

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

Please Read
Application And
Notes, If Any,
Attached

BUILDING DIVISION

PERMIT

Permit Number: 050185

PERMIT ISSUED**MAR - 4 2005****CITY OF PORTLAND**This is to certify that Macfadyen Luke/n/ahas permission to Change of Use from 4 units to 2 unitsAT 137 Newbury St

028 J015001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is altered or enclosed-in. **NO OTHER NOTICE IS REQUIRED.**

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALSFire Dept. W.M.J.

Health Dept. _____

Appeal Board _____

Other _____
DepartmentName

[Signature] 3/5/05
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application

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

Location of Construction: 137 Newbury St		Owner Name: Macfadyen Luke		Permit No: 05-0185		Issue Date: MAR - 4 2005		Permit Issued: 028 J015001	
Business Name: n/a		Contractor Name: n/a		Owner Address: 15 Howard St		Phone: 207-871-1075		Contractor Address: n/a Portland	
Lessee/Buyer's Name: n/a		Phone: n/a		Permit Type: Change of Use - Condo Conversion		Zone: -		CITY OF PORTLAND	
Past Use: Two first floor retail uses and two residential units above the first floor		Proposed Use: two first floor retail uses & two residential units above the first floor - change all to condominiums		Permit Fee: \$900.00		Cost of Work: \$0.00		CEO District: 1	
Proposed Project Description: Change of Use from 4 leased units to 4 condominium units, <i>1st floor - 2 retail 2nd & Above - 2 residential D.U.</i>		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: <i>B/R2</i> Type: <i>5B</i> <i>3/3/05</i>		Signature: <i>[Signature]</i>		Signature: <i>[Signature]</i>	
Permit Taken By: gg		Date Applied For: 0211812005		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)					
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied		Signature:		Date:					
Zoning Approval				Special Zone or Reviews					
This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.				<input type="checkbox"/> Shoreland					
2. Building permits do not include plumbing, septic or electrical work.				<input type="checkbox"/> Wetland					
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..				<input type="checkbox"/> Flood Zone					
				<input type="checkbox"/> Subdivision					
				<input type="checkbox"/> Site Plan					
				Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Denied					
				<i>OK with conditions</i> Date: <i>2/28/05</i>					
				Zoning Appeal					
				<input type="checkbox"/> Variance					
				<input type="checkbox"/> Miscellaneous					
				<input type="checkbox"/> Conditional Use					
				<input type="checkbox"/> Interpretation					
				<input type="checkbox"/> Approved					
				<input type="checkbox"/> Approved w/Conditions					
				Denied <i>[Signature]</i> Date:					
				Historic Preservation					
				<input checked="" type="checkbox"/> Not in District or Landmark					
				<input type="checkbox"/> Does Not Require Review					
				<input type="checkbox"/> Requires Review					
				<input type="checkbox"/> Approved					
				<input type="checkbox"/> Approved w/Conditions					

CERTIFICATION

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

SIGNATURE OF APPLICANT

ADDRESS

DATE

PHONE

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE

DATE

PHONE


Condominium Conversion and Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: 137 Newbury Street		
Total Square Footage of Proposed Structure 4026 sq. ft.	Square Footage of Lot 1449 sq. ft.	
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# 028 J 015	Owner: Luke MacFadyen	Telephone: 871-1075
Lessee/Buyer's Name (If Applicable) None	Applicant name, address & telephone: 15 Howard Street Portland, ME 04101 871-1075	cost Of Work: \$ _____ Fee: \$ 4 units @ \$150.00 per unit \$ 600 + \$75.00 per unit CofO \$ 300 Total Fee: 900
Current use: Residential/Commercial _____ number of units: 4 Proposed use: Residential/Commercial _____ number of units: 4 Project description: Convert existing 4 unit building of mixed residential/commercial use to 4 unit condominium, same use.		
Contractor's name, address & telephone: None Whom should we contact when the permit is ready: Alan Tracy Mailing address: 511 Congress St., Suite 801 Portland, ME 04101 <div style="text-align: right;">Phone: 772-5845</div>		

IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

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

Signature of applicant: 	Date: 2/16/05
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This is not a Permit, you may not commence ANY work until the Permit is issued.

