

City of Portland, Maine  
Memorandum

028-J-015

To: Marge Schmuckal, Zoning Administrator  
From: Mary P. Davis, Loan Officer *MPD*  
Subject: **Verification of Legal Number of Units**  
Date: 08/06/98  
C-B-L- Number: 28-J-15

We have received an application for housing assistance for the property located at:  
137 Newbury Street

The applicant's name is: Wazma Nasr  
(current owner is: Samuel Minervino)

In completing the application the applicant has indicated that the number of units currently in use  
at this property is 3 + small retail space \*\*. *Conditioned to zoning B (cond. zone)*

Please verify that the number of units are legal under the current code.

- Yes, the number of units are legal.
- No, the number of units do not coincide with City records or the Land Use Code. According to City records the legal number of units for this property is \_\_\_\_\_ *1990 changed from B to 2 units see attached*
- The property is a single family dwelling.

\*\* Marge, can you verify if the retail space is less than 10% of the square footage or perhaps let me know how I can verify that? Thanks. - Assessors would have some more info - see attached

Verified By: Marge Schmuckal Title: Zoning Admin  
8/10/98

IV. Findings of the Planning Board

At the November 26, 1989 public hearing, the Planning Board voted 7-0 on the following motion with conditions:

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #77-89 relevant to standards for conditional rezoning, Section 14-60 and/or other findings as follows:

That the Planning Board recommends the conditional rezoning of 137 Newbury Street from R-6 to B-1 subject to the following conditions:

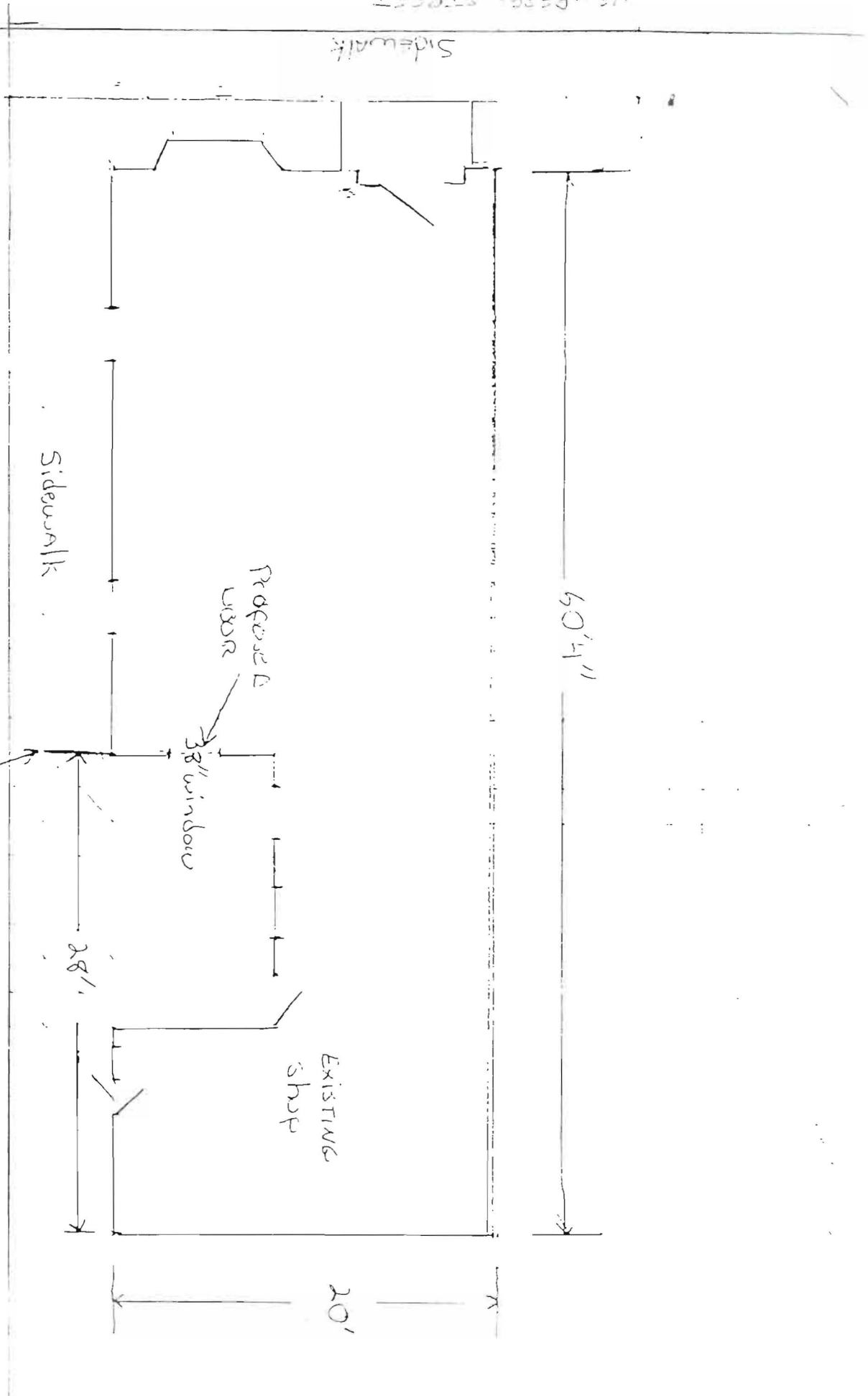
1. The second and third floors shall be maintained as residential uses.
2. The B-1 Business zone on the first floor shall be limited to retail uses.
3. The first floor shall have no more than 2 retail uses.
4. The storefront shall be on India Street and the storefront design shall be compatible with neighboring properties on India Street; and stairs to the storefront shall be compatible and reviewed by the staff.
5. The exterior stairs shall be reviewed by Planning Staff for compatibility with zoning.
6. The applicant shall record the approved conditions of rezoning in the Cumberland County Registry of Deeds and 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 so 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 subject premises, shall bind the owner, its successors and assigns, of said property or any part thereof or interest therein, and any party in possession of 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 any court of competent jurisdictions, such portion shall be deemed, as separate, distinct and independent provision and such determination shall not affect the validity of remaining portions hereof.

NEWBERRY STREET

Sidewalk



INDIA ST.

2' x 4' swinging sign elevate

The MINERVA ZONE CHANGE  
137 Newberry St

2' x 1/4

Architectural