

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

Philip Saucier-chair  
Sara Moppin  
Matthew Morgan  
Gordan Smith-secretary  
Mark Bower  
William Getz  
Elyse Wilkinson

May 24, 2011

Jonathan Culley  
Harborview Development LLC  
PO Box 8816  
Portland, ME 04104

RE: 121-129 York Street  
CBL: 044 A004 & 005  
ZONE: R-6

Dear Mr. Culley:

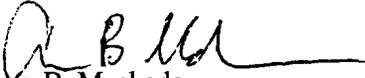
At the May 19, 2011 meeting, the Zoning Board of Appeals voted 7-0 to grant your interpretation appeal to allow you to add seven new dwelling units to your property for a total of nineteen dwelling units on the property. I am enclosing a copy of the Board's decision.

You will also find an invoice for \$248.76 for the fees that are still owed on the appeal for the cost of the legal ad, the cost of the noticing and the processing fee. Please submit your payment on receipt of the invoice.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions, please feel free to contact me at 207-874-8709.

Yours truly,

  
Alin B. Machado  
Zoning Specialist

Cc. file

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# CITY OF PORTLAND, MAINE

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# ZONING BOARD OF APPEALS

## ZONING BOARD APPEAL DECISION

**To:** City Clerk  
**From:** Marge Schmuckal, Zoning Administrator  
**Date:** May 23, 2011  
**RE:** Action taken by the Zoning Board of Appeals on May 19, 2011.

**Members Present:** Phil Saucier (chair), William Getz, Elyse Wilkinson, Mark Bower Gordon Smith (secretary), Sara Moppin and Matthew Morgan.

**Members Absent:** none

### 1. New Business:

#### A. Interpretation Appeal:

121-129 York Street, Harborview Development, LLC, owner, Tax Map 044, Block A, Lots 004 & 005, R-6 Residential Zone: The applicant is challenging the Zoning Administrator's interpretation of section 14-139(b)(1) regarding the minimum area required per dwelling unit. The appellant has proposed a total of nineteen dwelling units on the property, but the Zoning Administrator has determined that the ordinance only allows a total of eighteen dwelling units. Representing the appeal is the owner, Jonathan Culley. **The Board voted 7-0 to grant the interpretation appeal to build seven new dwelling units for a total of nineteen dwelling units on the property.**

#### B. Practical Difficulty Variance Appeal:

71 Carleton Street, David Peavy & George Schroth, owners, Tax Map 055, Block C, Lot 001, R-6 Residential Zone: The applicants are proposing to replace the existing side entry porch with a larger side porch. The appellants are requesting a variance for the side setback from the required ten feet to six inches [section 14-139(1)(d)(3)]. The appellants are also requesting a variance to increase the amount of the maximum allowable lot coverage. The maximum allowable lot coverage is 50% [section 14-139(1)(e)]. Presently the existing structure covers 70.5% of the lot. With the new entry porch the structure would cover 72.4% of the lot. Representing the appeal are the owners. **The Board voted 7-0 to deny the practical difficulty appeal to reduce the minimum side yard setback requirement and to increase the maximum allowable lot coverage in order to build a larger deck.**

#### Enclosure:

Decision for Agenda from May 19, 2011  
Original Zoning Board Decisions  
One dvd

CC: Patricia Finnigan, Acting City Manager  
Penny St. Louis, Director, Planning & Urban Development  
Alex Jaegerman, Planning Division

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# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

Application of Minimum Area Per Dwelling Unit in the R-6 Zone

### Interpretation Appeal

### DECISION

Date of public hearing: May 19, 2011

Name and address of applicant: Jonathan Culley  
Harborview Development LLC  
P.O. Box 8816  
Portland, ME 04104

Location of property under appeal: 121-129 York Street

### For the Record:

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

Jonathan Culley, Applicant  
Tom Jewell, Attorney for Applicant  
Robert Hayes (proponent)

Exhibits admitted (e.g. renderings, reports, etc.):

Findings of Fact and Conclusions of Law:

The Board's authority to review an interpretation of the building authority is pursuant to Section 14-472 of the land use code.

The Applicant owns a 21,239 sq. ft. lot which contains 12 existing dwelling units. Applicant is proposing to add 7 new dwelling units on the parcel.

Section 14-139(1)(b)(1) of the Portland City Code reads as follows:

*Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.

The City's Zoning Administrator determined that the Applicant's lot does not meet the minimum area per dwelling unit. She calculated the minimum area required by combining the existing and new units and applying the 1,000 sq. ft. minimum to the first three units and the 1,200 sq. ft. minimum to the remaining sixteen units for a total of 22,200 sq. ft.

The applicant has appealed this interpretation, arguing that the minimum land area required for Applicant's proposed development project is 19,800 sq. ft., calculated by applying the 1,000 sq. ft. minimum to the twelve existing units and the first three new units, and applying the 1,200 sq. ft. minimum to the remaining four new units.

Finding:

Appellant has demonstrated that the Zoning Administrator's interpretation of Section 14-139(1)(b)(1) was incorrect or improper for the following reason:

The minimum land area required for Applicant's proposed development project is 19,800 sq. ft., calculated by applying the 1,000 sq. ft. minimum to the twelve existing units and the first three new units, and applying the 1,200 sq. ft. minimum to the remaining four new units.

Satisfied  Not Satisfied

Reason and supporting facts:

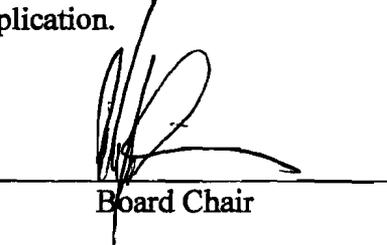
**Decision:** (check one)

Option 1: The Board finds that the Appellant has satisfactorily demonstrated that the Interpretation of the City's Zoning Administrator was incorrect or improper, and therefore GRANTS the application.

Option 2: The Board finds that the Appellant has NOT satisfactorily demonstrated that the Interpretation of the City's Code Enforcement Officer was incorrect or improper, and therefore DENIES the application.

Dated:

5/19/11



Board Chair

Present: Philip Saucier - Gordon Smith Sec - Bill Getz -  
CITY OF PORTLAND, MAINE Matthew Morgan

ZONING BOARD OF APPEALS Mark Bower - Elise  
Absent: none SARA Moppin - [unclear]

APPEAL AGENDA

6:30 pm

The Board of Appeals will hold a public hearing on Thursday, May 19, 2011 at 6:30 p.m. on the second floor in room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

1. New Business

A. Interpretation Appeal:

121-129 York Street, Harborview Development, LLC, owner, Tax Map 044, Block A, Lots 004 & 005, R-6 Residential Zone: The applicant is challenging the Zoning

Administrator's interpretation of section 14-139(b)(1) regarding the minimum area required per dwelling unit. The appellant has proposed a total of nineteen dwelling units on the property, but the Zoning Administrator has determined that the ordinance only allows a total of eighteen dwelling units. Representing the appeal is the owner, Jonathan Culley. MARK Bower explained his firm's involvement & didn't feel he was biased - The Board agreed with him to vote on the item be able to

B. Practical Difficulty Variance Appeal:

71 Carleton Street, David Peavy & George Schroth, owners, Tax Map 055, Block C, Lot 001, R-6 Residential Zone: The applicants are proposing to replace the existing side

entry porch with a larger side porch. The appellants are requesting a variance for the side setback from the required ten feet to six inches [section 14-139(1)(d)(3)]. The appellants are also requesting a variance to increase the amount of the maximum allowable lot coverage. The maximum allowable lot coverage is 50% [section 14-139(1)(e)]. Presently the existing structure covers 70.5% of the lot. With the new entry porch the structure would cover 72.4% of the lot. Representing the appeal are the owners. currently 18"

2. Adjournment:

7:58

Granted  
7-0  
interpretation  
appeal  
upheld

Denied  
7-0



**City of Portland, Maine  
 Department of Planning and Urban Development  
 Zoning Board of Appeals  
 Interpretation Appeal Application**

**Applicant Information:**

Name Jonathan Culley  
 Business Name Harborview Development LLC  
 Address P.O. Box 8816  
Portland, ME 04104  
 Telephone 207-776-9715 Fax 207-221-2822

**Applicant's Right, Title or Interest in Subject Property**  
 Owner

(e.g. owner, purchaser, etc.):

Current Zoning Designation: R-6

Existing Use of Property:  
12-unit multifamily with large gravel  
parking lot

Type of Relief Requested:  
Permission for density of 19 total  
dwelling units, including 12 existing  
units and 7 new units.

**Subject Property Information:**

121-129 York Street  
 Property Address  
44-A-4,5  
 Assessor's Reference (Chart-Block-Lot)  
 Property Owner (if different):  
 Name Same  
 Address \_\_\_\_\_  
 Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Disputed Provisions from Section 14 - 139(b)1

**Order, decision, determination, or interpretation under dispute:**

The Zoning Administrator ruled that 18  
dwelling units are permitted on the 21,239sf  
parcel. We believe that the proper  
interpretation of of 14-139(b)1 allows for 20  
units. We have proposed 7 new units in  
addition to the 12 existing units.

**RECEIVED**

MAY - 2 2011

**NOTE: If site plan approval is required, attach preliminary or final site plan.** Dept. of Planning Inspections  
 City of Portland Maine

The undersigned hereby makes application for the relief above described, and certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

Signature of Applicant

Date 4/29/2011



P.O. Box 8816  
Portland, ME 04104  
Office: 207-221-5746  
Fax: 207-221-2822  
[www.redfernproperties.com](http://www.redfernproperties.com)

April 29, 2011

Zoning Board of Appeals  
c/o Inspections Office  
Room 315 Portland City Hall  
Portland, Maine

Re: Harborview Townhomes, 121-129 York St.

Dear Zoning Board of Appeals:

The purpose of this letter is to appeal a determination by the Zoning Administrator in the above referenced matter. We believe that the Zoning Administrator has interpreted Chapter 14-139(b)1 of the Land Use Code incorrectly.

#### **Background/Determination**

Redfern Properties LLC, on behalf of Harborview Development LLC (the property owner) has submitted a Level III Site Plan Review application to the City of Portland's Planning Division. Both of the aforementioned entities are owned in their entirety by Jonathan Culley and Catherine Culley. The Site Plan application proposed a new building with 7 residential townhouse units. The new building will share a parcel with an existing 12-unit multifamily building (19 total units). That parcel has 21,239sf of lot area and is located in the R-6 Zone. The Zoning Administrator, in her comments to the Planning Division determined that the new building can only have 6 residential units (for a total of 18 total units). We believe that the Zoning Administrator is improperly applying the density requirement in the Land Use Code, specifically, Chapter 14-139(b)1 which states:

*Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred feet (1,200) for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.

### Argument and Rationale

The default density requirement in 14-139(b)1 is 1,000 square feet per dwelling unit. This clearly is meant to apply to existing buildings. In our Site Plan Application, we applied this density requirement to the 12 existing units ( $12 \times 1,000\text{sf}$  per unit = 12,000sf). To the 7 new proposed units, we applied the "new construction" requirement of 1,000sf for the first 3 units and 1,200sf for units 4 through 7 ( $3 \times 1,000\text{sf} + 4 \times 1,200\text{sf} = 7,800\text{sf}$ ). Adding the requirement for the existing building of 12,000sf to the requirement for the new building of 7,800sf, we are required to have 19,800sf to support the 19 total units. The total lot area is 21,239sf and could support 20 dwelling units based on our interpretation of the Ordinance.

