted the legislation. (Keith, 154-155)

The proposed division of 145 and 147 Cumberland Avenue presents in a similar posture. Two buildings have existed on that lot since well prior to 1957, one a four-family dwelling and the other a commercial structure. Its division is also exempt from subdivision review as Portland’s subdivision ordinance only regulates the division into 3 or more lots within 5 years. In this instance, only two lots will be created. Portland’s zoning ordinance has purposes similar to the Saco River Corridor legislation – among others to ensure adequate light and air, and to prevent overcrowding of land. (14-

46) However, those purposes do not override the grandfathered status; Portland's land use ordinance provides for the continuation of any lawful use of buildings existing on June 5, 1957, stating the use of the building may be continued even though the use of the building does not conform to the zoning ordinance provisions. (14-381) Similarly, Portland's land use code does not have any specific language which would prohibit the separate conveyance of nonconforming buildings or structures which have been factually treated as separate. (Some provisions may require the merger of vacant lots prior to construction, but to the best of my knowledge no provisions apply to the merger of lots already occupied by structures).

This functional division doctrine has previously used in Portland. For example in 1998 the Board of Appeals approved the separate conveyance of two separate residential structures located on a single parcel at 21 and 23 North Street. They had been in common ownership since prior to 1957. A small single family house located at rear of the lot was divided from a separate four-unit structure located on the front of the lot. The resulting 1,920 square foot lot for the single family house was approved despite the fact that it has no street frontage and was unable meet then current setback, minimum lot size or other dimensional requirements. The Board of Appeals found that the two structures had been functionally divided prior to 1956 because they were rented to separate tenants, were occupied separately, and had separate utilities. The only change proposed was a change in ownership, which was deemed allowable. The sale of the small single family house is recorded in Cumberland County Registry of Deeds in Book 13898, Page 118.

Elsewhere in Maine, in Wickenden v. Luboshutz (401A.2d 995 (1980)) the Law Court approved a finding by Rockport's Board of Appeals that it was permissible to divide a parcel which contained two dwelling units in two separate structures into two separate lots. The structures, both located on a single 70,000 square feet parcel, predated the enactment of the land use ordinance. The ordinance established a 40,000 square foot minimum lot size. Finding that the dwellings had separate water supplies, septic systems, electricity, refrigeration, and parking and were occupied by separate households, the court approved division into two separate, 35,000 square foot undersized lots because no change was sought in the structures. As lawfully existing nonconforming uses in which the only change proposed was in the ownership, division into two separate lots was appropriate.

A question remains as to how to establish the boundaries of the new lots. The Keith Court did not question the propriety of establishing the boundaries for the three lots based upon actual use. Those boundaries were established by including with each structure suitable curtilages of land as had continuously functionally been used by tenants prior to and since the enactment of the Act. (Keith, 155). The proposed division at 147 and 145 Cumberland Avenue would include with the storefront the land which has traditionally been divided off from the residential apartment building by a retaining wall and a fence, and would set off all of the rest of the parcel for the apartment building.

It should be noted that Keith does articulate a test for which property containing a nonconforming use can be treated as grandfathered or exempted, thus eligible for treatment as a use which pre-existed the land use regulation: "(1) whether the use reflects the 'nature and purpose' of the use prevailing when the zoning legislation took effect; (2) whether there is created a use different in



Penny St.Louis Littell  
November 30, 2009  
Page Four

quality or character, as well as in degree, from the original use, or (3) whether the current use is different in kind in its effect on the neighborhood.” (Keith, 155). Presumably, it would be allowed if the answer to (1) is affirmative and (2) and (3) are negative. If the use has been unlawfully extended, expanded or enlarged, from that which existed prior to the legislative enactment it may not qualify as a functional division. But it may be treated as an allowable functional division if the only change proposed is from a tenant occupant to an owner occupant, or from one owner to another. As the Keith Court explains:

Had the Keith holdings as functionally divided been owned by three different individuals at the time of the Act and each of them desired to convey his separate lot, there would be no zoning impediment to the sale. We cannot see wherein a different result should obtain simply because all the already functionally divided lots are owned by only one person. (Keith, 156)

It is unlikely that there are currently many lots in Portland with two or more structures on the lot which are functionally separate and which contain uses which have not significantly changed in nature, quality, character, degree or effect since 1957. However, where they do exist, it seems like it is in the best interest of the City to allow them to be conveyed separately to appropriate owner occupants with a strong interest in fostering that use rather than requiring that they continue to be occupied by tenants.

If we are agreed upon the applicability of this functional division doctrine to the proposed division, I will prepare a detailed request for review by Marge Schmuckal with the pertinent facts and attachments. I look forward to hearing from you.

Very truly yours,



Barbara A. Vestal

BAV/om  
Enclosure  
cc: Danielle West-Chuhta  
Julie Bailey

CITY OF PORTLAND, MAINE  
MEMORANDUM

To Jim Adolf  
874 8497  
From  
Tom Jewell

TO: Patric Santeire, Chairperson, Board of Appeals  
FROM: Charles A. Lane, Associate Corporation Counsel  
DATE: June 1, 2004  
RE: 13-19 Noyes Street - Functional Division

City Hqrs Office  
7pm Km 209

One of the matters before the Board on Thursday evening, June 3, is Joel Richard's request for approval of a functional division of his property on Noyes Street. The Board has addressed this same issue a number of times in the past, and it will recall that the leading Maine case is Keith v. Saco River Corridor Commission, 464 A.2d 150 (Me. 1983).

The Keith court applied three criteria to enable it to reach a point where it could apply a three part test.

Criteria

The criteria are described at 464 A.2d 152:

- (i) the structures were in existence prior to the zoning ordinance;
- (ii) from that time to the present they were separately used and occupied; and
- (iii) each dwelling is served by its own utilities and sewerage disposal systems.

yes  
1957

Test

The test which the Court applied to determine whether the property in Keith was grandfathered appears at 464 A.2d 155:

- (i) whether the use reflects the "nature and purpose" of the use prevailing when the zoning legislation took effect;
- (ii) whether there is created a use different in quality or character, as well as in degree, from the original use; or
- (iii) whether the current use is different in kind in its effect on the neighborhood (citation omitted).

owns  
1957

The CRITERIA were rewritten to make them more accessible to the Board. The TEST is a direct quotation from the opinion.

Copies of Keith will be available at the meeting.

Charles A. Lane  
Associate Corporation Counsel

CAL:sea  
Cc: Catherine Alexander, Esq.  
Joe Lewis  
Nan Sawyer  
Derek R. Gramble, Esq.  
William Hall  
Peter Thornton

MMA  
Zoning  
Manual

zoning ordinance establishes a local minimum lot size which restrictive than the State's, then the question of merger ordinance. Where an ordinance requires the merger of lots in have "contiguous frontage" with each other, the court in Maine has held that such a provision does not apply to corner lots. *Lapointe v. City of Saco*, 419 A.2d 1013 (Me. 1980). The court also has held that it does not require the merger of a back lot which is landlocked with an adjoining lot or the merger of adjoining lots which "front" on different streets. *Bailey v. City of South Portland*, 707 A.2d 391 (Me. 1998).

As a general rule, in order for a nonconforming lot to be conveyed and retain its "grandfathered" status, it must be conveyed with the same boundaries as it had when the ordinance took effect. In some circumstances additional acreage can be added to the existing lot without affecting its grandfathered status, although the legal status of an adjoining lot may be affected by doing this. Otherwise, it must be treated as a newly created illegal lot. (For a discussion of the meaning of "lot of record," see *Camplin v. Town of York*, 471 A.2d 1035 (Me. 1984).

Where a single parcel of land had been developed with a number of buildings prior to the effective date of the ordinance and the buildings had all been used for distinct and separate uses prior to that date, the Maine court has held that the buildings could be sold separately on nonconforming lots, finding that the land had already been functionally divided. *Keith v. Saco River Corridor Commission*, 464 A.2d 150 (Me. 1983). The *Keith* case might be decided differently today, since shoreland zoning ordinances now contain much more detail and expressly address a variety of scenarios with regard to the merger, division, and separate conveyance of developed or vacant contiguous or isolated nonconforming lots of record. Whether the functional division theory applied in *Keith* will control a nonconforming lot situation in a particular town will depend on exactly what the town's ordinance does and doesn't address and what intent can be inferred from the ordinance's regulatory scheme. It may be advisable for the board to seek legal advice regarding the interpretation of the specific ordinance language adopted by the town before deciding to apply *Keith* to the division of a developed nonconforming lot.

The fact that a single deed describes multiple contiguous lots by their external perimeter does not automatically destroy their independent status. *Bailey v. City of South Portland*, 707 A.2d 391 (Me. 1998).

**Change of Use.** The test to be applied in determining whether a proposed use fits within the scope of an existing nonconforming use or whether it constitutes a change of use is: "(1) whether the use reflects the 'nature and purpose' of the use prevailing when the zoning ordinance took effect; (2) whether there is created a use different in quality or character, as well as in degree, from the original use; or (3) whether the current use is different in kind in its effect on the neighborhood." *Total Quality Inc. v. Town of Scarborough*, 588 A.2d 283 (Me. 1991); *Boivin v. Town of Sanford*, 588 A.2d 1197 (Me. 1991); *Keith v. Saco River Corridor Commission, supra*.