City of Portland, Maine - Building or Use Permit

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

Permit No: 05-0185	Date Applied For: 02/18/2005	CBL: 028 J015001
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Location of Construction: 137 Newbury St	Owner Name: Macfadyen Luke	Owner Address: 15 Howard St	Phone: 207-871-1075
Business Name: n/a	Contractor Name: n/a	Contractor Address: n/a Portland	Phone:
Lessee/Buyer's Name n/a	Phone: n/a	Permit Type: Change of Use - Condo Conversion	

Proposed Use: two first floor retail uses & two residential units above the first floor - change all to condominiums	Proposed Project Description: Change of Use from 4 leased units to 4 condominiums units.
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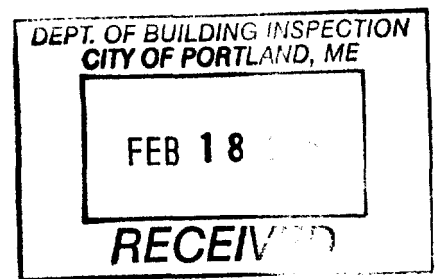


- 2) This is NOT an approval for an additional dwelling unit. You SHALL NOT add any additional kitchen equipment including, but not limited to items such as stoves, microwaves, refrigerators, or kitchen sinks, etc. Without special approvals.
- 3) This property shall remain two (2) retail units on the first floor and two residential dwelling units above the floor. Any change of use shall require a separate permit application for review and approval. Please remember that this property is under a contract zone which will require an amendment if any uses or other contractual requirements are changes.
- 4) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Mike Nugent **Approval Date:** 03/02/2005
Note: **Ok to Issue:** ☒

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Lt. MacDougal **Approval Date:** 03/02/2005
Note: **Ok to Issue:** ☒

- 1) fire extinguishers shall be installed in accordance with NFPA 10
- 2) the boiler shall be separated with a one hour enclosure or a smoke enclosure with a domestic sprinkler
- 3) smoke detectors shall be installed in accordance with NFPA 101
- 4) vertical openings shall be fire rated with a one hour rating



Please respond to our Portland office

- James A. Hopkinson
- Richard J. Abbondanza
- David J. Backer
- Eric J. Schaeffer
- John E. Stetson
- Alan E. Tracy

February 16, 2005

Marge Schmuckal
Zoning Administrator
City of Portland
Room 315
389 Congress Street
Portland, ME 04101

Re: Condominium Conversion Permit for 137 Newbury Street

Dear Marge:

This letter accompanies our application for condo conversion permits for 137 Newbury Street. As required by the application packet, the details of the conversion are contained herein.

137 Newbury Street is an existing four unit building consisting of a total of 4026 square feet. The building consists of two residential units and two commercial units. The proposed conversion plan is to convert the existing units into condominiums with no construction.

Currently the building has one residential tenant and one commercial tenant. The residential tenant has been provided notice of the conversion along with an explanation of his rights under the ordinance. The other tenant is a commercial tenant, this space will remain in commercial use. The rest of the building is vacant and used solely by the owner.


Enclosed please find the following materials required to complete our application:

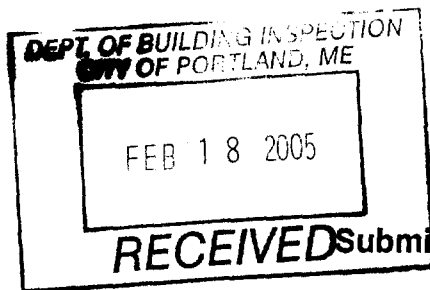
1. The completed application pages.
2. Copy of the notice letter sent to tenant Joseph Begnaud.
3. A check in the amount of \$900 to cover the cost of application. (four units @ \$150, two CofO's @ \$75).

Marge Schmuckal
February 16, 2005
Page 2

It is our understanding that our application is complete. Please confirm this is the case at your earliest convenience as the owner is eager to market the units. Thank you for your assistance with this matter.