Yet, the Zoning Administrator seems to have applied the "new construction" requirement to the existing building, and is thus applying this requirement to all 19 units ( $3 \times 1,000\text{sf} + 16 \times 1,200\text{sf} = 22,200\text{sf}$ ). Based on this interpretation, only 18 dwelling units would be allowed (we would be 961sf of lot area short of meeting the requirement for the 19<sup>th</sup> unit). However, we see nothing in the ordinance that suggests that a "new construction" density requirement should be applied to an existing building. It seems that the Zoning Administrator is inferring a statement that "in the case of a parcel with both an existing building and new construction, then the new construction standard shall apply to both buildings." Yet no such a statement exists in the Ordinance. It says nowhere in the Ordinance that the new construction density requirement should apply to an existing building, under any circumstances.

Given the Zoning Administrator's rationale, in which 12 existing units need only 12,000sf of lot area, but the proposed combination of 19 existing units and new units require 22,200sf of total lot area, the incremental 7 units are required to have an average of 1,457sf of lot area per unit ( $(22,200\text{sf} - 12,000\text{sf})/7$  units = 1,457sf). We believe that this is not supported by the language or the intent of the ordinance. To give another example, if the 12 units were to sit on a 12,000sf parcel (conforming), if the property owner wanted to add a 13<sup>th</sup> unit, an additional 3,000sf of lot area would be required to meet the requirement based on the Zoning Administrator's determination ( $3 \times 1,000\text{sf} + 10 \times 1,200\text{sf} = 15,000\text{sf}$ ). Again, we do not believe that this is consistent with the language or the intent of the ordinance. The notion that adding to an existing building changes the density requirement of that existing building unduly penalizes property owners.

### Supporting Facts and Considerations

#### ***1. Supporting Facts- "Two Lots versus One"***

The Applicant (Jonathan and Catherine Culley, its members) and its legal counsel, Tom Jewell, Esq., first met with Ms. Barbara Barhydt of the Planning Division and Ms. Schmuckal, the Zoning Administrator, on January 24, 2011 to discuss this proposal. At this initial meeting, there was discussion about whether the two buildings should be on a single deed/parcel or whether the parcel should be split into two separate parcels (one with the existing building and one with the new building). The Applicant's initial plan was to separate the parcel into two separately deeded lots. At this meeting, the Applicant presented a survey showing the two proposed separate lots. The newly created lot (Lot 2) was an awkward shaped lot (wide at the street and then narrowing and then widening again at the rear), but was presented in a way that met all dimensional requirements of the R-6 Zone. In this scenario, Lot 1 (with existing 12-unit building) was 12,000sf in area and thus met the density requirement of 1,000sf per unit. The Zoning

Administrator agreed that this was appropriate. The newly created Lot 2 was 9,239sf in area and thus easily supported the 7 new units (density requirement from above:  $3 \times 1,000\text{sf} + 4 \times 1,200\text{sf} = 7,800\text{sf}$ ). Ms. Schmuckal indicated that these odd shaped lots (she referred to them as "Pork Chop lots") can be acceptable, but that they are not preferable. But in this scenario with two separate parcels, 19 units on the 21,239sf parcel, Ms. Schmuckal agreed, clearly met the density requirement, with 1,439sf to spare (again, enough for a 20<sup>th</sup> unit).

The Applicant indicated its preference to have both buildings on a single lot. In subsequent discussions and emails, we were informed that a single parcel was allowable and perhaps preferable, as it would simplify the Planning review process. However, it was not clear at this time that the density requirements discussed at the initial meeting would be dependent on whether or not the lot was divided. Our interpretation of the ordinance would not dictate any change to the density requirement and it did not occur to us that the Zoning Administrator might treat the existing building as new construction in the event of maintaining the lot as a single parcel. As such, were quite surprised to see the Zoning Determination after we submitted our Site Plan application.

The Applicant sees no reason that an invisible property line should change the density requirements for the project. If 19 units (actually 20) are permitted when there is an invisible property line, not visible to neighbors or passersby, we see no reason why the same number of units should not be permitted when there is no property line. We do not believe that this is the intent of the Ordinance. And again, the way we read the 14-139(b)1, we believe the Zoning Ordinance does not require a density change for existing buildings in the event a new building is constructed on the same parcel.

## **2. Other Considerations - Neighborhood Density**

The property sits on a dense urban block of largely multi-family housing with several single family homes mixed in. We are proposing 19 units on 21,239sf or density of 1,118sf per dwelling unit. As explained above, we believe that this is consistent with the Chapter 14-139(b)1 of the Land Use Code. Further, three abutting properties have significantly higher density:

	Dwelling Units	Parcel Area	Avg. sf per unit
24 High Street	12	9,378sf	782sf/unit
28 High Street	7	5,474sf	782sf/unit
12 Nye Street	3	2,702sf	901sf/unit
121-129 York (Proposed)	19	21,239sf	1,118sf/unit

## **3. Other Considerations – City of Portland’s Comprehensive Plan**

The development proposal contemplates 7 new residential units on an infill lot in a dense urban block. The townhouses will be built to a high energy efficiency standard. The development proposal is directly aligned with the goals of the City of Portland’s Comprehensive Plan as outlined below. Beneath the goals in the Comprehensive Plan is an explanation of how this project applies:

- Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads, exist or may be expanded at

minimal costs.

- *Site is close to downtown with existing infrastructure and abundance of public transportation opportunities*
- Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.
  - *Housing ideally suite to keeping professionals who work in Portland living in Portland. Walking distance to main downtown employment district.*
- Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.
  - *Within walking distance of downtown business district and more than 100 shops and restaurants.*
- Locate and design housing to reduce impacts on environmentally sensitive areas.
  - *Located on an urban infill lot with no environmentally sensitive elements.*
- Design housing to use new technologies and materials that reduce costs and increase energy efficiency.
  - *Redfern Properties and Redfern Homes has been a leader in bringing "green" homes to Portland. We built Portland's only LEED-Platinum certified single-family home and intend to apply many of the same technologies and features to the 7 new residences.*

Additionally, the following documents are attached to this letter in support of this appeal:

1. Copy of Application Form, "Interpretation Appeal Application".
2. Letter from our legal counsel, Thomas Jewell, Esq. summarizing the legal elements of the appeal.
3. A scaled survey in 24" x 36" format showing existing conditions with satellite imagery background to give additional perspective.
4. A scaled site plan in 24" x 36" format showing the proposed new structure with setbacks (and existing structures, proposed parking, etc.).
5. Copy of first floor plan of the proposed building in 11" x 17" format.
6. Copy of the tax map with the property highlighted.
7. Photos of the property.
8. Copy of Deed showing our right, title, and interest.

Thank you for considering our appeal. If you have any questions, please do not hesitate to call (207-776-9715) or email me ([jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)).

Sincerely,



Jonathan Culley  
Redfern Properties LLC  
Harborview Development LLC

**JEWELL & BOUTIN, P. A.**  
**Attorneys at Law**  
477 Congress Street  
Suite 1104  
Portland, ME 04101-3427

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E-mail: dboutin@jewellandboutin.com

Telephone: 207-774-6665  
Fax: 207-774-1626

May 2, 2011

Zoning Board of Appeals  
City of Portland  
389 Congress Street  
Portland, Maine 04101

**Re: Interpretation Appeal of Harborview Development, LLC, 121-129 York Street**

Dear Sirs:

Please accept this letter in support of the request to overturn the decision of the Zoning Administrator regarding the proper application of the density provisions of the R-6 zone, as found in the Portland Land Use Ordinance, Section 14-139(1)(b)(1). The Applicant has submitted its own letter setting forth the nature of the dispute and its analysis of the Ordinance in question.

Sec. 14-139(1)(b)(1) has been around for a long time, as I checked a copy of the Code that I have from the early 1990's, so it is surprising that its drafting is so poor as to lead to the controversy at hand. My client and its architect looked at the Ordinance with fresh eyes, and arrived at an interpretation of that section of the Ordinance that is at odds with that of the Zoning Administrator. I submit that the applicant's suggested reading of the Ordinance complies with its plain meaning.

The density provision of the R-6 ordinance is unlike any other density provision in the Portland Land Use Code. Attached hereto are the density provisions of R-1 through R-7 (I did not include the island residential zones.) A density provision in a zoning ordinance traditionally establishes what is legally conforming for new construction and that is clearly the case for all of the other zones other than the R-6. For instance, in the R-3 zone, Sec. 14-90(b), for residential uses other than Planned Residential Unit Development, "Minimum lot area per dwelling unit: Sixty-five hundred (6,500) square feet."

The R-6 density provision, contained in the first sentence in Section 14-139(1)(b)(1) states in the first clause: “*Minimum area per dwelling unit*: One thousand (1,000) square feet per dwelling unit;” which is clear cut, and follows the format of the density provisions of all other non-island residential density provisions in the Code. However, that sentence goes on with a second clause, after the semicolon, to state: “and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit **after the first three (3) units**.” Unfortunately, this second clause muddies the waters.

These two clauses are not easily reconciled. If the basic purpose of a density provision in a zone is to state what is permitted for new construction (after all, uses already existing are generally grandfathered) and the second clause of Sec. 14-139(1)(b)(1) defines the density for new construction, then what is the significance of the first clause of Sec. 14-139(1)(b)(1) which sets forth a standard of 1,000 square feet per dwelling unit?

The real nub of the dueling interpretations of the ordinance, is that Sec. 14-139(1)(b)(1) does not define which three units are being referenced. Is it referring to just the new units, which is the Applicants contention, or does it refer to existing units?

The Maine Law Court has said that when interpreting an ordinance, one is to look at the plain language:

When interpreting an ordinance, we look first to the plain meaning of the language in the ordinance and give any undefined terms their common and generally accepted meaning unless the context clearly indicates otherwise. *Lakeside at Pleasant Mountain Condominium Association v. Town of Bridgton* 974 A.2d 893, (2009)

Since the two clauses in the first sentence of Sec. 14-139(1)(b)(1) are separated by a semicolon, rules of punctuation dictate that the two clauses are independent. As stated by the Supreme Judicial Court of Massachusetts: “The semicolon is used to group a series of independent clauses... which are parallel in thought and arrangement.” *Moulton vs. Brookline Rent Control Board*, 431 N.E.2d 228 (1982). The Supreme Court of Wisconsin held similarly: “A semicolon is used to separate compound sentences. It is used to separate an independent clause that could stand as a sentence.” *Drinkwater v. State*, 230 N.W. 2d 60 (1976).

If the two clauses are independent, and we therefore read the second clause on its own merits, the reference to “the first three” units in the second clause of Sec. 14-139(1)(b)(1) would

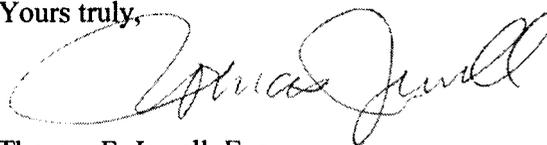
clearly appear to refer to the first three *new* units, not the first three *existing* units, as the a second clause, which contains the reference to “the first three” units, only deals with new additions and new construction. This is exactly the analysis and conclusion arrived at by the Applicant and its architect after a careful reading of the ordinance and the as part of its submission of the application for approval of the proposed project.