APPLICATION TO APPROVE FUNCTIONAL DIVISION OF LAND

DECISION

Name and address of applicant: \_\_\_\_\_

Location of property under appeal: \_\_\_\_\_

Appearances: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Exhibits: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

KEITH CRITERIA

Keith Preliminary Criteria:

1. The structures were in existence prior to adoption of the Zoning Ordinance.  
YES \_\_\_\_\_ NO \_\_\_\_\_

2. From that time to the present, they have been separately used and occupied.  
YES \_\_\_\_\_ NO \_\_\_\_\_

3. Each structure is served by its own utilities and sewage disposal systems.  
YES \_\_\_\_\_ NO \_\_\_\_\_

Keith Test:

1. The use reflects the "nature and purpose" of the use prevailing when the zoning legislation

\_\_\_\_\_

See Keith v. Saco River Corridor Commission, 464 A.2d 150 (Me. 1983).

took effect.

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

2. The use created will not be different in quality or character, as well as in degree, from the original use.

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

3. The current use is not different in kind, in its effect on the neighborhood, from the original use.

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

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

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

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Votes in favor

Votes Opposed

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

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

*Functional Subdivision*  
*(see drawing)*

April 12, 2007

Jewell & Boutin, P.A.  
477 Congress Street  
Suite 1104  
Portland, ME 04101-3427  
Attn: Thomas F. Jewell, Esq.

RE: Functional Subdivision of 196-198 Park Avenue (lot #28) – 053-B-009, and  
200-202 Park Avenue (lot #37) – 053-B-008

Dear Attorney Jewell,

I am in receipt of your request to determine whether you may legally divide the properties located at 196-198 Park Avenue and 200-202 Park Avenue as proposed in a drawing received on June 21, 2006.

It is recognized that there are two described lots that have existed prior to the 1957 basis of the City's Land Use Zoning Ordinance. These two described lots match the assessors' chart-block-lot numbers 053-B-008 and 053-B-009. Each of these described lots contains one building fronting on Park Avenue and a half portion of a building, divided by a common property line at the rear of the properties.

The lot and deed descriptions were created prior to current ordinances. According to the assessors' records all the structures on the two lots were built in the early 1900s, well before the 1957 creation of the current Land Use Zoning Ordinance. There is nothing in the Land Use Zoning Ordinance which would merge these two developed properties under the same ownership. Both lots are considered to be legally nonconforming and could be sold independent of each other as currently described.

There is a further request to alter the deed descriptions to allow the two lots to be fashioned into four lots, with each front building to be located on separate lots and each half of the rear building to be on separate, independent lots. Your proposed division is being requested using the criteria and test outlined in the Maine case Keith v. Saco River Corridor Commission.

The criteria described under Keith, are described at 464 A.2d 152:

- (i) *The structures were in existence prior to the zoning ordinance.* This criteria is being met. All the structures were built prior to June 5, 1957.

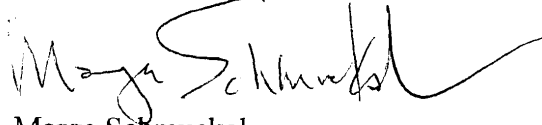
- (ii) *From that time to the present they were separately used and occupied.* This criteria is being met as shown by submitted evidence.
- (iii) *Each dwelling is served by its own utilities and sewerage disposal system.* This office has received evidence to show separate water/sewer bills and separate electric bills for all four proposed separate lots and their buildings.

The test which the Court applied to determine whether the property in Keith was allowable to be divided appears at 646 A.2d 155:

- (i) *Whether the use reflects the "nature and purpose" of the use prevailing when the zoning legislation took effect.* The prevailing use when the 1957 zoning went into effect was residential. This property is currently residential. This test has been met.
- (ii) *Whether there is created a use different in quality or character, as well as in degree, from the original use.* There was agreement that the front building at 196-198 Park Avenue (53-B-9) is recognized and used as a two (2) family residential structure. There was agreement that the front building at 200-202 Park Avenue (53-B-8) is recognized and used as a three (3) family residential structure. The City record of the rear building that straddles both lots indicated the use to be a four (4) family residential structure with two (2) dwelling units on each separate lot. However, the applicant has supplied a signed and witnessed affidavit from Thomas Sico, Jr. who lived in the immediate neighborhood and had visited the property regularly in the 1950's and affirms under oath that this rear building was actually a six (6) dwelling unit building with three (3) dwelling units on each side of the structure. Each unit contained their own separate kitchen and bath. His testimony goes on to say that this situation existed since at least 1957. This affidavit confirmed that this test has been met.
- (iii) *Whether the current use is different in kind in its effect on the neighborhood from the original use.* The current use and the effect of the proposed division of land would not be different in kind in its effect on the neighborhood.

Therefore this office has determined that this land can be divided into four lots as allowed under Keith v. Saco River Corridor Commission per the proposed site sketch received on June 21, 2006.

Very truly yours,



Marge Schmuckal  
Zoning Administrator

File  
James Adolf, Corporation Counsel

## REAL ESTATE ASSESSMENT RECORD - CITY OF PORTLAND, MAINE

CURR. DESC.	LAND NOS.	STREET	BLDG. NO.	CARD NO.	DEVELOPMENT NO.	AREA	DIST.	ZONE	CHART	BLOCK	LOT	CURR. DESC.	
	145-147	Cumberland Ave.		1 OF 2			4		22	L	17		
TAXPAYER ADDRESS AND DESCRIPTION			RECORD OF TAXPAYER			YEAR	BOOK	PAGE	PROPERTY FACTORS				
KOPEL CARL 145 CUMBERLAND AVE CITY  LAND & BLDGS CUMBERLAND AVE #145-147 & SMITH ST #27-31 ASSESSORS PLAN 22-L-17 AREA 3180 SQ FT									TOPOGRAPHY		IMPROVEMENTS		
										LEVEL	<input checked="" type="checkbox"/>	WATER	
										HIGH		SEWER	
										LOW		GAS	
										ROLLING		ELECTRICITY	
										SWAMPY		ALL UTILITIES	
										STREET		TREND OF DISTRICT	
							PAVED	<input checked="" type="checkbox"/>	IMPROVING				
							SEMI-IMPROVED		STATIC				
							DIRT		DECLINING				
							SIDEWALK	<input checked="" type="checkbox"/>					
							TILLABLE		PASTURE	WOODED	WASTE		

LAND VALUE COMPUTATIONS AND SUMMARY							LAND VALUE COMPUTATIONS AND SUMMARY							ASSESSMENT RECORD INCREASE DECREASE		
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	YEAR 1951	1955	FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	19	19	1950	1951	1952
53	60	25.00	80	20.00	1060									LAND	825	
														BLDGS.	3800	
														TOTAL	1625	
														LAND	700	
														BLDGS.	3825	
														TOTAL	4525	
														LAND	700	
														BLDGS.	3900	75
														TOTAL	4600	75
														LAND	700	
														BLDGS.	4000	100
														TOTAL	4700	
														LAND		
														BLDGS.		
														TOTAL		
														LAND		
														BLDGS.		
														TOTAL		
														LAND		
														BLDGS.		
														TOTAL		
														LAND		
														BLDGS.		
														TOTAL		
														LAND		
														BLDGS.		
														TOTAL		
														LAND		
														BLDGS.		
														TOTAL		



RECORD OF BUILDINGS

GRADE DENOTES QUALITY OF CONSTRUCTION: A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP; E—VERY CHEAP

YEAR 19

YEAR 19

CONSTRUCTION		
FOUNDATION	FLOOR CONST.	PLUMBING
CONCRETE <input checked="" type="checkbox"/>	WOOD JOIST <input checked="" type="checkbox"/>	BATHROOM
CONCRETE BLOCK	STEEL JOIST	TOILET ROOM
BRICK OR STONE	MILL TYPE	WATER CLOSET
PIERS	REIN. CONCRETE	LAVATORY
CELLAR AREA FULL <input checked="" type="checkbox"/>	FLOOR FINISH	KITCHEN SINK <input checked="" type="checkbox"/>
1/4 1/2 3/4	B 1 2 3	STD. WAT. HEAT
NO. CELLAR	CEMENT <input checked="" type="checkbox"/>	AUTO. WAT. HEAT
EXTERIOR WALLS	EARTH	ELECT. WAT. SYST.
CLAPBOARDS <input checked="" type="checkbox"/>	PINE <input checked="" type="checkbox"/>	LAUNDRY TUBS
WIDE SIDING	HARDWOOD	NO PLUMBING
DROP SIDING	TERRAZZO	TILING
NO SHEATHING	TILE	BATH FL. & WCOT.
WOOD SHINGLES		TOILET FL. & WCOT.
ASBES. SHINGLES		LIGHTING
STUCCO ON FRAME	ATTIC FLR. & STAIRS	ELECTRIC <input checked="" type="checkbox"/>
STUCCO ON TILE	INTERIOR FINISH	NO LIGHTING
BRICK VENEER	B 1 2 3	NO. OF ROOMS
BRICK ON TILE	PINE <input checked="" type="checkbox"/>	BSMT. 2ND
SOLID BRICK	HARDWOOD	1ST 3RD
STONE VENEER	PLASTER <input checked="" type="checkbox"/>	OCCUPANCY
CONC. OR CIND. BL.	UNFINISHED <input checked="" type="checkbox"/>	SINGLE FAMILY
TERRA COTTA	METAL CLS.	TWO FAMILY
VITROLITE		APARTMENT
PLATE GLASS	RECREAT. ROOM	STORE <input checked="" type="checkbox"/>
INSULATION	FINISHED ATTIC	THEATRE
WEATHERSTRIP	FIREPLACE	HOTEL
ROOFING	HEATING	OFFICES
ASPH. SHINGLES	PIPELESS FURNACE	WAREHOUSE
WOOD SHINGLES	HOT AIR FURNACE <input checked="" type="checkbox"/>	COMM. GARAGE
ASBES. SHINGLES	FORCED AIR FURN.	GAS STATION
SLATE TILE	STEAM	ECONOMIC CLASS
METAL	HOT WAT. OR VAPOR	OVER BUILT
COMPOSITION <input checked="" type="checkbox"/>	NO HEATING	UNDER BUILT
ROLL ROOFING	GAS BURNER	DT. 5/25/30 AR. BH
INSULATION	OIL BURNER <input checked="" type="checkbox"/>	LD. 7 PD.
	STOKER	MS. CK. 1