Very truly yours,


Al E. Tracy
an E. Tracy
Attorney
Email: atracy@hablaw.com



Submit with Condominium Conversion Permit Application

Project Data:

Address: 137 Newbury St., Portland

c-B-L: 028/J/015

Number of units in building: 4

	Tenant name	Tenant tel. #	occup. length	Date of notice	eligible for \$?
Unit 1	Vacant				
Unit 2	Vacant				
Unit 3	Joseph Begnaud		14 mos.	2/5/05	?
Unit 4	Bazarro	commercial tenant			
Unit 5					
Unit 6	2/25/05 - ALAN TRACY SAGE. The 2nd resident of				
Unit 7	unit is occupied by the owner - he will				
Unit 8	- FAX me a letter stating such				

If more units. submit same information on all units

Length of time building owned by applicant 5 years

Are any building improvements, renovations, or modifications being made associated with this conversion that requires a building, plumbing, electrical, or heating permit? YES _____ NO X (check one)

Type and cost of building improvements associated with this conversion that do not require permits:

\$ 0 exterior walls, windows, doors, roof

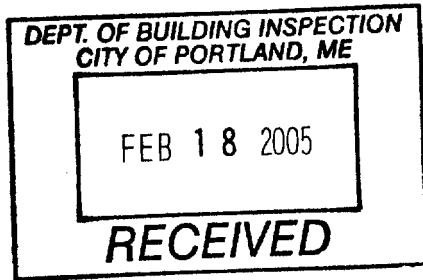
\$ 0 insulation

\$ 0 interior cosmetics (walls/floors/ hallways refinishing, etc.)

\$ 0 other (specify)

DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME.
MIT
FER 18 2005
RECEIVED

- \$ 0.00 no improvements being made



Luke S. MacFadyen
15 Howard Street
Portland, Maine 04101

NOTICE OF CONVERSION OF RESIDENTIAL APARTMENT UNIT TO A
CONDOMINIUM UNIT PURSUANT TO 33 M.R.S.A. §1604-111
(Portland Code Article VII)

February 2, 2005

Joseph Begnaud
137 Newbury Street Apt. 3
Portland ME 04101

Re: *137 Newbury Street, Portland, Maine*

Dear Joseph Begnaud:

Pursuant to 33 M.R.S.A. §1604-111, this letter is given to notify you that my building at *137 Newbury Street, Portland, Maine* is being converted into condominiums. Pursuant to §1604-111 and Article VII of the Land Use Ordinance for the City of Portland, you, as the tenant, have the right for 60 days after delivery or mailing of this notice to you to purchase the condominium unit that is being created that will include your apartment, for a purchase price of \$170,000.00. During the following 180 days, I cannot offer to dispose my interest in the unit at a price or terms more favorable than the price or terms offered to you.

If you do not buy the unit being created to include your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Building Inspection Division, Department of Planning and Urban Development, City of Portland, 389 Congress Street, Portland, Maine 04101 (telephone: ~~775-54511~~).

The Maine Condominium Act does not permit a landlord to terminate **an** existing lease except on terms already provided for within the lease. However, **because** the apartment which you are now leasing will be converted into a condominium, your lease could not be terminated for 120 days. It is my understanding that you would **like** to continue to rent the condominium from me, and that is acceptable to me as well.

As required by law, I have enclosed for your review a **draft** of the Declaration **of** Condominium and the Bylaws of the Condominium Association.

If you are interested in pursuing the purchase of the condominium or **if you have** any further questions, please do not hesitate to contact me.

Very truly,

A handwritten signature in black ink, appearing to read 'Luke S. MacFadyen', with a long horizontal flourish extending to the right.

Luke **S.** MacFadyen

By his attorney,

Alan E. Tracy

Hopkinson, Abbondanza & Backer

511 Congress St., Suite 801

Portland, ME 04101

Phone: (207)772-5845

Fax: (207)874-2330

City of Portland, Maine
IN THE CITY COUNCIL

015-197 - A/10/81

AMENDMENT TO ZONING MAP
RE: CONDITIONAL B-1 REZONING
137 NEWBURY STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

That the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the map change amendment shown on Attachment 1.

Said rezoning shall be subject to the following conditions:

1. The second and third floors shall be maintained as residential uses.
2. The first floor uses shall be limited to retail uses.
3. The first floor shall have no more than two (2) retail uses.
4. The storefront shall be on India Street and the storefront design shall be compatible with neighboring properties on India Street. Stairs to the storefront shall be reviewed by Planning Staff for compatibility.
5. The exterior stairs above the first floor shall be reviewed for compliance with zoning.
6. The applicant shall record the approved conditions of rezoning in the Cumberland County Registry of Deeds and shall submit proof of recording to the Planning Authority.
7. The signage for the retail use shall be appropriate for a small scale retail use.
8. This conditional rezoning shall remain in effect only as long as this building exists on this property and shall not apply to any other structure.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject

B-1INDNEWBZONING.AMD.NLB.001
12.1.89

premises, shall bind **the** owner, **its** successors and assigns, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the **City** of Portland, **by** and through **its** duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall **be** governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event of a breach of any condition(s), the developer shall apply for a modification to the concept plan. The Planning Board will attempt to resolve the issues resulting in the breach. That resolution may include a recommendation to the City Council that the site be rezoned to R-6.