In one of the earliest interpretations of a zoning ordinance in Maine, *Toulouse v. Board of Zoning Adjustment*, 87 A.2d 670 (Maine 1954), which is still often cited for the basic approach to the interpretation of a zoning ordinance, the Maine Law Court stated:

Before the adoption of modern zoning laws, the owners of property were restricted in the use of their property only by prohibitions of use recognized by the common law, or statute, as detrimental to the rights of the public. The restrictions of zoning statutes and zoning ordinances authorized by statute are in derogation to the common law and should be strictly construed. Where exemptions appear in favor of the property owner, the exemptions should be construed in favor of the owner. Ordinances cannot be enlarged by implication.

We submit that the interpretation of Sec. 14-139(1)(b)(1) by the Zoning Administrator does not comport with the plain meaning of the Ordinance and that the Applicant’s appeal should prevail.

Yours truly,

A handwritten signature in cursive script, appearing to read "Thomas F. Jewell".

Thomas F. Jewell, Esq.

TFJ/t  
Enclosures

R-1

7. All other uses: Fifteen thousand (15,000) square feet.

Provided that for uses specified in section 14-70(a)2 through 6 above, no minimum lot area shall be required in the following cases:

- a. Uses existing as of June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;
- d. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

★ (b) Minimum lot area per dwelling unit: Fifteen thousand (15,000) square feet.

(c) *Minimum street frontage: Seventy-five (75) feet.*

(d) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Front yard:*

Principal or accessory structures: Twenty-five (25)

R. 2

City of Portland  
Code of Ordinances  
Sec. 14-80

Land Use  
Chapter 14  
Rev.12-15-10

Large	Two (2) acres
Medium	One (1) acre
Small	Half (1/2) acre

- 5. Municipal use: Ten thousand (10,000) square feet.
- 6. All other uses: Ten thousand (10,000) square feet.

Provided that for uses specified in section 14-80(a)2 through 6 above, no minimum lot area shall be required in the following cases:

- a. Uses existing as of June 1, 1983;
- b. Expansion of uses onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;
- d. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

★ (b) *Minimum area per dwelling unit: Ten thousand (10,000) square feet.*

(c) *Minimum street frontage: Fifty (50) feet.*

(d) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

A-3

City of Portland  
Code of Ordinances  
Sec. 14-90

Land Use  
Chapter 14  
Rev.12-15-10

(3) acres gross area, as defined in section 14-47 (definitions) of this article, of continuous land.

9. All other uses: Sixty-five hundred (6,500) square feet.

Provided that for uses specified in section 14-90(a)3 through 8 above, no minimum lot area shall be required in the following cases:

- a. Uses existing as of June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;
- d. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

★ (b) *Minimum lot area per dwelling unit:*

*PRUD:* Sixty-five hundred (6,500) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

*Other uses: Sixty-five hundred (6,500) square feet.*

(c) *Minimum street frontage: Fifty (50) feet, except that*

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City of Portland  
Code of Ordinances  
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Land Use  
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through 5 above, no minimum lot area shall be required in the following cases:

- a. Uses existing on June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

7. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.



(b) Minimum lot area per dwelling unit: Three thousand (3,000) square feet, except as provided for a multiplex. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.

(c) *Minimum street frontage:* Fifty (50) feet.

(d) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Front yard:*

Principal or accessory structures: Twenty-five (25) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of

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City of Portland  
Code of Ordinances  
Sec. 14-120

Land Use  
Chapter 14  
Rev.12-15-10

reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

- d. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.



- (b) *Minimum lot area per dwelling unit:*

PRUD: Three thousand (3,000) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

*Special needs independent living units:* Four thousand eight hundred (4,800) square feet; except that special needs independent living units with two hundred fifty (250) feet or more of frontage shall require three thousand six hundred (3,600) square feet.

*Other uses:* Three thousand (3,000) square feet, except as provided for a multiplex.

- (c) *Minimum street frontage:* Fifty (50) feet.

- (d) *Minimum yard dimension:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

- 1. *Front yard:*

Principal or accessory structures: Twenty (20)

(definitions) of this article, of contiguous land.  
Intermediate, extended or long-term care facilities: One and one-half (1 1/2) acres.

- ★ (b) Minimum lot area per dwelling unit: Sixteen hundred (1,600) square feet.

Planned residential unit development (PRUD): Sixteen hundred (1,600) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

- (c) *Minimum street frontage:* Fifty (50) feet. PRUD development: Fifty (50) feet.

- (d) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

- 1. *Front yard:*

Principal or accessory structures: Twenty-five (25) feet.

- 2. *Rear yard:*

- a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.

- b. Accessory detached structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

- 3. *Side yard:*

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City of Portland  
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Land Use  
Chapter 14  
Rev.12-15-10

1. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
2. Reserved.
3. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
4. Intermediate care facility: One (1) acre.
5. School: Thirty thousand (30,000) square feet.
6. Places of assembly;

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

7. Municipal use: Forty-five hundred (4,500) square feet.
8. Hospital: Two (2) acres.
9. All other uses: Forty-five hundred (4,500) square feet.
10. Lodging house: Four thousand five hundred (4,500) square feet.

★ (b) 1. Minimum area per dwelling unit: One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.

R-7

City of Portland  
Code of Ordinances  
Sec. 14-142

Land Use  
Chapter 14  
Rev.12-15-10

(a) Residential uses shall comply with the following dimensional requirements:

1. Minimum Lot Size: None
2. Minimum Frontage: None
3. Minimum Yard Dimensions:
  - a. Front yard: None
  - b. Rear and side yard: Five (5) feet.
  - c. Side yard on side street: None
4. Maximum Lot Coverage: 100%
5. Maximum Residential Density: Four hundred thirty five (435) square feet of land area per dwelling unit is required.
6. Maximum Building Height: Fifty (50) Feet



(b) Off-street parking is required as provided in division 20 (off-street parking) of this article;

(c) Residential development in the R-7 Zone shall be reviewed by the Planning Board for compliance with Article IV, Subdivisions, and Article V, Site Plan;

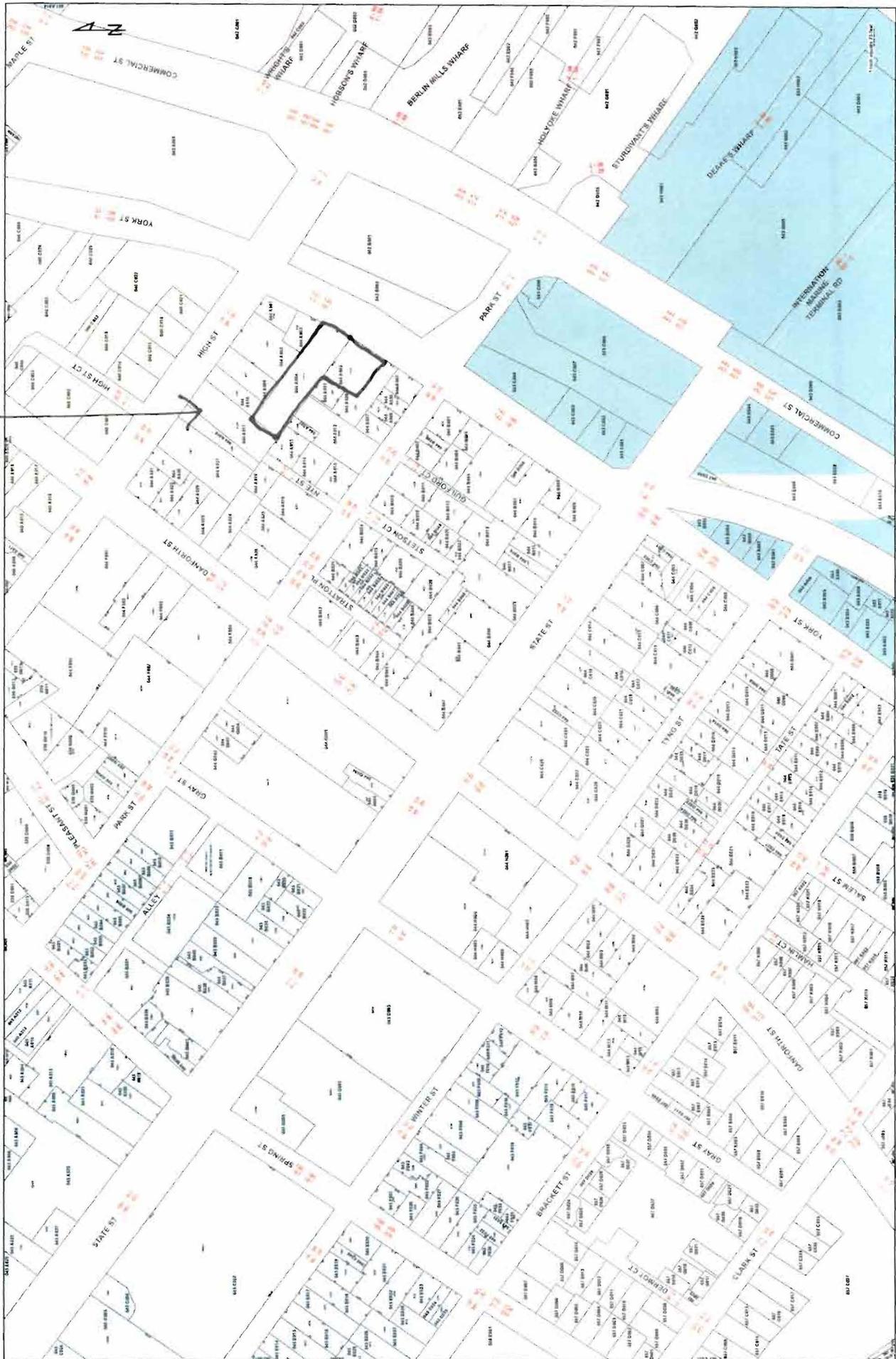
(d) Any new dwelling unit constructed in the R-7 Zone shall contain a minimum of 400 square feet of habitable floor area;

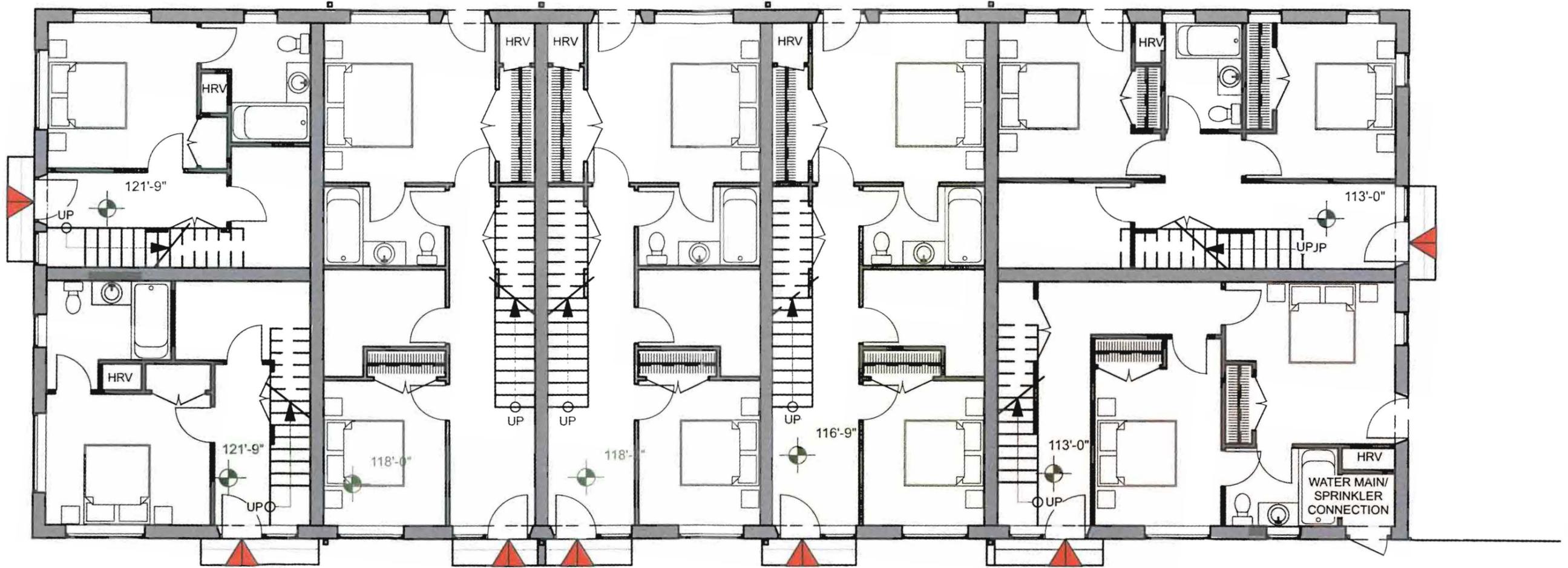
(e) All other uses in the R-7 Zone shall observe the requirements of the R-6 Zone.