COMPUTATIONS	
UNIT	1953
1495 S.F.	
600 S.F.	1300
ADDITIONS	
BASEMENT	
WALLS	
ROOF	
FLOORS	
ATTIC	
FINISH	
FIREPLACE	
HEATING	+ 190
PLUMBING	
TILING	
TOTAL	1490
FACT.	
REP. VAL.	1490

1495 - 1953  
 600 in 1953  
 1300

B-1 = 8 x 1 @ 1.00  
 FIRST - 1953 @ 2.00  
 3.00

13/FR  
 31  
 (434)  
 14

1344 @ 3.00 = 1300  
 147 Cents

SUMMARY OF BUILDINGS													
OCC'Y	TYPE	GR.	AGE	REMOD.	COND.	REP. VAL.	P. D.	PHY. VAL.	F. D.	SOUND VAL.	TAX VAL.		
Store	A 13/FR	C	27		F	1300	40%	780	-	780	471		
	B					1490	40	900	-B	900	520		
	C								C				
	D								D				
	E								E				
	F								F				
	G								G				
YEAR	1953										1951 TOTAL BLDGS.	780	471
TAX VAL.	550										1953	250	19
OLD VAL.	471										19		19
CHANGE	77										19		19

## REAL ESTATE ASSESSMENT RECORD - CITY OF PORTLAND, MAINE

CURR. DESC.	LAND NOS. <b>145-147</b>	STREET <b>Sumnerland Ave</b>	BLDG. NO.	CARD NO. <b>2 of 2</b>	DEVELOPMENT NO.	AREA	DIST. <b>4</b>	ZONE	CHART <b>22</b>	BLOCK <b>L</b>	LOT <b>17</b>	CURR. DESC.
-------------	-----------------------------	---------------------------------	-----------	---------------------------	-----------------	------	-------------------	------	--------------------	-------------------	------------------	-------------

TAXPAYER ADDRESS AND DESCRIPTION	RECORD OF TAXPAYER			YEAR	BOOK	PAGE	PROPERTY FACTORS					
							TOPOGRAPHY		IMPROVEMENTS			
							LEVEL	<input checked="" type="checkbox"/>	WATER			
							HIGH		SEWER			
							LOW		GAS			
							ROLLING		ELECTRICITY			
							SWAMPY		ALL UTILITIES	<input checked="" type="checkbox"/>		
							STREET		TREND OF DISTRICT			
							PAVED	<input checked="" type="checkbox"/>	IMPROVING			
							SEMI-IMPROVED		STATIC	<input checked="" type="checkbox"/>		
						DIRT		DECLINING				
						SIDEWALK	<input checked="" type="checkbox"/>					
						TILLABLE		PASTURE		WOODED		WASTE

LAND VALUE COMPUTATIONS AND SUMMARY							LAND VALUE COMPUTATIONS AND SUMMARY							ASSESSMENT RECORD							
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	YEAR	19	FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	19	19	1950	1951	1952	INCREASE	DECREASE			
<i>SEE CARD 1 OF 2</i>														LAND							
														BLDGS.							
														TOTAL							
														LAND							
														BLDGS.							
														TOTAL							
														LAND							
														BLDGS.							
														TOTAL							
														LAND							
														BLDGS.							
														TOTAL							
														LAND							
														BLDGS.							
														TOTAL							
														LAND							
														BLDGS.							
														TOTAL							
														LAND							
														BLDGS.							
														TOTAL							
														LAND							
														BLDGS.							
														TOTAL							
														LAND							
														BLDGS.							
														TOTAL							
														LAND							
														BLDGS.							
														TOTAL							
														LAND							
														BLDGS.							
														TOTAL							

YEAR	ORIG. COST	RENTAL
YEAR	SALE PRICE	EXPENSE
YEAR	U. S. R. S.	NET





257/  
128  
/28

# Know all Men by these Presents, That

I, Carl Kopel, of Portland, in the County of Cumberland, and State of Maine,

in consideration of One (\$1.00) Dollar, and other valuable consideration, paid by Vincenzo Lombardo and Lucia Lombardo, husband and wife, both of Portland, in the County of Cumberland and State of Maine, the receipt whereof I do hereby acknowledge, do hereby, give, grant, bargain, sell and convey unto the said

Vincenzo Lombardo and Lucia Lombardo, husband and wife, as joint tenants and not as tenants-in-common, their heirs and assigns, the survivor of them and the heirs and assigns of such survivor forever, a certain lot or parcel of land with the building thereon situated on Cumberland Avenue in said Portland, bounded and described as follows:-

Beginning at the intersection of the Northeasterly side of Smith Street with the Northwesterly side line of Cumberland Avenue; thence running Northeasterly on said line of Cumberland Avenue, fifty-three (53) feet to land now or formerly of Eleanor McDonough; thence Northwesterly by said McDonough land, sixty (60) feet to land now or formerly of Mary Warren; thence Southwesterly by said Warren land, fifty-four (54) feet to said Smith Street; thence Southeasterly by said Smith Street, sixty (60) feet to first bounds.

Being the same premises conveyed to Carl Kopel by Sam Kopelowitz, by his Warranty Deed, dated September 6, 1945, and recorded in the Cumberland County Registry of Deeds, in Book 1790, Page 108.

U.S.I.R.  
\$13.75  
C.K.  
10/18/55

On this day and in full the foregranted and bargained premises, with all the privileges and appurtenances thereof, to the said Vincenzo Lombardo and Lucia Lombardo, husband and wife, both of Portland, in the County of Cumberland and State of Maine, as joint tenants and not as tenants-in-common, their heirs and assigns the survivor of them and the heirs and assigns of such survivor to them and their use and behoof forever. And I do covenant with the said Grantees, their

heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances;

that I have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that I and my heirs, shall and will warrant and defend the same to the said Grantees, their

heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I, the said Carl Kopel, and Leah S. Kopel, wife of the said Carl Kopel, joining in this deed as Grantors, and relinquishing and conveying all right by descent and all other rights in the above described premises,

our hands and seals this 18th day of October have hereunto set  
one thousand nine hundred and fifty-five. in the year of our Lord

Signed, Sealed and Delivered in presence of

Irving Rothstein  
To Both

Carl Kopel  
Leah S. Kopel

Seal  
Seal

State of Maine, CUMBERLAND, ss. October 18, 1955.

Personally appeared

the above named Carl Kopel

and acknowledged the foregoing instrument to be his free act and deed.

Before me, Irving Rothstein Justice of the Peace.

Received October 19, 1955, at 10 o'clock 35 m. A. M., and recorded according to the original.

SC-

WARRANTY DEED  
MAINE STATUTORY SHORT FORM

KNOW ALL PERSONS BY THESE PRESENTS, that Lucia Lombardo, of Portland, County of Cumberland, State of Maine, for consideration paid, grants to Lloyd H. Bailey, Jr., of Yarmouth, County of Cumberland, State of Maine, with WARRANTY COVENANTS, the following described premises:

A certain lot or parcel of land with the building thereon situated at 145-147 Cumberland Avenue, Portland, Maine, bounded and described as follows:

Beginning at the intersection of the northeasterly side of Smith Street with the Northwesterly sideline of Cumberland Avenue; thence running Northeasterly on said line of Cumberland Avenue, fifty-three (53) feet to land now or formerly of Eleanor McDonough; thence Northwesterly by said McDonough land, sixty (60) feet to land now or formerly of Mary Warren; thence Southwesterly by said Warren land, fifty-four (54) feet to said Smith Street; thence Southeasterly by said Smith Street, sixty (60) feet to first bounds.

Being the same premises conveyed to Vincenzo Lombardo and Lucia Lombardo by Carl Kopel and wife, on the 18th day of October, 1955, said deed recorded in the Cumberland County Registry of Deeds in Book 2257, Page 128.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand and seal this \_\_\_ day of November, 1995.