Permit # City of Portland BUILDING PERMIT APPLICATION Fee \$25.00 Zone Map # Lot #

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

Owner: Alta Minervino Aceto Phone # 797-7314
Address: 41 Edgewood Ave., Portland, Maine 04103 (Mail Permit)
LOCATION OF CONSTRUCTION 70 India St. & 137 Newbury
Contractor: Sub:
Address: Phone #
Est. Construction Cost: Proposed Use: Retail Store
 Past Use: Residence - 3 family
of Existing Res. Units # of New Res. Units Total Sq. Ft.
Building Dimensions L W Lot Size
Stories # Bedrooms Condominium Conversion
Is Proposed Use: Seasonal Conversion
Explain Conversion: Change of Use from 3 family to 2 family with retail store

FOR OFFICIAL USE - PERMIT ISSUES
Date: February 7, 1990 Subd. No.:
Inside Fire Limits: FEB 6 1990
Bldg Code: City of Portland
Time Limit:
Estimated Cost:
Zoning: B-1
Street Frontage Provided: Front Back Side
Provided Setbacks: Front Back Side
Review Required:
Zoning Board Approval: Yes No Date:
Planning Board Approval: Yes No Date:
Conditional Use: Variance No Site Plan Subdivision
Shoreland Zoning: Yes No Floodplain: Yes No
Special Exception Other (Explain)
OK 2-7-90

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

Floor:
1. Sills Size: Sills must be anchored.
2. Girder Size:
3. Lally Column Spacing: Size: Spacing 16 O.C.
4. Joists Size: Size:
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 Size 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 Size Span(s)
3. Wall Covering Type
4. Fire Wall if required
5. Other Materials

Ceiling:
1. Ceiling Joists Size Spacing
2. Ceiling Sheathing Size Spacing
3. Type Ceiling Size
4. Insulation Type Size
5. Ceiling Height

Roof:
1. Truss or Rafter Size Span
2. Sheathing Type Size
3. Roof Covering Type Size

Chimneys:
Type Number of Fire Places

Heating:
Type of Heat

Electrical:
Service Entrances 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 Fixtures
4. No. of Lavatories
5. No. of Other Fixtures

Swimming Pools:
1. Type Square Footage
2. Pool Size
3. Must conform to National Electrical Code and State Law

Permit Received By Latini Date 2/7/90
Signature of Applicant Alta Minervino Aceto
Signature of City Engineer Date
Inspection Dates
White-Tax Assessor Yellow-GPCOG White Tag-CEO Copyright GPCOG 1989



PORTLAND MAINE

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

**Planning & Development
Department**

Lee D. Urban, Director

**Housing & Neighborhood Services
Division**

Aaron Shapiro, Director

Zoning Division

Marge Schmukal, Zoning Administrator

CONVERSION PERM

Fee: \$150.00 per unit and a \$75.00 per unit Fee for Certificate of Occupancy. There is an additional fee for any building alterations

Before an owner offers to convey a converted unit, a conversion permit shall be obtained. Condo conversions are not a change of use. They are considered a change of ownership of building areas, not land. Subdivision is not involved. Only the **legal** number of dwelling units may be condominiumized. Any illegal units shall be removed or made legal by proper permitting.

The entire purpose of this Ordinance is to protect existing residential tenants & to ensure that converted housing is safe & decent.

Notice of intent to convert: All tenants shall be given a specific notice of intent to convert the unit to a condominium from the owner. This notice shall contain a specific offer and terms for the tenant to purchase the unit. The notice shall contain specific wording outlined within the ordinance that notifies the tenants of irrevocable rights and how to contact the City of Portland. The tenant shall also be given a specific time for notice to vacate based upon the number of years that they have occupied their unit. The minimum notice to vacate is 120 days notice. A tenant of more than 4 consecutive years shall have the minimum notice period increased 30 days for each additional year to a maximum of 240 additional days notice.