(Ord. No. 122, 12-20-99; Ord. No. 84-08/09, 10-20-08; Ord. No. 240-09/10, 6-21-10)

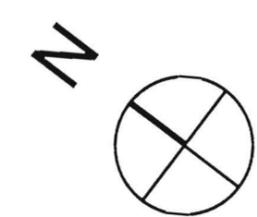
**Sec. 14-143. Design Standards.**

Residential development in the R-7 Zone shall be reviewed by the Planning Board under Article V, Site Plan. Such development shall also comply with the following development standards. The general intent of these development standards is to achieve an attractive





1 First Floor



KAPLAN THOMPSON  
ARCHITECTS  
424 FORE ST., PORTLAND, ME 04101  
PHONE: 842-2828

PROJECT:  
**HARBORVIEW DEVELOPMENT LLC**  
DBA REDFERN HOMES LLC  
121 YORK STREET  
PORTLAND, ME

DRAWING: FIRST FLOOR PLAN

SCALE:

DRAWN BY: JB

DATE: MARCH 30, 2011

REVISED:

PRELIMINARY SITE PLAN

A-1.1



① VIEW FROM YORK ST: STREET FACADE



② VIEW FROM YORK ST: PARKING LOT



③ VIEW FROM YORK ST: STREET FACADE

KAPLAN THOMPSON  
ARCHITECTS  
424 FORE ST., PORTLAND, ME 04101  
207-842-2888 FAX:842-2828

PROJECT:  
HARBORVIEW DEVELOPMENT LLC  
DBA REDFERN HOMES LLC  
121 YORK STREET  
PORTLAND, ME

DRAWING: EXISTING PHOTOGRAPHS ZONING BOARD OF APPEALS  
SCALE: DRAWN BY: JB  
DATE: MARCH 30, 2011 REVISED: APRIL 29, 2011

ZBA-1

MAINE REAL ESTATE TAX PAID

**WARRANTY DEED**  
(Maine Statutory Short Form)

**KNOW ALL BY THESE PRESENTS**, That **HARBORVIEW APTS LLC**, (“Grantor”), of Cumberland Center, Maine, for consideration paid, grants to **HARBORVIEW DEVELOPMENT, LLC**, with a mailing address of P. O. Box 8816, Portland, Maine, 04104, with Warranty Covenants, a certain lot or parcel of land with the brick multi-family residential building thereon, situated on the northerly side of York Street in the City of Portland, County of Cumberland, and State of Maine, and bounded and described as follows:

Beginning at a stone monument marking an angle in said northerly line of York Street, said monument being distant easterly about one hundred sixty-three (163) feet from the easterly side of Park Street; thence westerly by said northerly side of York Street, seventy-five and fifty-three one hundredths (75.53) feet to a point; thence northwesterly on a line parallel with and distance eighteen (18) feet westerly from the most westerly face of the brick block on said lot under description a distance of ninety (90) feet to a point; thence easterly parallel with said northerly side of York Street, seventy-nine and forty-four one hundredths (79.44) feet to a fence and land conveyed by Elias Thomas to Cummings and Brock on August 17, 1866, recorded in the Cumberland County Registry of Deeds in Book 344, Page 431; thence southeasterly by said fence and land formerly of said Cummings and Brock eighty-nine and fifty-two one hundredths (89.52) feet to said northerly side of York Street; thence westerly by said northerly side of York Street three and seventy-three one hundredths (3.73) feet to said stone monument above mentioned and the point of beginning.

Also hereby conveying the following-described lot or parcel of land, located on the northwesterly side of York Street in said City of Portland and County of Cumberland, bounded and described as follows:

Northeasterly by land now or formerly of Mary O’Donnell, Trustees of the Estate of Patrick Keating, M. & S. M. Muller, and Mary A. Bradley; North by land now or formerly of Annie M. Sparrow and on the Southwest by land now or formerly of Katherine M. Deehan and others, Stevens Place, and land now or formerly of L. M. Gerrish and W. H. Stevens and S. E. Brackett; Southeasterly by the line of

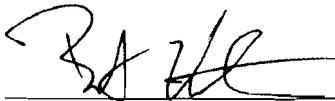
York Street; containing fourteen thousand one hundred seventeen (14,117) square feet more or less; said land being sixty (60) feet wide more or less on York Street and being two hundred thirty-five (235) feet more or less deep.

The Premises are conveyed **SUBJECT TO** an easement from Lulu Ferne Nichols to Stephen Benne, III dated March 14, 2002 and recorded in Cumberland County Registry of Deeds in Book 17445, Page 98.

Being a portion of the premises conveyed by Laurence S. Allen, Jr. and Donna F. Allen to Grantor herein by deed dated February 1, 2010, and recorded in the Cumberland County Registry of Deeds, in Book 27577, Page 165.

**IN WITNESS WHEREOF**, said **HARBORVIEW APTS LLC**, has caused this instrument to be executed by Laurence S. Allen, Jr., its duly authorized Manager, this third day of December, 2010.

**Witness:** Harborview Apts LLC, Grantor

  
\_\_\_\_\_

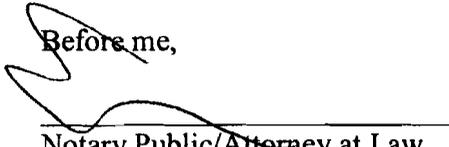
By   
Laurence S. Allen, Jr., its Manager

**STATE OF MAINE**  
**COUNTY OF CUMBERLAND, ss.**

December 3, 2010

Personally appeared the above-named Laurence S. Allen, Jr., Manager of Harborview Apts LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Harborview Apts LLC.

Before me,

  
\_\_\_\_\_

Notary Public/Attorney at Law

Print:

My Commission Expires:

EVERETT P. INGALLS III  
Notary Public, Maine  
My Commission Expires 7/5/2014

**SEAL**

Received  
Recorded Register of Deeds  
Dec 03, 2010 03:23:53P  
Cumberland County  
Pamela E. Lovley

Harborview Townhomes, 121-129 York Street

044-A-004 &005 – R-6 Residential Zone

Interpretation Appeal of Section 14-139.1(b)1

TO: Chair and Zoning Board of Appeals

FROM: Marge Schmuckal, Zoning Administrator

DATE: May 13, 2011



On 1/24/11 City staff (including myself) met with Jonathan Culley, Catherine Culley and attorney Tom Jewell for a first meeting concerning the property at 121-129 York Street. At that meeting City staff was introduced to a concept proposal by the applicants regarding the further development of the property on York Street. These pre-application meetings are meant only to outline the required City processes and inform the applicant of issues that may impact the project based on the information given at the meeting. There is never any pre-approval of any ordinances. The issues concerning section 14-139.1(b)1 were discussed at that meeting. The hand-out given to City staff from the applicant stated: "Redfern Homes is proposing a townhouse building of 6 or 7 attached townhouse style condominiums". At that meeting I brought up the issue that I thought the number of maximum number of dwelling units being proposed did not meet the Ordinance. It is my recollection of the meeting that Alex Jaegerman, the chief planner, agreed with the applicant's assessment. I asserted that I wasn't convinced and would need to look closer at the Ordinance before making a final decision. The applicant should not have been "surprised" at my interpretation.

I have done a bit of research concerning the history of this section of the Ordinance concerning the wording of what is now section 14-139.1(b)1 for minimum land area per dwelling unit in the R-6 zone. I have a copy of the original 1957 Land Use Ordinance which is current to January 3, 1966. That Ordinance simply states, "1,000 square feet" for the minimum land area per family. A copy of an Ordinance revised to 1980 shows no changes to the wording, as does an Ordinance revised through June 1984. It is not until the next Ordinance available to me which is revised through October, 1991 that the text has changed. That 1991 Ordinance shows the wording that is consistent our 2011 Ordinance:

*Minimum area per dwelling unit: One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.*

I believe that the Ordinance was revised in 1988 (order #85-88 §5 -7/19/88) to reflect what is now part of our Ordinance. In 1988 there were many changes made to the Ordinance to reflect a calming of the number of dwelling units that were being created without regard to sizes of units. At that time there

was an economy of purchasing properties, quickly adding units (no matter how small) and then “flipping” them. The R-6 zone itself shows several areas that were revised to minimize those types of activities, such as adding minimum floor area for newly converted dwelling units while maintaining minimum sizes for existing units that were affected by adding an additional dwelling unit [14-136(a)2.2 & b].

I agree with Attorney Jewell on the reading of the Ordinance as outlined by the Maine Law Court. Since the two clauses in the first sentence of Section 14-139(1)(b)1 are separated by a semicolon, rules of punctuation dictate that the two clauses are independent. That is exactly how I am interpreting the Ordinance. The first clause indicates that if there is no building addition or new construction on the lot, then the minimum land area per dwelling unit to use is 1,000 square feet. Then as a completely independent clause, the next wording states that if there is a building addition or new construction, the Ordinance changes the land area per dwelling unit to 1,200 square feet for each dwelling unit after the first three (3) units. I believe that this section refers specifically to the entire property and to all, or “each” of the dwelling units on the property. It does not create different standards for different structures and dwelling units within them that may be on the site in determining land area per dwelling unit. I interpret the Ordinance to be either one or the other depending upon what is being proposed. It is not a mix and match situation as what is being suggested by the applicant. The Ordinance really does intend to restrict density on further developed lots.

I understand the confusion concerning intent and rationale that the applicant may have regarding the notion that additions to an existing building can change the density requirement of that existing building as being unduly penalizing to property owners. However, this concept is not unique to the R-6 zone or the Land Use Ordinance. The R-5 zone is an example of how that very concept is perhaps better spelled out. The land area per dwelling unit for one or two dwelling units is 3,000 square feet. However, if there is an increase of only one dwelling unit to create a multiplex, defined as three or more dwelling units, the land area per dwelling unit applicable to all the units is 6,000 square feet, not the 3,000 square feet for the first two units (section 14-117(a)2.c., with 6,000 square feet for the third unit only. It is meant to be restrictive.