Witness:

\_\_\_\_\_  
Lucia Lombardo

By: Antonia L. DeForte  
Antonia L. DeForte, under Power of Attorney dated September 28, 1990, and recorded in the Cumberland County Registry of Deeds, in Book 11722, Page 191.

STATE OF MAINE  
CUMBERLAND COUNTY, ss. November 1, 1995

On this 1<sup>st</sup> day of November, 1995, personally appeared the above named Antonia L. DeForte, who signed the foregoing as the attorney of the above-named Lucia Lombardo, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Keely A. McPartlan  
Notary Public Attorney at Law  
KEELY A. McPARTLAN.



Your CMP account number:  
**441-104-3684-014**



Central Maine Power 24 Hour  
customer assistance line  
**1-800-565-3181**  
To report a power outage: 1-800-696-1000



CATHERINE CAPRON  
147 CUMBERLAND AVE  
PORTLAND ME  
Service location

Billing date: 09/13/01

Read cycle: 08

Page 001 of 003

**Customer Meter Summary**

Meter Number	Read Date	Prior Read Date	Number of Days	Meter Reading	Prior Meter Reading	Total KWH
AB95038888	09/12/01	08/10/01	33	48560	47373	1187

**Account Summary**

<b>Prior balance</b>						\$250.81
Payments received through 09/13/01 - thank you					\$126.96-	
<b>Balance forward</b>						\$123.85
<b>New charges</b>						
Central Maine Power delivery					\$82.17+	
Standard Offer electricity supply					\$51.61+	
<b>Total new charges</b>						\$133.78
<b>Current Account Balance:</b>						<b>\$257.63</b>

Please pay before 10/10/01

**Central Maine Power Account Detail**

<b>Prior balance for Central Maine Power delivery</b>						\$154.10
Payments received - thank you					\$77.68-	
<b>Balance forward</b>						\$76.42
<b>Current delivery charges</b>						
Late payment charge 1.353%					\$1.03+	
Deposit interest					\$2.73-	
Delivery Charges: Small General Service 1 Phase						
Service charge					\$10.23+	
Delivery Service: 1187 KWH @ .058676					\$69.65+	
Maine sales tax					\$3.99+	
<b>Total current delivery charges</b>						\$82.17
<b>Central Maine Power account balance</b>						\$158.59

**Messages about your Central Maine Power delivery account**

CMP now provides kilowatts of demand (kW) on your monthly

We lowered our delivery prices on 3/01/2000 - this bill is \$10.10 lower than it would have been before CMP cut prices!

Please see next page for continued message information.

	Your electricity usage (in kilowatt hours)												
	09/01	08/01	07/01	06/01	05/01	04/01	03/01	02/01	01/01	12/00	11/00	10/00	09/00
Daily	36	39	37	30	29	29	35	33	35	33	32	36	41
Monthly	1187	1089	1135	941	900	819	1184	900	1134	1087	896	1069	1257



**Portland Water District**

**Send Correspondence to:**

**Address:**  
225 Douglass St.  
P.O. Box 3553  
Portland, ME 04104-3553  
**Office Hours:**  
8:30 a.m. - 4:30 p.m.  
Monday through Friday  
Phone: 207.761.8310  
**Web Site and E-Mail:**  
www.pwd.org  
customerservice@pwd.org

Customer Name

KATIE-MADE

Account Number

145251-04

Service Address

147 CUMBERLAND AVE PORTLAND

Payment due by 03/30/2009. \*\*\*\*\*

**Account Detail:**

	MEMBER WATER CHARGES	CITY OF PORTLAND* WASTEWATER CHARGES	TOTAL
PREVIOUS BALANCE			<b>\$95.29</b>
Payment - Thank You			\$70.28 CR
BALANCE FORWARD			<b>\$25.01</b>
CURRENT CHARGES			
Consumption Charge	\$9.70	\$14.70	\$24.40
Sales Tax	\$0.49	\$0.00	\$0.49
Total Current Charges	\$10.19	\$14.70	\$24.89
<b>TOTAL AMOUNT DUE</b>			<b>\$49.90</b>

\* WASTEWATER RATES ARE SET BY THE CITY OF PORTLAND

**YOUR 3 MONTH CONSUMPTION SUMMARY**  
(Hundred Cubic Feet)

Month	Water	Waste Water	Days
03/09	02	2	27
02/09	02	2	34
01/09	03	3	30
12/08	02	2	34
11/08	03	3	34
10/08	03	3	28
09/08	03	3	31
08/08	03	3	31
07/08	03	3	32
06/08	03	3	31
05/08	02	2	29
04/08	02	2	28
03/08	02	2	28

Hundred Cubic Feet = 748 Gallons

**Customer Meter Summary:**

METER TYPE: P = Primary S = Submeter R = Reverse Submeter F = Fireline

METER NUMBER	METER TYPE	READ DATE	PRIOR READ DATE	BILL DATE	CURRENT METER READING	PRIOR METER READING	CONSUMPTION (HCF)
A17050190	P	02/17/09	01/21/09	03/06/09	52	50	2

**Notes**

Conserve water, save money, and protect the environment. Buy your discounted rain barrel today. www.pwd.org





ACCOUNT NUMBER      AMOUNT DUE      AMOUNT PAID  
 5062105-5016172      \$225.51

80050621050050161720000225514

000622 000002063



KATIE-MADE  
 147 CUMBERLAND AVE  
 PORTLAND ME 04101-3103



UNITIL ME  
 PO BOX 981010  
 BOSTON MA 02298-1010

NAME AND/OR ADDRESS CHANGES. PLEASE CHECK THIS BOX AND NOTE CHANGES ABOVE.  
 FOLD ALONG DOTTED LINE, DETACH AND RETURN THIS PART WITH PAYMENT



PLEASE SEE REVERSE SIDE  
 IF PAYING BY CREDIT CARD

Page 1 of 1

YOUR MONTHLY USAGE & AVERAGE DAILY TEMPERATURE (ADT)				SERVICE ADDRESS	KATI	ACCOUNT NUMBER	BILL DATE DUE DATE					
KWH	CCF	ADT		147 CUMBERLAND AVE, PORTLAND		5062105-5016172	11/19/09	12/14/09				
				METER NUMBER	METER READING PREVIOUS PRESENT	NUMBER OF DAYS	METER CONSTANT	METERED USAGE	METERED DEMAND	RATE CODE		
NOV 09	0	91	45	K78893	5711	5802	29	91.00 CCF		G50		
OCT 09	0	86	52									
SEP 09	0	84	64	BALANCE FORWARD							\$104.63	
AUG 09	0	83	70	CURRENT CHARGES GAS SERVICE SERVICE PERIOD 10/19/09-11/17/09								
JUL 09	0	87	63	METERED USAGE 91.00 CCF x = 91.00 CCF								
JUN 09	0	69	58	DELIVERY CHARGES								
MAY 09	0	65	55	CUSTOMER CHARGE								5.78
APR 09	0	97	41	DISTRIBUTION CHARGE FIRST								13.07
MAR 09	0	91	30	DISTRIBUTION CHARGE NEXT								2.61
FEB 09	0	237	22	EERA								.06
JAN 09	0	109	20	ERC								1.45
DEC 08	0	259	28	CUSTOMER CHARGE								4.69
NOV 08	0	147	45	DISTRIBUTION CHARGE FIRST								10.62
				DISTRIBUTION CHARGE NEXT								2.12
				EERA								.06
				ERC								1.03
TOTAL CURRENT GA CHARGES										\$41.49		
APPROXIMATE NEXT METER READING: 12/17/09				CURRENT CHARGES GAS SUPPLIER SVC SERVICE PERIOD 10/19/09-10/31/09								
				GAS SUPPLY CHARGES AT COST								
				COST OF GAS								29.47
				CURRENT CHARGES GAS SUPPLIER SVC SERVICE PERIOD 11/01/09-11/17/09								
				GAS SUPPLY CHARGES AT COST								
				COST OF GAS								44.79
TOTAL CURRENT GS CHARGES										\$74.26		
SALES TAX										\$5.13		
TOTAL AMOUNT DUE										\$225.51		

Effective Nov 1, 2009 through April 30, 2010, winter rates will be in effect and the Gas Cost component of your bill will change from \$0.7226 to \$0.8919 per therm. This increase

You can obtain a copy of our existing rate schedules by visiting our website at [www.unitil.com](http://www.unitil.com). A summary of rates will also be mailed to you in December.

TO AVOID INTEREST CHARGES OF .9490% PER MONTH, EFFECTIVE 1/01/09  
 PAYMENT MUST BE RECEIVED BY 3 PM ON 12/14/09.

QUESTIONS ABOUT YOUR BILL?