0-4 years = 120 days notice

5 years = 150 days notice

6 years = 180 days notice

7 years = 210 days notice

8 years = 240 days notice

9 years = 270 days notice

10 years = 300 days notice

11 years = 330 days notice

12+ years = 360 days notice

(Maximum notice period is 360 days)

Sixty days after their notice, the tenant has an exclusive, irrevocable option to purchase the unit that the tenant possesses. During that time the owner/ developer may not convey nor offer to convey the unit to any other person. For the next 180 days, the developer/ owner can not offer a more favorable price or terms to any other person unless the same terms are offered to the original tenant.

Rent may not be altered during the official noticing period unless expressly provided in preexisting written lease.

The owner/developer shall post a copy of the issued permit in a conspicuous place in each unit, and shall make copies available to prospective purchasers upon request.

Relocation payments: If the tenant does not purchase, the developer shall (before the tenant vacates) make a cash payment to the tenant in the amount of rent for the preceding two (2) months only if the tenant meets the current 80% of the low/moderate income, Adjusted for family size, as given to the City of Portland by the Federal Government. Additionally, the **developer shall provide other assistance to the tenant in the form of reasonable accommodations, referrals, and determining tenant eligibility**

*** Copies of your notice to each of your tenants must be attached to your permit application. No permit will be issued without copies of tenant notices. If there are building vacancies, this office requires the reason why the unit is vacant, with the prior tenant's name & new address and telephone number. ***

PLEASE READ SPECIFIC ORDINANCE FOR EXACT INFORMATION

Please respond to our Portland office

- James A. Hopkinson
- Richard J. Abbondanza
- David J. Backer
- Eric J. Schaeffer
- John E. Stetson
- Alan E. Tracy

February 25, 2005

Marge Schmuckal
Zoning Administrator
Planning and Development Department
389 Congress Street
Portland, ME 04101

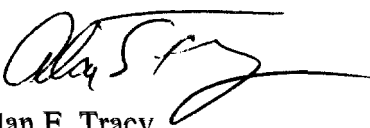
Re: 137 Newbury Street

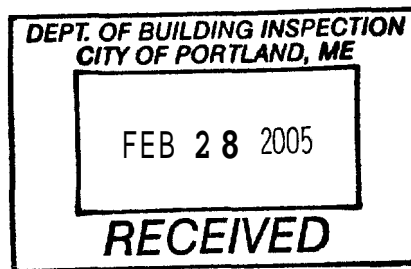
Dear Marge:

This letter is a follow up to our phone conversation wherein you requested information on the tenants for the vacant units at 137 Newbury Street. As I stated in that conversation, the two vacant units represented on the application have been owner-occupied since Mr. MacFadyen purchased the building and retained for his own personal use. Accordingly, no notice otherwise required under the ordinance is required.

Thank you for your assistance with the condominium conversion application. Please do not hesitate to contact me with any further questions or concerns.

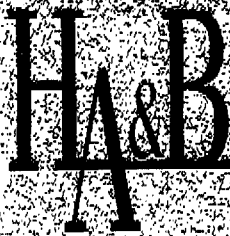
Very truly yours,


Alan E. Tracy
Attorney
Email: atracy@hablaw.com





FACSIMILE TRANSMITTAL SHEET



Hopkinson, Abbondanza & Backer

ATTORNEYS

Please respond to our Portland office

- James A. Hopkinson
- Richard J. Abbondanza
- David J. Backer
- Eric J. Schaeffer
- John E. Stetson
- Alan E. Tracy

February 25, 2005

Marge Schmuskal
Zoning Administrator
Planning and Development Department
389 Congress Street
Portland, ME 04101

Re: 137 Newbury Street

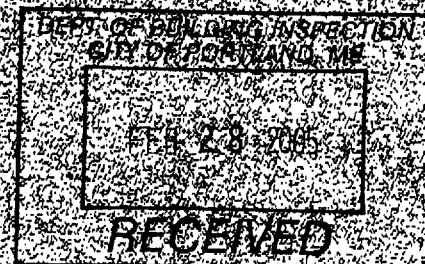
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Very truly yours,

Alan E. Tracy
Attorney
Email: atracy@haolaw.com



511 Congress Street, Suite 801, Portland, Maine 04101
Telephone 207-772-5545 • Facsimile 207-874-2330

745 High Street, Bath, Maine 04500
Telephone 207-358-0400 • Facsimile 207-358-0334