The applicant address other issues that really do not affect the particular discussion regarding the interpretation of 14-139(1)(b)1. Therefore, I will not take the Board’s time with them.

The applicant does go into discussions concerning the densities of other surrounding properties. I have done a bit of research concerning those properties.

24 High Street – 44-A-2: This is considered a legal 9 residential dwelling unit. The nine units were approved on a 9,378 square foot lot using the density of 1,000 square foot per unit prior to the change in the Ordinance in 1988. This office will follow up concerning the illegal dwelling units apparently in this building.

28 High Street – 44-A-9: The pre-1957 Assessor’s records show that this property was seven dwelling units prior to the basis of our current Land Use Ordinance and is considered to be legally nonconforming.

12 Nye Street – 44-A-18: The pre-1957 Assessor’s records show that this property was three dwelling units prior to the basis of our current Land Use Ordinance and is considered to be legally nonconforming.

In conclusion, I am using the correcting interpretation of the Ordinance regarding 14-139(1)(b)1 as I outlined above. The land area per dwelling unit for *all* units on the property concerning projects that add additions or have new construction on that property is the 1,200 square feet for *each* dwelling unit after the first three dwelling units. I also point out that the wording reflects that this section of the Ordinance refers to *each* dwelling unit and not just to some of the units.

- Minimum area per family 8. 1,000 square feet.
  - Minimum width of lot 9. 50 feet, except as provided in Paragraph B-2 above.
  - Minimum lot frontage on street 10. 40 feet.
- Off-street parking C. Off-street parking shall be provided as required under Section 14 of this Ordinance. *Check side of lot*

R-P RESIDENCE-PROFESSIONAL ZONE

Section 7A

This zone is intended to provide for and encourage the development of professional office centers and to recognize the unique development potential resources which exist in the City of Portland. These resources are found to have both local and regional significance due to the City's geographic location, relationship to regional markets, regional labor pool and regional access and circulation routes. These office areas and their continued development in a quality manner are found to be a resource essential to the community's economic health and preservation of its growth potential. Furthermore, this zone is intended to produce development and environment of stable and desirable character to be in harmony with existing or potential residential development of the surrounding neighborhoods;

Use

A. No buildings shall be erected, altered, enlarged, rebuilt, or used, and no premises shall be used, except for the following uses:

- Any use permitted in the R-5 Residential Zone.
- Accounting, auditing, and bookkeeping
- Advertising services
- Architectural and engineering services excluding testing laboratories
- Business and management consulting services
- Chiropractor
- Data processing and services
- Dental and dental laboratory services
- Educational Institutions (business or professional)
- Financial Institutions (bank and loan companies)
- Insurance Company, agents, brokers, and services
- Legal services
- Medical, surgical and osteopathic services including diagnostic, biochemical laboratory, Ophthalmological services
- Pharmaceutical sales and services retail only
- Photography studios
- Real Estate agent, brokers and management services
- Social and Welfare services, consultation only
- Stenographic services including duplicating
- Other professional activities rendering services only and in compliance with the intent of this ordinance.

Space and bulk

B. No building or structure shall be erected, altered, enlarged, rebuilt, or used which does not comply with the following requirements.

# Ordinance Revised to 1980

(5)

further that each side yard shall be increased one foot for every ten feet or fraction thereof that the depth of the building exceeds fifty feet. On no lot held under separate and distinct ownership from adjacent lots and of record on June 5, 1957, shall the buildable width be reduced by this requirement to less than twenty-four feet nor either side yard to less than five feet.

<u>Height of Building</u>	<u>Required Side Yard</u>
1 story	10 feet
2 stories	10 feet
3 stories	10 feet
4 stories	12 feet
5 stories	15 feet

Accessory buildings or structures - 5 feet except that they may be 3 feet if more than 50 feet from street line, minimum distance from principal building: 5 feet.

- |   |   |
|---|---|
| <p>3. <u>Principal buildings or structures</u> - 10 feet<br/><u>Accessory buildings or structures</u> - 0-10 feet</p>   | <p><u>Minimum side yards on side streets</u><br/>602.7 B. 3.<br/><u>Minimum front yards</u><br/>602.7 B. 4.</p> |
| <p>4. <u>Principal buildings or structures</u> - 10 feet, except that no front yard need be deeper than the average of the depths of front yards on the lots next thereto on either side, a vacant lot or a lot occupied by a building with a front yard more than ten feet deep being considered as having a front yard ten feet deep and provided further than on a lot of record on June 5, 1957, and less than one hundred feet deep no front yard need be deeper than 20% of the depth of the lot.</p> |   |
| <p>5. <u>Principal buildings or structures</u> - 5 stories or 65 feet.<br/><u>Accessory buildings or structures</u> - 1 story or 15 feet.</p>   | <p><u>Maximum height</u><br/>602.7 B. 5.</p>  |
| <p>6. <u>Principal building or group of buildings</u> - 40% of lot area.<br/><u>Accessory buildings or structures</u> - 30% maximum coverage of rear yard.</p>  | <p><u>Building area</u><br/>602.7 B. 6.</p>   |
| <p>7. 4,500 square feet excepting hospitals which shall have at least 2 acres and public or private non-profit schools which shall have at least ½ acre.</p>  | <p><u>Minimum lot area</u><br/>607.7 B. 7.</p>  |
| <p>*8. 1,000 square feet.</p>   | <p><u>Minimum area per family</u></p>   |
| <p>9. 50 feet, except as provided in Paragraph B-2 above.</p>   | <p><u>Minimum width of lot</u></p>  |
| <p>10. 40 feet.</p>   | <p><u>Minimum lot frontage on street</u></p>  |
| <p>C. Off-street parking shall be provided as required under Section 602.14 of this Ordinance.</p>  | <p><u>Off-street parking</u><br/>602.7 C.</p>   |

FCH

Then June, 1984

(6)

- g. Fraternal organization: Ten thousand (10,000) square feet.
- h. Municipal use: Forty-five hundred (4,500) square feet.
- i. Hospital: Two (2) acres.
- j. All other uses: Forty-five hundred (4,500) square feet.

Provided that for uses specified in section 14-139(1)c. through i. above, no minimum lot area shall be required in the following cases:

- i. Uses existing on June 1, 1983;
- ii. Expansion onto land abutting the lot on which the principal use is located;
- iii. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;
- iv. Expansion onto land other than the lot on which the principal use is located of not more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

(2) Minimum area per family: One thousand (1,000) square feet.

(3) ~~Minimum area per family: One thousand (1,000) square feet.~~

(4) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

a. *Front yard:*

- 1. Principal or accessory structures: Ten (10) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

b. *Rear yard:*

- 1. Principal structures: Twenty (20) feet.
- 2. Accessory structures: Three (3) feet.

(Variable setback requirements for attached or detached garages and accessory structures as provided in section 14-432 ("Garages or Accessory Uses") of this article.)

c. *Side yard:*

- 1. *Principal structures:*

<i>Height of Structure</i>	<i>Required Side Yard</i>
1 story .....	10 feet
2 stories .....	10 feet
3 stories .....	10 feet

LAND USE

§ 14-139

- b. Sheltered care group home for parolees or persons in correctional prerelease programs: Fifteen thousand (15,000) square feet for the first eight (8) residents plus one thousand (1,000) square feet for each additional resident.
- c. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
- d. Intermediate care facility: Eight thousand (8,000) square feet for the first twenty-five (25) residents plus three hundred fifty (350) square feet for each additional resident.
- e. School: Thirty thousand (30,000) square feet.
- f. Church or place of worship: Seventy-five hundred (7,500) square feet for a seating capacity of fifty (50) plus one thousand (1,000) square feet for each additional increment of fifteen (15) seats or major fraction thereof within the principal place of assembly for worship.
- g. Fraternal organization: Ten thousand (10,000) square feet.
- h. Municipal use: Forty-five hundred (4,500) square feet.
- i. Hospital: Two (2) acres.
- j. All other uses: Forty-five hundred (4,500) square feet.
- k. Lodginghouse: Four thousand five hundred (4,500) square feet.

Provided that for uses specified in section 14-139(1)c. through i. above, no minimum lot area shall be required in the following cases:

- i. Uses existing on June 1, 1983;
- ii. Expansion onto land abutting the lot on which the principal use is located;
- iii. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;
- iv. Expansion onto land other than the lot on which the principal use is located of not more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

(2) a. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.

b. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.

c. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.

(3) *Minimum street frontage:* Forty (40) feet.

8

R-6

Current Ordinance

- 2. Reserved.
- 3. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
- 4. Intermediate care facility: One (1) acre.
- 5. School: Thirty thousand (30,000) square feet.
- 6. Places of assembly:

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

- 7. Municipal use: Forty-five hundred (4,500) square feet.
- 8. Hospital: Two (2) acres.
- 9. All other uses: Forty-five hundred (4,500) square feet.
- 10. Lodging house: Four thousand five hundred (4,500) square feet.

Land area per D.U.

- (b) {
  - 1. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.
  - 2. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
  - 3. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.

CITY OF PORTLAND, MAINE

Department of Building Inspection



# Certificate of Occupancy

LOCATION

24-26 High Street

Issued to Regional House

Date of Issue

Sept. 20, 1985

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. 85-354, 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

Limiting Conditions: Entire

9 Family Dwelling

This certificate supersedes certificate issued

Approved:

(Date)

Inspector

Inspector of Buildings

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.



### APPLICATION FOR PERMIT

## PERMIT ISSUED

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

B.O.C.A. TYPE OF CONSTRUCTION ..... **0354**

APR 22 1985

ZONING LOCATION ..... PORTLAND, MAINE **March 15, 1985**

### CITY of PORTLAND

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

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

LOCATION ..... **24-26 High St.** ..... Fire Dist. #1 , #2

1. Owner's name and address ..... **Lawrence King - 76 Forest Ave. So. Port** ..... Telephone ..... **799-7849**

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

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

..... No. of sheets .....

Proposed use of building ..... **9 family** ..... No. families .....

Last use ..... **6 family** ..... No. families .....

Material ..... No. stories ..... Heat ..... Style of roof ..... Roofing .....

Other buildings on same lot .....

Estimated contractual cost \$ ..... **13,500** ..... Appeal Fees \$ .....

FIELD INSPECTOR: Mr .....

@ 775-5451

Base Fee ..... **80.00**

Late Fee ..... **ch of use 25.00**

TOTAL \$ ..... **105.00**

**Change of use from 6 to 9 families, this is to make units legal (alterations have been done)**

Stamp of Special Conditions

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

#### DETAILS OF NEW WORK

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

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

Has septic tank notice been sent? ..... Form notice sent? .....

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

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

Material of foundation ..... Thickness, top ..... bottom ..... cellar .....

Kind of roof ..... Rise per foot ..... Roof covering .....

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

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

Size Girder ..... Columns under girders ..... Size ..... Max. on centers .....

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

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

On centers: 1st floor ..... 2nd ..... 3rd ..... roof .....

Maximum span: 1st floor ..... 2nd ..... 3rd ..... roof .....

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

#### IF A GARAGE

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

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

APPROVALS BY: ..... DATE

MISCELLANEOUS

BUILDING INSPECTION—PLAN EXAMINER .....

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

ZONING: .....

BUILDING CODE: .....

Will there be in charge of the above work a person competent

Fire Dept.: .....

to see that the State and City requirements pertaining thereto

Health Dept.: .....

are observed? .....