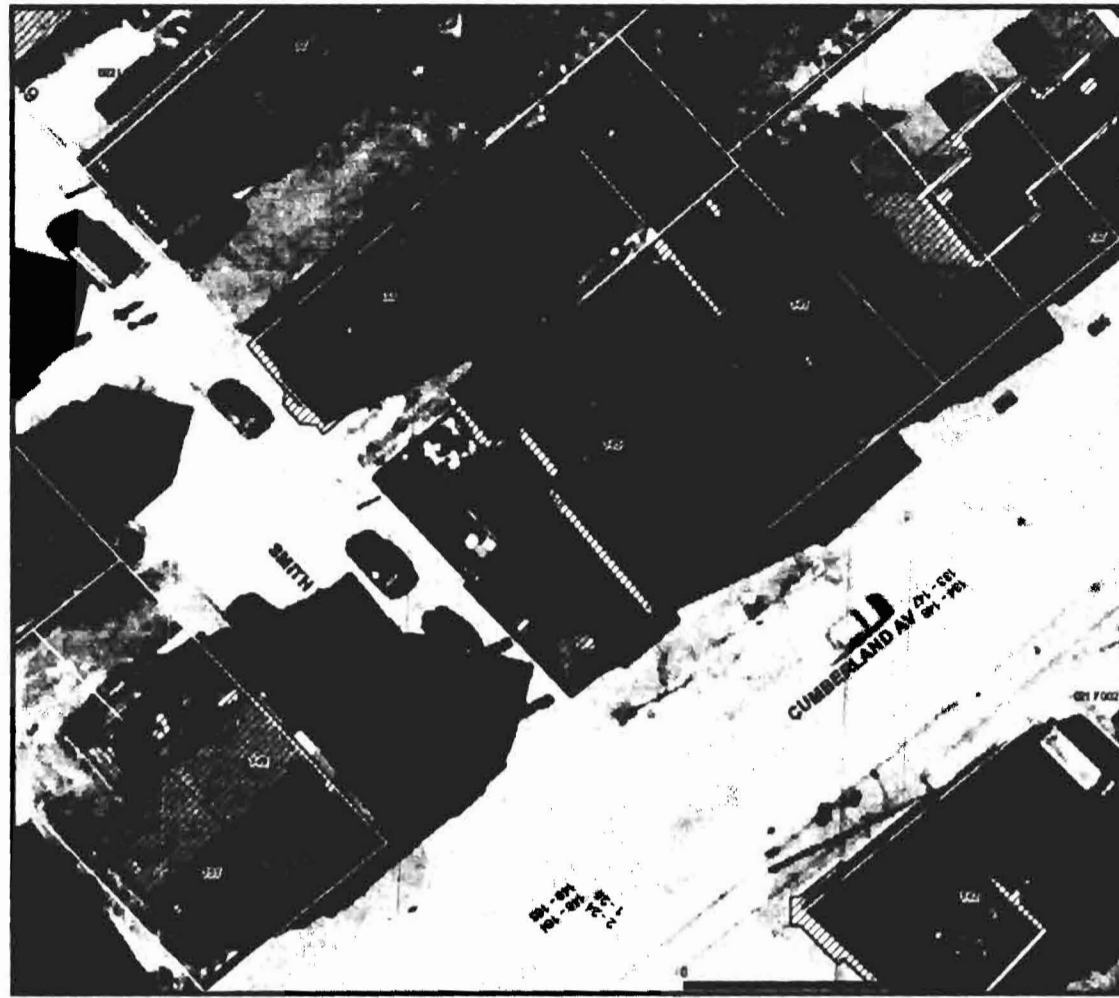
REMIT PAYMENT TO:  
 UNITIL  
 P.O. Box 981010  
 Boston, MA 02298-1010

TELEPHONES:  
 1-866-933-3821  
 24 Hours a day



WWW.UNITIL.COM

IM20091119.TXT-622-000002063



City of Portland  
GIS



DISCLAIMER: This is a product of the City of Portland MIS Department. The data depicted here have been developed with cooperation from other federal, state and local agencies. The City of Portland expressly disclaims responsibility for damages or liability that may arise from the use of this map.

Copyright 2007  
City of Portland  
389 Congress St.  
Portland, Maine  
04101

145-147 Cumberland Ave

Penny  
Molly  
Marge

-Katie

2006 photo

10/29/09

Katie - 10 yrs -  
pay own utilities now

Jason Duby,  
Kellen Williams

Doesn't want the whole thing  
limited common area  
4 chains inside

Recommended CONDOIZING instead of VARIANCE  
warned about EXPANSION or contract zone

**From:** Marge Schmuckal  
**To:** Alex Jaegerman  
**Date:** 10/27/2009 11:23:05 AM  
**Subject:** Fwd: Re: neighborhood issue for you

145-147 Cumberland  
 AVE  
 22-L-17

Alex,  
 Sorry getting back to you on this...  
 I can do Wed 9-10 and 3-5  
 and Thursday 2-3

I have a few suggestions - either condominiumize (is that a word ?) it or to meet the standards of a "Functional Division" as outlined by the Law Courts. From what I was told, both buildings have all separate utilities.... We can discuss more.

Marge

>>> Alex Jaegerman 10/26/2009 3:00:09 PM >>>

My times are :  
 Tuesday: 11 to 1;  
 Wednesday: 9 to 10; 11 to 4  
 Thursday: 1 to 3;

I don't know if anyone else needs or wants to join us. I just need to scope out options for the business owner, Katie Capron to consider, and get back to Kevin with that. The site is zoned R-6. contains a 4-unit and the detached store, on 4,932 sf. If the store were rezoned to B-1, on say 500 sf lot, the issue for zoning would be noncompliance with setbacks. Or could they condo the store, and keep the lot intact? Other ideas welcomed.

>>> Marge Schmuckal 10/23/2009 9:11:56 AM >>>

Of course we can meet. What times do you have available next week? If I remember correctly this is a lot in the B-2b zone. It is an undersized lot with two buildings on it. In some ways this is a policy question as to when we would allow a division of a lot when it could not be possible from a zoning perspective.  
 Marge

>>> Alex Jaegerman 10/22/2009 8:05:34 PM >>>

Marge:

Can we get together next week to review the facts of this case and identify any possible avenues for Katie Capron of Katy Made Bakery to purchase her building? Condo? Practical Difficulties? Zoning Amendment?

Alex.

>>> Kevin Donoghue <kjdonoghue@portlandmaine.gov> 10/22/2009 11:54:21 AM >>>

Hi Belinda,

I've heard about this through the grapevine and am on the case! Peter O'Donnell told me there was an issue and Sally Struever paid a visit to find out what it was all about. Alex Jaegerman is looking into potential zoning amendment solutions that I can use.

Do you have Katie's email address?

Best,  
 Kevin

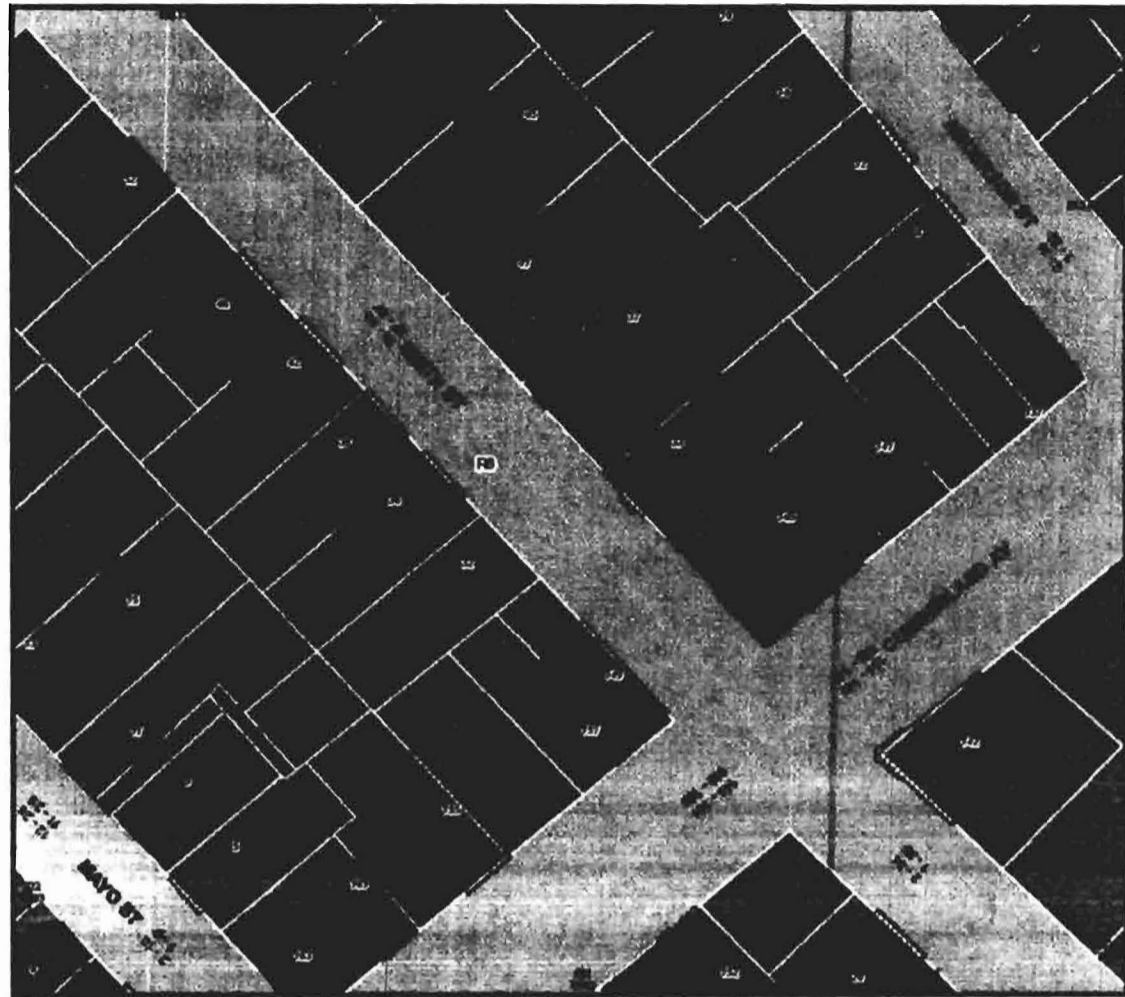
On Thu, Oct 22, 2009 at 11:51 AM, <belinda@eastbayside.org> wrote:

> Hey Kevin -  
>  
> I've got a great neighborhood issue for you to champion. Here's the  
> situation:  
>  
> Katie Capron, owner of Katie Made Bakery at 147 Cumberland Avenue wants to  
> buy the building that houses her bakery. The owners of the lot the bakery is  
> on, Lonnie and Julie Bailey of Yarmouth, would love to sell it to her. The  
> problem: the bakery (147 Cumberland) shares a lot with a multi-unit (145  
> Cumberland). The Baileys are selling this property, and while they would be  
> happy to divide it so that Katie can buy the bakery and the multi-unit can  
> be sold separately, they have been told by the city zoning department that  
> this is not possible.  
>  
> The bakery has a separate address & separate utilities and has been  
> operated as a business forEVER (before Katie it was Silly's, it's been a  
> candy shop, etc.). At issue is that fact that Katie's lease expires at the  
> end of the year and it's possible that whoever buys the property will either  
> not renew it or price her out. Also at issue is the fact that after 10 years  
> operating in this location, Katie would like to be able to own her building.  
> And finally, there is the fact that Katie Made Bakery is a tremendous asset  
> to the East Bayside neighborhood. Katie Capron has been involved and  
> invested in this community and we would hate to see her go. Her business is  
> part of the fabric of this neighborhood and an example of mixed-use  
> development that contributes to creating a peaceful, walkable environment.  
>  
> I understand zoning laws require certain lot sizes in order to enable and  
> encourage certain kinds and scales of development. It seems, however, that  
> this particular lot should qualify for some kind of exception. It has two  
> separate buildings that serve two separate functions, and the current owners  
> are more than willing to subdivide it allowing for Katie Capron to purchase  
> the building that houses her particular small business.  
>  
> Is this something you can look into? I know it's a busy time what with the  
> election coming up and all, but this is a time sensitive issue as the  
> building was placed on the market within the last week and Katie's lease  
> expires in December. Let me know what you think and who else I should  
> contact about this issue. I thought perhaps Penny Littell, TJ & Amy . . . I  
> believe Marge Schmuckal has already been contacted by the Baileys' realtor.  
>  
> Also, just a heads up - I think Katie may be coming to Eli Phant today to  
> discuss this very issue with you.  
>  
> Hope you are well. Take care,  
>  
> Belinda  
>


--  
Kevin Donoghue - Portland City Council  
[www.kevindonoghue.com](http://www.kevindonoghue.com)

**CC:** Barbara Barhydt; Jennifer Dorr; Penny Littell

---



City of Portland  
GIS



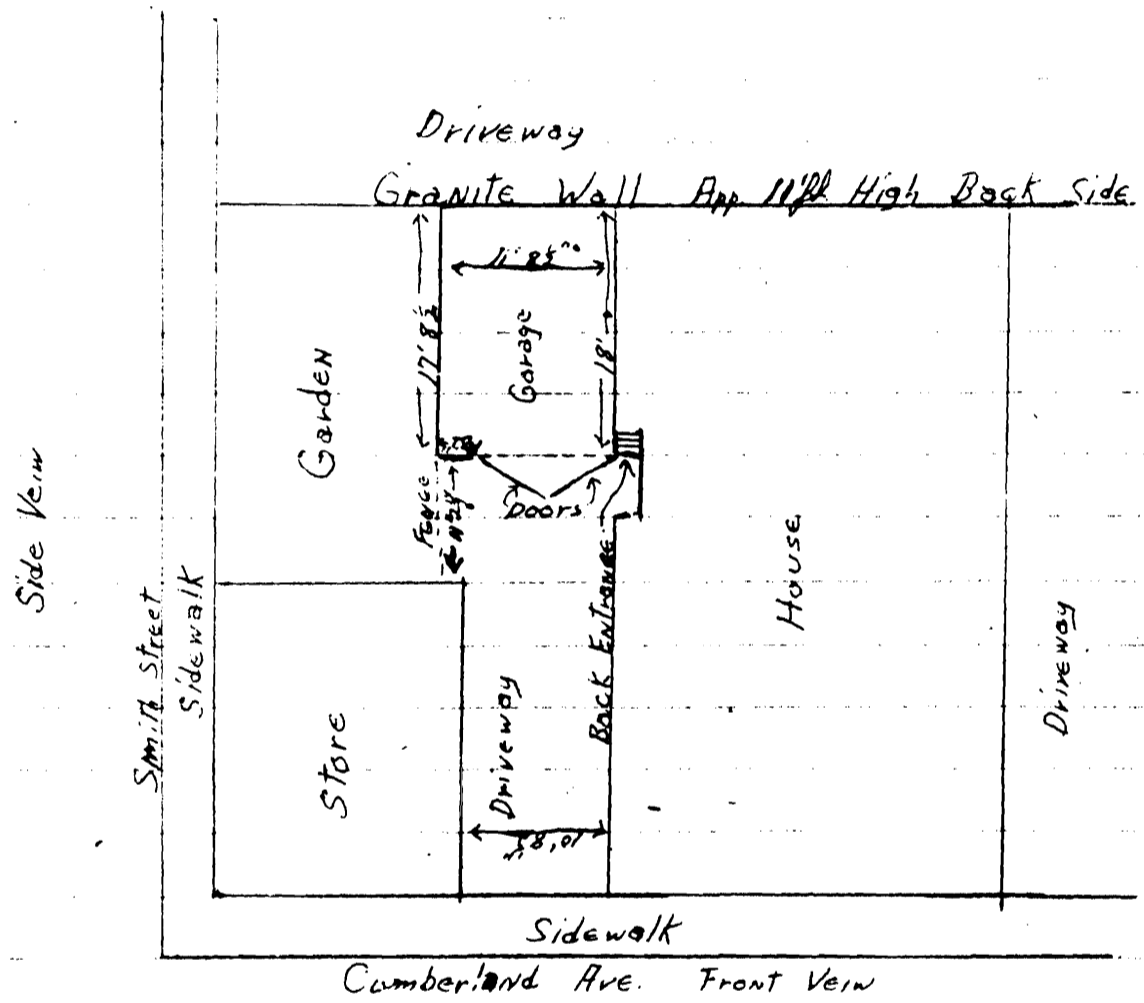
DISCLAIMER : This is a product of the City of Portland MIS Department. The data depicted here have been developed with cooperation from other federal, state and local agencies. The City of Portland expressly disclaims responsibility for damages or liability that may arise from the use of this map.

Copyright 2007  
City of Portland  
389 Congress St.  
Portland, Maine  
04101

10:00 AM  
3:00 PM

Height of garage at rear is 8 ft. at the front 7'4 3/4" inches.

Want to put brick wall on Smith Street side of Garage, which consists of a four foot (4" ft) wall in ground, of concrete (12" inches) thick and then brick wall from there up to top of garage, with (6x6's) on top of brick wall to support the three porches which rest on the garage.





3180 # R-6





B) LIMITED BUSINESS ZONE PERMIT  
APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class Permit No. 11111

MAY 9 1941

Portland, Maine, May 8, 1941

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

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

Location: 115 Cumberland Avenue Within Fire Limits? Yes Dist. No. 1  
Owner's name and address: San Kaplanovits, 115 Cumberland Avenue Telephone \_\_\_\_\_  
Contractor's name and address: B. Kroot, 106 Congress St. Telephone 3-7072  
Architect: \_\_\_\_\_ Plans filed yes No. of sheets 1  
Proposed use of building: tenement house No. families 4  
Other buildings on same lot: store  
Estimated cost \$: 100. Fee \$: .20

Description of Present Building to be Altered

Material: wood No. stories: 3 Heat: \_\_\_\_\_ Style of roof: flat Roofing: tar  
Last use: tenement house No. families: 3

General Description of New Work

To make alterations to first floor of building to provide for two families as shown on plan  
To provide new bath room in rear of first front hall, cutting in new window at least three square feet in area for ventilation of same  
To use former bed room for new kitchen, cutting in new window  
To ~~not~~ remove 4' partition to enlarge kitchen in rear  
new partition 2x4 studs, 16" O C plasterboard

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.

Details of New Work

Is any plumbing work involved in this work? yes  
Is any electrical work involved in this work? \_\_\_\_\_ Height average grade to top of plate \_\_\_\_\_  
Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories \_\_\_\_\_ Height average grade to highest point of roof \_\_\_\_\_  
To be erected on solid or filled land? \_\_\_\_\_ earth or rock? \_\_\_\_\_  
Material of foundation \_\_\_\_\_ Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_  
Material of underpinning \_\_\_\_\_ Height \_\_\_\_\_ Thickness \_\_\_\_\_  
Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_  
No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_  
Kind of heat \_\_\_\_\_ Type of fuel \_\_\_\_\_ Is gas fitting involved? \_\_\_\_\_  
Framing lumber—Kind \_\_\_\_\_ Dressed or full size? \_\_\_\_\_  
Corner posts \_\_\_\_\_ Sills \_\_\_\_\_ Girt or ledger board? \_\_\_\_\_ Size \_\_\_\_\_  
Material columns under girders \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_  
Studs (outside walls and carrying partitions) 2x4-16" O. C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.  
Joists: \_\_\_\_\_ 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
On center \_\_\_\_\_ 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 \_\_\_\_\_  
Total number commercial cars to be accommodated \_\_\_\_\_  
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? \_\_\_\_\_

Miscellaneous

PERMIT # \_\_\_\_\_ CITY OF Portland BUILDING PERMIT APPLICATION MAP # \_\_\_\_\_ LOT# \_\_\_\_\_

Please fill out any part which applies to job. Proper plans must accompany form.

Owner: Luca Lombardo

Address: 147 Cumberland Ave.

LOCATION OF CONSTRUCTION 147 Cumberland Ave

CONTRACTOR: \_\_\_\_\_ Lessee: Deirdre Nice

ADDRESS: 43 Columbia Rd. Portland 772-1323

Est. Construction Cost: \_\_\_\_\_ Type of Use: Retail - Sandwich Shop

Past Use: Butcher Shop

Building Dimensions L \_\_\_\_\_ W \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ # Stories: \_\_\_\_\_ Lot Size: \_\_\_\_\_

Is Proposed Use: \_\_\_\_\_ Seasonal \_\_\_\_\_ Condominium \_\_\_\_\_ Apartment \_\_\_\_\_

Conversion - Explain Change of use no renovations

COMPLETE ONLY IF THE NUMBER OF UNITS WILL CHANGE

Residential Buildings Only: \_\_\_\_\_

# Of Dwelling Units \_\_\_\_\_ # Of New Dwelling Units \_\_\_\_\_

Foundation:

1. Type of Soil: \_\_\_\_\_
2. Set Backs - Front \_\_\_\_\_ Rear \_\_\_\_\_ Side(s) \_\_\_\_\_
3. Footing Size: \_\_\_\_\_
4. Foundation Size: \_\_\_\_\_
5. Other \_\_\_\_\_

Floor:

1. Sills Size: \_\_\_\_\_ Sills must be anchored.
2. Girder Size: \_\_\_\_\_
3. Lally Column Spacing: \_\_\_\_\_ Size: \_\_\_\_\_
4. Joists Size: \_\_\_\_\_ Spacing 16" O.C.
5. Bridging Type: \_\_\_\_\_ Size: \_\_\_\_\_
6. Floor Sheathing Type: \_\_\_\_\_ Size: \_\_\_\_\_
7. Other Material: \_\_\_\_\_

Exterior Walls:

1. Studding Size \_\_\_\_\_ Spacing \_\_\_\_\_
2. No. windows \_\_\_\_\_
3. No. Doors \_\_\_\_\_
4. Header Sizes \_\_\_\_\_ Span(s) \_\_\_\_\_
5. Bracing: Yes \_\_\_\_\_ No \_\_\_\_\_
6. Corner Posts Size \_\_\_\_\_
7. Insulation Type \_\_\_\_\_ Size \_\_\_\_\_
8. Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_
9. Siding Type \_\_\_\_\_ Weather Exposure \_\_\_\_\_
10. Masonry Materials \_\_\_\_\_
11. Metal Materials \_\_\_\_\_

Interior Walls:

1. Studding Size \_\_\_\_\_ Spacing \_\_\_\_\_
2. Header Sizes \_\_\_\_\_ Span(s) \_\_\_\_\_
3. Wall Covering Type \_\_\_\_\_
4. Fire Wall if required \_\_\_\_\_
5. Other Materials \_\_\_\_\_

For Official Use Only	
Date <u>February 10, 1988</u>	Subdivision: Yes / No _____
Inside Fire Limits _____	Name _____
Bldg Code _____	Lot _____
Time Limit _____	Block _____
Estimated Cost _____	Permit Expiration: _____
Value/Structure _____	Ownership: _____ Public _____ Private _____
Fee <u>25</u>	

Ceiling:

1. Ceiling Joists Size: \_\_\_\_\_ Spacing \_\_\_\_\_
2. Ceiling Strapping Size \_\_\_\_\_ Spacing \_\_\_\_\_
3. Type Ceiling: \_\_\_\_\_
4. Insulation Type \_\_\_\_\_ Size MAR 2 1988
5. Ceiling Height: \_\_\_\_\_

Roof:

1. Truss or Rafter Size \_\_\_\_\_ Span \_\_\_\_\_
2. Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_
3. Roof Covering Type \_\_\_\_\_
4. Other \_\_\_\_\_

Chimneys:

Type: \_\_\_\_\_ Number of Fire Places \_\_\_\_\_

Heating:

Type of Heat: \_\_\_\_\_

Electrical:

Service Entrance Size: \_\_\_\_\_ Smoke Detector Required Yes \_\_\_\_\_ No \_\_\_\_\_

Plumbing:

1. Approval of soil test if required Yes \_\_\_\_\_ No \_\_\_\_\_
2. No. of Tubs or Showers \_\_\_\_\_
3. No. of Flushes \_\_\_\_\_
4. No. of Lavatories \_\_\_\_\_
5. No. of Other Fixtures \_\_\_\_\_

Swimming Pools:

1. Type: \_\_\_\_\_
2. Pool Size: \_\_\_\_\_ x \_\_\_\_\_ Square Footage \_\_\_\_\_
3. Must conform to National Electrical Code and State Law.

Zoning:

District \_\_\_\_\_ Street Frontage Req. \_\_\_\_\_ Provided \_\_\_\_\_

Required Setbacks: Front \_\_\_\_\_ Back \_\_\_\_\_ Side \_\_\_\_\_

Review Required:

Zoning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_

Planning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_

Conditional Use: \_\_\_\_\_ Variance \_\_\_\_\_ Site Plan \_\_\_\_\_ Subdivision \_\_\_\_\_

Shore and Floodplain Mgmt. \_\_\_\_\_ Special Exception \_\_\_\_\_

Other (Explain) \_\_\_\_\_

Date Approved \_\_\_\_\_

Permit Received By L. Benoit

Signature of Applicant Deirdre Nice Date 02/10/88

Signature of CEO Deirdre Nice Date \_\_\_\_\_

Inspection Dates \_\_\_\_\_



CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 147 Cumberland Avenue

Issued to **Diedra and Stephanie Nica**

Date of Issue July 13, 1988

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. 88/172, 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

Sandwich Shop

Limiting Conditions:

None

This certificate supersedes certificate issued

Approved:

7-14-88  
(Date)

*Arthur Adelt*  
Inspector

*James P. Colby*  
Inspector of Buildings

*D. P. [Signature]*

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.

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Charles A. Lane, Associate Corporation Counsel  
FROM: Warren J. Turner, Zoning Enforcement Inspector *Warren J. Turner* DATE: Feb. 10, 1988  
SUBJECT: Proposed Use of 147 Cumberland Avenue for a Take-out Sandwich Shop

Based upon the Section of the Zoning Ordinance (at Page 985) which states that a Change of nonconforming use can be approved provided that the Change represents one from a B-2 Business use to a use usually allowed in the B-1 Business Zone, I have determined that the proposed take-out sandwich shop is no more objectionable than the former butcher shop, for the R-6 Residence Zone in which it would be located at 147 Cumberland Avenue.

However, there are certain physical changes which will be required for a grill, friolator and charbroiler to be installed with necessary venting to the exterior of the building, etc. These physical changes must be met before a food service license for this shop can be granted. A copy of the Food Service Ordinance has been provided the applicant for guidance in adapting the store to the proposed use as a take-out sandwich shop.

cc: P. Samuel Hoffses, Chief, Inspection Services  
Arthur Addato, Code Enforcement Officer  
Stephanie Takes-DesBiens, Senior Administrative Officer

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**

<b>Card Number</b>	1 of 1
<b>Parcel ID</b>	022 L017001
<b>Location</b>	145 CUMBERLAND AVE
<b>Land Use</b>	FOUR FAMILY
<b>Owner Address</b>	
	BAILEY LLOYD H JR 429 SLIGO RD YARMOUTH ME 04096
<b>Book/Page</b>	
	12195/326
<b>Legal</b>	
	22-L-17 CUMBERLAND AVE 145-147 SMITH ST 27-31 3180 SF

**Current Assessed Valuation**

<b>Land</b>	<b>Building</b>	<b>Total</b>
\$63,300	\$255,100	\$318,400

**Property Information**

<b>Year Built</b>	<b>Style</b>	<b>Story Height</b>	<b>Sq. Ft.</b>	<b>Total Acres</b>	
1915	Old Style	3	4932	0.073	
<b>Bedrooms</b>	<b>Full Baths</b>	<b>Half Baths</b>	<b>Total Rooms</b>	<b>Attic</b>	<b>Basement</b>
7	4		15	None	Full

**Outbuildings**

<b>Type</b>	<b>Quantity</b>	<b>Year Built</b>	<b>Size</b>	<b>Grade</b>	<b>Condition</b>
SHED-FRAME	1	1915	14X31	C	A

**Sales Information**

<b>Date</b>	<b>Type</b>	<b>Price</b>	<b>Book/Page</b>
11/01/1995	LAND + BLDING	\$85,000	12195-326

**Picture and Sketch**

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

[Click here](#) to view Tax Roll Information.