Other: .....

.....

28 High St - 4A-A-9

RECORD OF BUILDINGS

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

YEAR 19

YEAR 19

(=)

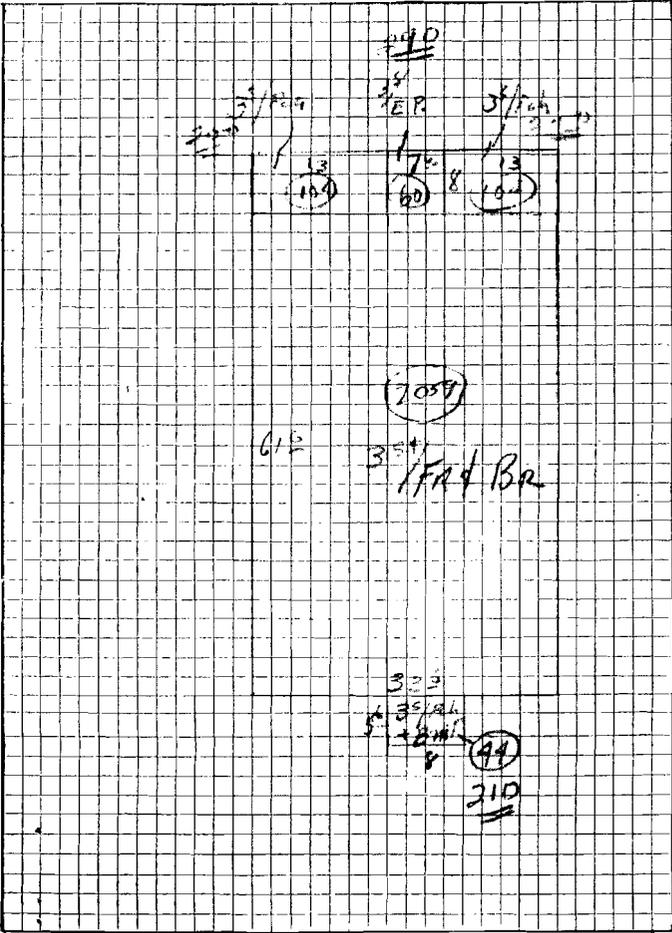
180  
150  
940  
960  
760

CONSTRUCTION

FOUNDATION		FLOOR CONST.		PLUMBING	
CONCRETE		WOOD JOIST		BATHROOM	7
CONCRETE BLOCK		STEEL JOIST		TOILET ROOM	
BRICK OR STONE	✓	MILL TYPE		WATER CLOSET	
PIERS		REIN. CONCRETE		LAVATORY	
CELLAR AREA FULL		FLOOR FINISH		KITCHEN SINK	
1/4	1/2	3/4		B	1 2 3
NO. CELLAR		CEMENT	50%	STD. WAT. HEAT	
EXTERIOR WALLS		EARTH		AUTO. WAT. HEAT	✓
CLAPBOARDS		PINE	65%	ELECT. WAT. SYST.	
WIDE SIDING		HARDWOOD	100%	LAUNDRY TUBS	
DROP SIDING		TERRAZZO		NO PLUMBING	
NO SHEATHING		TILE		TILING	
WOOD SHINGLES				BATH FL. & WCOT.	
ASBES. SHINGLES				TOILET FL. & WCOT.	
STUCCO ON FRAME		ATTIC FLR. & STAIRS		LIGHTING	
STUCCO ON TILE		INTERIOR FINISH		ELECTRIC	✓
BRICK VENEER	1/4	B	1 2 3	NO LIGHTING	
BRICK ON TILE		PINE	100%	NO. OF ROOMS	
SOLID BRICK		HARDWOOD	100%	BSMT.	7
STONE VENEER		PLASTER	50%	2ND	10
CONC. OR CIND		UNFINISHED		1ST	10
TERRA COTTA		METAL CLG.		OCCUPANCY	
VITROLITE				SINGLE FAMILY	
PLATE GLASS		RECREAT. ROOM		TWO FAMILY	
INSULATION		FINISHED ATTIC		APARTMENT	7
WEATHERSTRIP		FIREPLACE		STORE	
ROOFING		HEATING		THEATRE	
ASPH. SHINGLES		PIPELESS FURNACE		HOTEL	
WOOD SHINGLES		HOT AIR FURNACE		OFFICES	
ASBES. SHINGLES		FORCED AIR FURN.		WAREHOUSE	
SLATE		STEAM	1	COMM. GARAGE	
TILE		HOT WAT. OR VAPO	✓	GAS STATION	
METAL		NO HEATING		ECONOMIC CLASS	
COMPOSITION				OVER BUILT	
ROLL ROOFING		GAS BURNER		UNDER BUILT	
INSULATION		OIL BURNER	1	DT. 6/2	AR. 15
		STOKER		LD.	PD. 11/1
				MS.	CK. 32

2/25/51 - 895-06. (2) ✓

COMPUTATIONS		UNIT	1951	1952
2059 S. F.	19230	S. F.		
ADDITIONS	4000			
NO LIGHTING	23/100			
BASEMENT	+340			
WALLS	+660			
ROOF				
FLOORS				
ATTIC				
FIREPLACE				
HEATING	+500			
PLUMBING	110			
TILING				
TOTAL	22630	19310		
FACT.	-1920			
REP. VAL.	20710	17390		



SUMMARY OF BUILDINGS

OCCY	TYPE	GR.	AGE	REMOD.	COND.	REP. VAL.	F. D.	PHY. VAL.	F. D.	SOUND VAL.	TAX VAL.
11%	A 39/BR & FA	3	11		F	20720		13,470	A	13,470	9,000
	B	1			F	280	5070	140	B		
	C								C	13,900	
	D								D		
	E								E		
	F								F		
	G								G		

YEAR	1952	1951 TOTAL BLDGS.	13,610
TAX VAL.	8750	1952	19
OLD VAL.	274	19	19
CHANGE	8476	19	19



12 NYE STREET - 44 - A - REC-100

OF BUILDINGS

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

YEAR 19

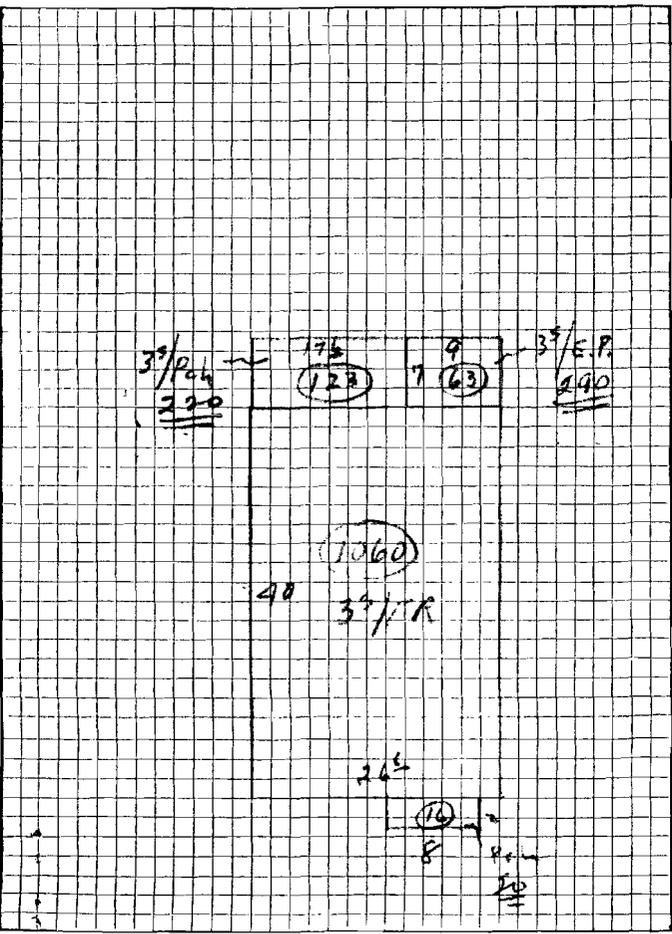
YEAR 19

(R)

CONSTRUCTION			
FOUNDATION	FLOOR CONST.	PLUMBING	
CONCRETE	WOOD JOIST	BATHROOM 3 ✓	
CONCRETE BLOCK	STEEL JOIST	TOILET ROOM	
BRICK OR STONE ✓	MILL TYPE	WATER CLOSET	
PIERS	REIN. CONCRETE	LAVATORY	
CELLAR AREA FULL ✓	FLOOR FINISH		
1/4 1/2 3/4	B 1 2 3	KITCHEN SINK 3 ✓	
NO. CELLAR	CEMENT ✓	STD. WAT. HEAT 3 ✓	
EXTERIOR WALLS			
CLAPBOARDS ✓	EARTH	AUTO. WAT. HEAT	
WIDE SIDING	PINE ✓✓	ELECT. WAT. SYST.	
DROP SIDING	HARDWOOD	LAUNDRY TUBS 2 ✓	
NO SHEATHING	TERRAZZO	NO PLUMBING	
WOOD SHINGLES	TILE	TILING	
ASBES. SHINGLES	ATTIC FLR. & STAIRS		BATH FL. & WCOT.
STUCCO ON FRAME	INTERIOR FINISH		TOILET FL. & WCOT.
STUCCO ON TILE	B 1 2 3	ELECTRIC ✓	LIGHTING
BRICK VENEER	PINE ✓✓	NO LIGHTING	ELECTRIC ✓
BRICK ON TILE	HARDWOOD	NO. OF ROOMS	
SOLID BRICK	PLASTER ✓✓	BSMT. 2ND 6	NO. OF ROOMS
STONE VENEER	UNFINISHED ✓	1ST 5 3RD 5	BASEMENT
CONC. OR CIND. BL.	METAL CLG.	OCCUPANCY	
TERRA COTTA	RECREAT. ROOM	SINGLE FAMILY	
VITROLITE	FINISHED ATTIC	TWO FAMILY	
PLATE GLASS	FIREPLACE	APARTMENT 3 ✓	
INSULATION	HEATING		STORE
WEATHERSTRIP	PIPELESS FURNACE	THEATRE	
ROOFING			HOTEL
ASPH. SHINGLES	HOT AIR FURNACE	OFFICES	
WOOD SHINGLES	FORCED AIR FURN.	WAREHOUSE	
ASBES. SHINGLES	STEAM 12 ✓	COMM. GARAGE	
SLATE TILE	HOT WAT. OR VAPOR	GAS STATION	
METAL	NO HEATING 243 ✓	ECONOMIC CLASS	
COMPOSITION ✓	GAS BURNER	OVER BUILT	
ROLL ROOFING	OIL BURNER	UNDER BUILT	
INSULATION	STOKER	DT. 6/20/55 AR. 15	
		L.D. 5 PD.	
		MS. 5 GK. 32	

1st 360  
2nd 420  
3rd 240 app.  
Total 1020

COMPUTATIONS	
UNIT	1951
1060 S. F.	8950
S. F.	
ADDITIONS	+ 550
2-3/4/55	+ 320
BASEMENT	
WALLS	
ROOF	
FLOORS	
ATTIC	
FINISH	
FIREPLACE	
HEATING	- 510
PLUMBING	+ 100
TILING	
TOTAL	9310
FACT. 910	900
REP. VAL.	10,210



SUMMARY OF BUILDINGS												
OCC'Y	TYPE	GR.	AGE	REHOD.	COND.	REP. VAL.	P. D.	PHY. VAL.	F. D.	SOUND VAL.	TAX VAL.	VI
APT.	A 3 1/2 FR	C	old		F-P	10,210	55%	4590	5/8	1360	2625	
GAR.	B 1 1/2 FR 9x18	D	old		P	130	60%	50		20	25	
	C											
	D											
	E											
	F											
YEAR	1951											
TAX VAL.	910											
OLD VAL.												
CHANGE												
1951 TOTAL BLDGS.										4410	2650	
TAX VAL.	19											
OLD VAL.	19											
CHANGE	19											





## City of Portland Zoning Board of Appeals

May 11, 2011

Jonathan Culley  
Harborview Development, LLC  
PO Box 8816  
Portland, ME 04104

Dear Mr. Culley,

Your Interpretation Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday, May 19, 2011 at 6:30 p.m.** in Room 209, located on the second floor of City Hall.

Please remember to bring a copy of your application packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted, as well as a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bill for the processing fee, legal ad and the notices for the appeal. The check should be written as follows:

MAKE CHECK OUT TO: City of Portland  
MAILING ADDRESS: Room 315  
389 Congress Street  
Portland, ME 04101

Please feel free to contact me at 207-874-8709 if you have any questions.

Sincerely,

Ann B. Machado  
Zoning Specialist

Cc: File



# PORTLAND MAINE

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

Receipts Details:

**Tender Information:** Check , Check Number: 2075

**Tender Amount:** 100.00

Receipt Header:

**Cashier Id:** amachado

**Receipt Date:** 5/3/2011 12:00:00 AM

**Receipt Number:** 3195

Receipt Details:

Referance ID:	952	Fee Type:	
Receipt Number:	0	Payment Date:	
Transaction Amount:	100.00	Charge Amount:	100.00
Job ID: Project ID: 2011-240 - 121-129 York St - Interpretation Appeal			
Additional Comments:			

Thank You for your Payment!



# PORTLAND MAINE

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

Receipts Details:

**Tender Information:** Check , Check Number: 2119  
**Tender Amount:** 248.76

Receipt Header:

**Cashier Id:** amachado  
**Receipt Date:** 6/8/2011  
**Receipt Number:** 4115

Receipt Details:

Referance ID:	973	Fee Type:	PZ-N1
Receipt Number:	0	Payment Date:	
Transaction Amount:	99.75	Charge Amount:	99.75
Job ID: Project ID: 2011-240 - 121-129 York St - Interpretation Appeal			
Additional Comments:			

Referance ID:	974	Fee Type:	PZ-L2
Receipt Number:	0	Payment Date:	
Transaction Amount:	99.01	Charge Amount:	99.01
Job ID: Project ID: 2011-240 - 121-129 York St - Interpretation Appeal			
Additional Comments:			

Referance ID:	975	Fee Type:	PZ-ZP
Receipt Number:	0	Payment Date:	
Transaction Amount:	50.00	Charge Amount:	50.00
Job ID: Project ID: 2011-240 - 121-129 York St - Interpretation Appeal			
Additional Comments:			

Thank You for your Payment!

**Ann Machado - Re: Zoning Board of Appeals Legal Ad**

---

**From:** Joan Jensen <jjensen@pressherald.com>  
**To:** Ann Machado <AMACHADO@portlandmaine.gov>  
**Date:** 5/10/2011 10:30 AM  
**Subject:** Re: Zoning Board of Appeals Legal Ad  
**Attachments:** Portland 5:13.pdf

---

Hi Ann,

All set to run your ad on Friday, May 13.  
The cost is \$198.02 includes \$2.00 online charge. I included a proof.  
Thank you,  
Joan

--  
Joan Jensen  
Legal Advertising  
Portland Press Herald/Maine Sunday Telegram  
P.O. Box 1460  
Portland, ME 04104  
Tel. (207) 791-6157  
Fax (207) 791-6910  
Email [jjensen@pressherald.com](mailto:jjensen@pressherald.com)

On 5/10/11 7:45 AM, Ann Machado wrote:

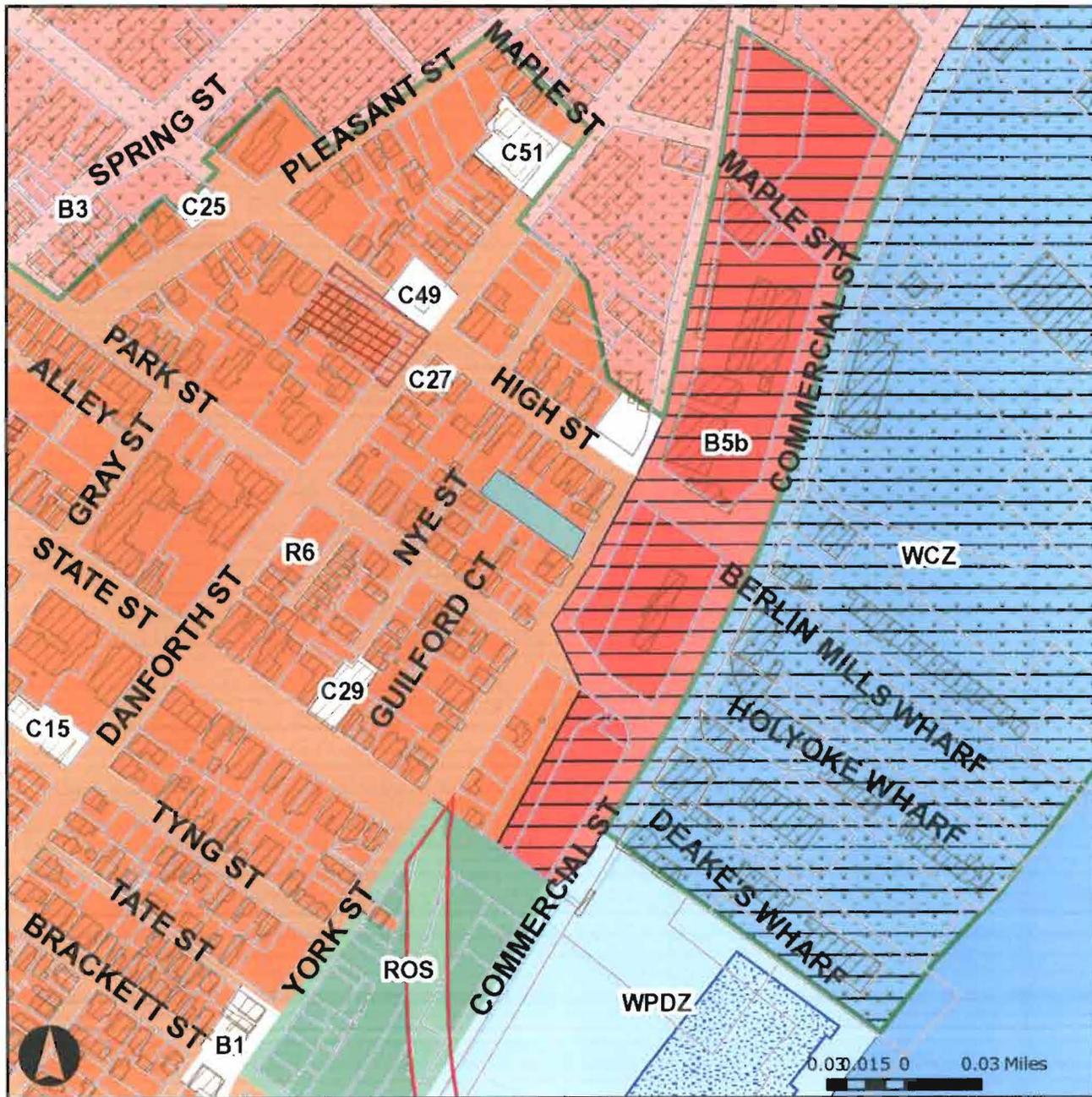
Joan -

Attached is the Zoning Board of Appeals legal ad for Friday, May 13, 2011.

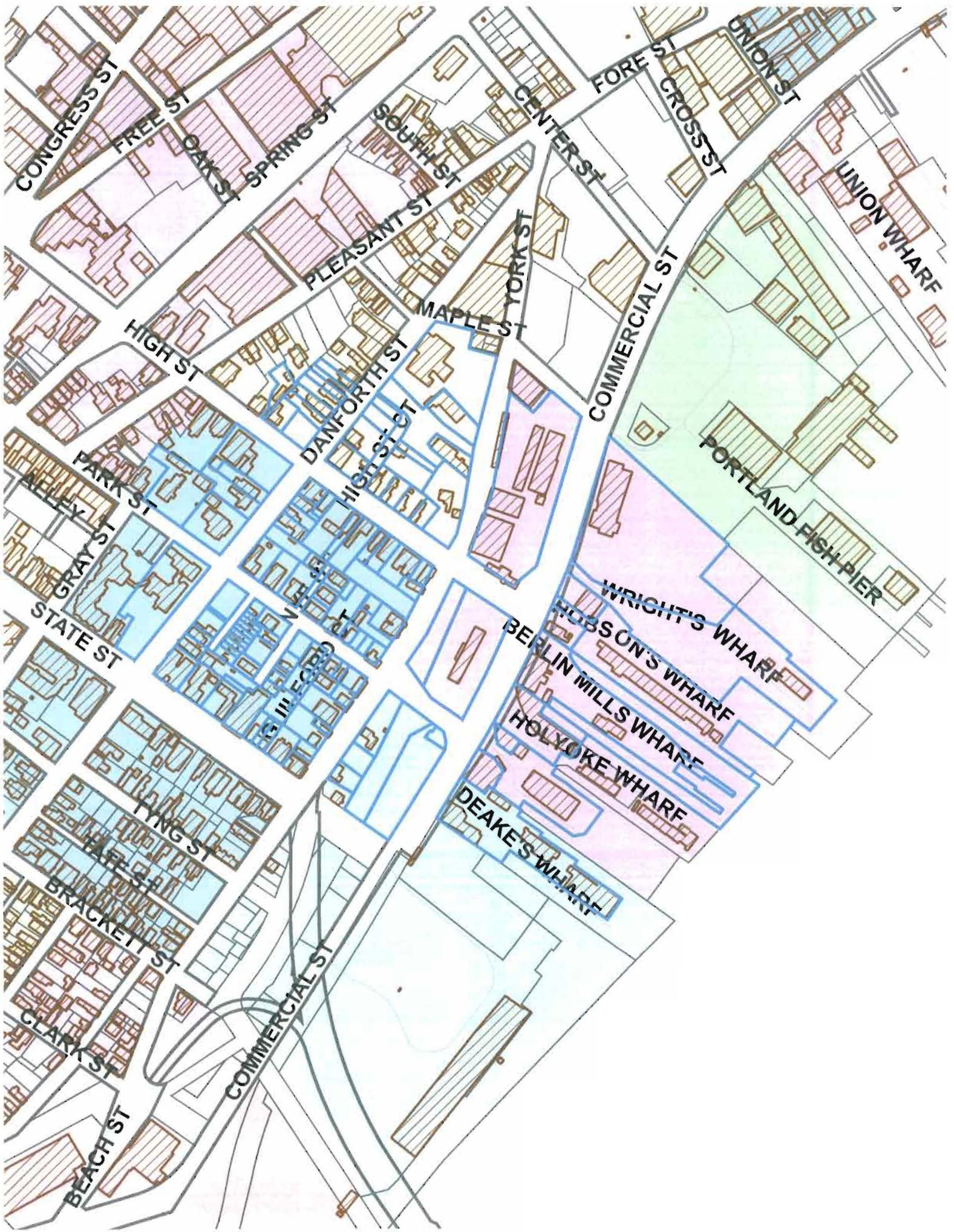
Thank you.