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

**New Search!**

**From:** Marge Schmuckal  
**To:** Molly Casto  
**Date:** 11/5/2009 10:48:54 AM  
**Subject:** Re: Katie Made Bakery Follow-up

Molly,  
The Assessor's cards give building dimensions of 14' x 31' for a total of 434 sq ft.  
Marge

>>> Molly Casto 11/5/2009 10:28:10 AM >>>  
Hi Marge-

Do you have the square footage of the Katie Made bakery in your notes? The only accessory structure listed in Assessors is a 430 s.f. "shed". The bakery appears to be bigger than that, don't you think? let me know.

Molly

>>> Alex Jaegerman 11/04 11:17 AM >>>  
Molly et.al.:

I received a voice message from Kevin Donoghue indicating that Katie Capron has discussed the condo idea with the owner, and that is not going to be possible/ageeable to the owner.

She now wants to pursue a zoning solution. Kevin's message suggests a rezone to B-1, and prefers not to use conditional rezoning, but will entertain that if there is no other way.

The nonconforming lot issue for the remaining residential lot seems to be the major impediment.

Molly, can you contact Katie Capron to see how she wants to proceed? We did not find a zoning solution last time we met, because the condo solution seemed like it would solve the problem. We might want to sit down again on this, to guide the applicant on how to apply for a zoning amendment, if we can find a zoning solution that would work. If not a conditional rezone, then possible text amendments regarding nonconformity might be possible.

Alex.

**REAL ESTATE ASSESSMENT RECORD - CITY OF PORTLAND, MAINE**

CURR. DESC.	LAND NOS. <b>145-147</b>	STREET <b>Cumberland Ave.</b>	BLDG. NO.	CARD NO. <b>1 of 2</b>	DEVELOPMENT NO.	AREA	DIST. <b>4</b>	ZONE	CHART <b>22</b>	BLOCK <b>L</b>	LOT <b>17</b>	CURR. DESC.
-------------	--------------------------	-------------------------------	-----------	------------------------	-----------------	------	----------------	------	-----------------	----------------	---------------	-------------

TAXPAYER ADDRESS AND DESCRIPTION

**KOPEL CARL  
145 CUMBERLAND AVE  
CITY**

**LAND & BLDGS CUMBERLAND AVE  
#145-147 & SMITH ST #27-31  
ASSESSORS PLAN 22-L-17  
AREA 3180 SQ FT**

RECORD OF TAXPAYER			YEAR	BOOK	PAGE

PROPERTY FACTORS	
TOPOGRAPHY	IMPROVEMENTS
LEVEL <input checked="" type="checkbox"/>	WATER <input checked="" type="checkbox"/>
HIGH	SEWER <input type="checkbox"/>
LOW	GAS <input type="checkbox"/>
ROLLING	ELECTRICITY <input type="checkbox"/>
SWAMPY	ALL UTILITIES <input type="checkbox"/>
STREET	
PAVED <input checked="" type="checkbox"/>	IMPROVING <input type="checkbox"/>
SEMI-IMPROVED	STATIC <input type="checkbox"/>
DIRT	DECLINING <input type="checkbox"/>
SIDEWALK <input checked="" type="checkbox"/>	
TILLABLE	PASTURE
WOODED	WASTE

LAND VALUE COMPUTATIONS AND SUMMARY						
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	YEAR 1951	1955
53	60	22 <sup>00</sup>	80	22 <sup>00</sup>	1260	
+10%					+110	
TOTAL VALUE LAND					1170	1170
TOTAL VALUE BUILDINGS					6370	6490
TOTAL VALUE LAND AND BUILDINGS					7540	7660
SQ. FT. TO-FROM CH.			BLK.	LOT		

LAND VALUE COMPUTATIONS AND SUMMARY						
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	1960	19
TOTAL VALUE LAND					1170	
TOTAL VALUE BUILDINGS					6670	
TOTAL VALUE LAND AND BUILDINGS						
SQ. FT. TO-FROM CH.			BLK.	LOT		

YEAR	ORIG. COST	RENTAL
YEAR	SALE PRICE	EXPENSE
YEAR 1955	U. S. R. S. <b>13.75</b>	NET

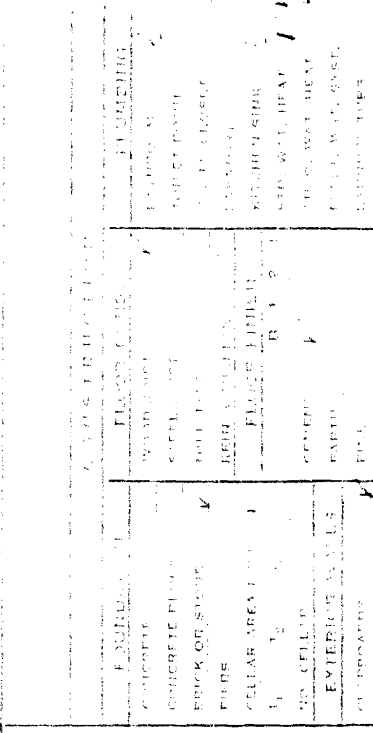
LAND VALUE COMPUTATIONS AND SUMMARY						
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	19	19
TOTAL VALUE LAND						
TOTAL VALUE BUILDINGS						
TOTAL VALUE LAND AND BUILDINGS						
SQ. FT. TO-FROM CH.			BLK.	LOT		

ASSESSMENT RECORD	INCREASE	DECREASE
1950	LAND 825	
	BLDGS. 3800	
	TOTAL 1625	
1951	LAND ✓ 700	
	BLDGS. ✓ 3825	
	TOTAL ✓ 4525	
1955	LAND ✓ 700	
	BLDGS. ✓ 3900	75 ✓
	TOTAL ✓ 4600	75 ✓
1960	LAND ✓ 700	
	BLDGS. ✓ 4000	100 ✓
	TOTAL ✓ 4700	
1965		

12,500

UNITED STATES BUREAU OF CONSTRUCTION  
 PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF BUILDINGS  
 CHAPTER 10  
 10-1

GENERAL REQUIREMENTS	EXTERIOR WALLS	ROOF	CEILING	INTERIORS	FINISHING
CONCRETE REINFORCED CONCRETE BRICK OR STONE PLASTER CELLAR AREA	CONCRETE REINFORCED CONCRETE BRICK OR STONE PLASTER CELLAR AREA	CONCRETE REINFORCED CONCRETE BRICK OR STONE PLASTER CELLAR AREA	CONCRETE REINFORCED CONCRETE BRICK OR STONE PLASTER CELLAR AREA	CONCRETE REINFORCED CONCRETE BRICK OR STONE PLASTER CELLAR AREA	CONCRETE REINFORCED CONCRETE BRICK OR STONE PLASTER CELLAR AREA
FLOORING PARTITION WALLS CEILING INTERIORS FINISHING	CONCRETE REINFORCED CONCRETE BRICK OR STONE PLASTER CELLAR AREA	CONCRETE REINFORCED CONCRETE BRICK OR STONE PLASTER CELLAR AREA	CONCRETE REINFORCED CONCRETE BRICK OR STONE PLASTER CELLAR AREA	CONCRETE REINFORCED CONCRETE BRICK OR STONE PLASTER CELLAR AREA	CONCRETE REINFORCED CONCRETE BRICK OR STONE PLASTER CELLAR AREA



Approximate values for quantities:

- 10 20' x 12' x 12'
- 10 12' x 12' x 12'
- 10 10' x 12' x 12'
- 10 8' x 12' x 12'
- 10 6' x 12' x 12'
- 10 4' x 12' x 12'
- 10 3' x 12' x 12'
- 10 2' x 12' x 12'
- 10 1' x 12' x 12'
- 10 1' x 10' x 12'
- 10 1' x 8' x 12'
- 10 1' x 6' x 12'
- 10 1' x 4' x 12'
- 10 1' x 3' x 12'
- 10 1' x 2' x 12'
- 10 1' x 1' x 12'





**From:** Molly Casto  
**To:** Alex Jaegerman ; Marge Schmuckal; Penny Littell  
**Date:** 12/4/2009 11:48:46 AM  
**Subject:** katie made bakery status report

Hello-

FYI, I spoke with Katie of Katie Made Bakery this morning. She provided the following status of the bakery/multi-family lot on Cumberland:

Apparently the property owners hired Barbara Vestal. They have an interested buyer for the property who would prefer to buy the residential building only. Katie is still interested in buying the bakery only. The owners do not want to condoize the property so, at Barbara's recommendation, they are currently pursuing a functional division of the lot. Apparently, they have a wealth of documentation that the bakery existed prior to 1957.

I encouraged her to contact us if she needed further assistance.

Molly