Ann Machado  
874-8709

# Map



Parcels	Stream Overlay Zone	Zoning (continued)	Zoning (continued)
Interstate	Stream_protection	R2 Residential	C25
Streets	Island Zoning	R3 Residential	C26
Buildings	C43	R4 Residential	C27
Building	I-B	R5 Residential	C28
Out Building	I-TS	R6 Residential	C29
	I-R1	ROS Recreation Open Space	C30
	I-R2		C31



CONGRESS ST  
FREE ST  
OAKS ST  
SPRING ST

PLEASANT ST  
SOUTH ST  
CENTER ST

FORE ST  
CROSS ST  
UNION ST

UNION WHARF

HIGH ST

MAPLE ST  
YORK ST

COMMERCIAL ST

PORTLAND FISH PIER

PARK ST

DANFORTH ST  
HIGH ST CT

STATE ST

GRAY ST

W. W. ST  
G. W. ST  
G. W. ST

WRIGHT'S WHARF  
HOBSON'S WHARF

BERLIN MILLS WHARF  
HOLYOKE WHARF

DEAKE'S WHARF

TYNG ST

BRACKETT ST

COMMERCIAL ST

CLAY ST

BEACH ST

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	75 YORK STREET LLC	75 YORK ST PORTLAND , ME 04101	75 YORK ST	1
	AGA REALTY LLC	190 COMMERCE WAY PORTSMOUTH , NH 03801	393 COMMERCIAL ST	1
	ANDERSON RICHARD & KARIN ANDERSON TRUSTEES	77 PARK ST # 3 PORTLAND , ME 04101	77 PARK ST UNIT 3	1
	ANDREWS WILLIAM D	PO BOX 250 NEWRY , ME 04261	45 PARK ST UNIT 2	1
	BAILLARGEON CHARLES C & SUE ANNE BAILLARGEON	395 FALMOUTH RD WINDHAM , ME 04062	37 HIGH ST UNIT 1	1
	BAILLARGEON CHARLES C & SUE ANNE BAILLARGEON	395 FALMOUTH RD WINDHAM , ME 04062	37 HIGH ST UNIT 3	1
	BAILLARGEON CHARLES C & SUE ANNE BAILLARGEON	395 FALMOUTH RD WINDHAM , ME 04062	37 HIGH ST UNIT 4	1
	BAKKEN DENISE TRUSTEE	157 YORK ST # 3B PORTLAND , ME 04101	16 GUILFORD CT UNIT 3B	1
	BALLARD VICKIE	2300 LITTLEBROOKE TRACE DONWOODY , GA 30338	101 DANFORTH ST UNIT 2	1
	BANK ONE TRUST COMPANY NA E DANDRIDGE MCDONALD	PO BOX 810490 DALLAS , TX 75381	16 GUILFORD CT UNIT 3A	1
	BARKER WAYNE	34 PARK ST PORTLAND , ME 04101	16 GUILFORD CT	4
	BERLE ROGER K	11 OASIS LANDING FALMOUTH , ME 04105	DANFORTH ST	0
	BERLIN MILLS WHARF	PO BOX 3542 PORTLAND, ME 04104	400 COMMERCIAL ST	2
	BERNOTAVICZ PROPERTIES LLC	31 HIGH ST PORTLAND , ME 04101	31 HIGH ST	2
	BLAIR LAUREN W	33 PARK ST # 4 PORTLAND , ME 04101	33 PARK ST UNIT 4	1
	BLANCHETTE NANCY M	400 SPRING LAKE DR PINEHURST, NC 28374	37 HIGH ST UNIT 2	1
	BOKEELIA INVESTMENTS LLC	PO BOX 1456 PORTLAND, ME 04104	51 PARK ST	12
	BOURK JEFFREY & MICHELE BOURK JTS	110 ADAMS ST STE 204 BRANSON , MO 65616	167 YORK ST UNIT 1	1
	BRANZBURG LEWIS N & MAUREEN BRANZBURG JTS	143 WINTER ST ASHLAND , MA 01721	22 PARK ST	8
	BROWN GABRIEL T	9 STRATTON ST PORTLAND , ME 04101	9 STRATTON PL	1
	BROWN J B & SONS	PO BOX 207 PORTLAND, ME 04112	50 DANFORTH ST	1
	BROWN J B & SONS	PO BOX 207 PORTLAND, ME 04112	60 DANFORTH ST	0
	BROWN J B & SONS	PO BOX 207 PORTLAND, ME 04112	66 DANFORTH ST	0
	BROWN J B & SONS	PO BOX 207 PORTLAND, ME 04112	68 DANFORTH ST	0
	BROWNE WILLIAM C R	33 PARK ST # 2 PORTLAND , ME 04101	33 PARK ST UNIT 2	1
	BUSBY MARGARET M	16 STETSON CT PORTLAND , ME 04101	GUILFORD CT	0

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	BUSBY MARGARET M	16 STETSON CT PORTLAND, ME 04101	16 STETSON CT	2
	BYRON JOHN	459 ALLEN AVE # 15 PORTLAND, ME 04103	16 GUILFORD CT UNIT 2B	1
	CALL ELLEN N	77A PARK ST PORTLAND, ME 04101	79 PARK ST UNIT 1	1
	CAMP LLC	91 OLE IRONSIDE LN SCARBOROUGH, ME 04074	86 DANFORTH ST	1
	CARDONA IVAN DARIO & ERICA SCHAIR-CARDONA JTS	2 STRATTON PL PORTLAND, ME 04101	2 STRATTON PL	1
	CARVER BRUCE D	626 WASHINGTON AVE PORTLAND, ME 04103	153 YORK ST	5
	CARY BETHANY RUTH	133 YORK ST PORTLAND, ME 04101	YORK ST	0
	CARY BETHANY RUTH	133 YORK ST PORTLAND, ME 04101	133 YORK ST	2
	CASCO TERRACE LP	ONE CITY CENTER PORTLAND, ME 04101	41 STATE ST	27
	CATHERINE MORRILL DAY	96 DANFORTH ST PORTLAND, ME 04101	96 DANFORTH ST	1
	CBPC HOLDINGS LLC	470 FOREST AVE STE 203 PORTLAND, ME 04101	31 STATE ST	4
	CBPC HOLDINGS LLC	470 FOREST AVE STE 203 PORTLAND, ME 04101	33 STATE ST	3
	CENTRAL MAINE POWER CO LAND MANAGEMENT DEPT	70 FARM VIEW DR NEW GLOUCESTER, ME 04260	382 COMMERCIAL ST	1
	CMK LLC	51 WOODFIELD RD PORTLAND, ME 04102	92 DANFORTH ST	12
	COLE NADINE	79A PARK ST PORTLAND, ME 04101	79 PARK ST UNIT 6	1
	CONNOLLY JOHN	75 PARK ST # 10 PORTLAND, ME 04101	75 PARK ST UNIT 10	1
	CRUM TOWNSEND S	16 GUILFORD CT # 1C PORTLAND, ME 04101	16 GUILFORD CT UNIT 1C	1
	DAROS JEREMY J	16 GUILFORD CT # 1B PORTLAND, ME 04101	16 GUILFORD CT UNIT 1B	1
	EAST DANFORTH LLC	104 GRANT ST PORTLAND, ME 04102	67 DANFORTH ST	7
	EAST DANFORTH LLC	104 GRANT ST PORTLAND, ME 04102	71 DANFORTH ST	7
	EAST DANFORTH LLC	104 GRANT ST PORTLAND, ME 04102	75 DANFORTH ST	8
	EAST DANFORTH LLC	104 GRANT ST PORTLAND, ME 04102	77 DANFORTH ST	10
	EISMEIER THOMAS F & JILL M ROSENBLUM JTS	29 PARK ST PORTLAND, ME 04101	25 PARK ST	1
	FENTON DAVID	191 FARIFIELD ST OAKLAND, ME 04963	79 PARK ST UNIT 7	1
	FERNALD SETH W	48 MAPLE AVE SCARBOROUGH, ME 04074	20 HIGH ST	3
	FILLER LUKAS	40 CHERRY ST # 3 SOMERVILLE, MA 02144	101 DANFORTH ST UNIT 7	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	FITZPATRICK EDWIN & JUNE R JTS	106 PARK ST PORTLAND, ME 04101	26 PARK ST	1
	FLYNN ALTON E & ENA M FLYNN JTS	43 HELEN DR HANSON, MA 02341	101 DANFORTH ST UNIT 1	1
	FOLEY MARY ELIZABETH	117 YORK ST PORTLAND, ME 04101	117 YORK ST	1
	FORTIN ERIC A	16 GUILFORD CT # 1A PORTLAND, ME 04101	16 GUILFORD CT UNIT 1A	1
	FREILICH MARLENE JO	505 BELFAST RD CAMDEN, ME 04843	77 PARK ST UNIT 5	1
	FURMAN ROSWELL Y	PO BOX 2 PORTLAND, ME 04112	44 PARK ST	4
	GENERAL MARINE CORP	446 COMMERCIAL ST PORTLAND, ME 04101	450 COMMERCIAL ST	4
	GIDEON JUDITH KELLY	38 VESPER ST SCARBOROUGH, ME 04074	97 DANFORTH ST	3
	GILLIS PETER J & JERRYLYN CADIGAN TRUSTEES	2 ELMWOOD RD CAPE ELIZABETH, ME 04107	51 HIGH ST	12
	GILMARTIN ERIN E	11 SUMMER ST NEWBURYPORT, MA 01950	79 PARK ST UNIT 8	1
	GONSALVES JOHN B & NANCY A GONSALVES JTS	101 DANFORTH ST # 9 PORTLAND, ME 04101	101 DANFORTH ST UNIT 9	1
	GULF OF MAINE PROPERTIES INC	PO BOX 7549 PORTLAND, ME 04112	344 COMMERCIAL ST UNIT	1
	GULF OF MAINE RESEARCH INSTITUTE	350 COMMERCIAL ST PORTLAND, ME 04101	378 COMMERCIAL ST	1
	GUSTAFSON CHARLES R VN VET MICKEY H GUSTAFSON JTS	157 YORK ST # 2A PORTLAND, ME 04101	16 GUILFORD CT UNIT 2A	1
	HALL CHARLES S & ELSIE P JTS	PO BOX 2368 SOUTH PORTLAND, ME 04116	7 STETSON CT	3
	HARBOR FISH MARKET INC	9 CUSTOM HOUSE WHARF PORTLAND, ME 04101	416 COMMERCIAL ST	1
	HARBORVIEW DEVELOPMENT	PO BOX 8816 PORTLAND, ME 04104	YORK ST	0
	HARBORVIEW DEVELOPMENT	PO BOX 8816 PORTLAND, ME 04104	127 YORK ST	12
	HARBORVIEW LLC	PO BOX 207 PORTLAND, ME 04112	101 YORK ST	0
	HARBORVIEW LLC	PO BOX 207 PORTLAND, ME 04112	101 YORK ST	1
	HARRISON JOHN C	PO BOX 4014 PORTLAND, ME 04101	67 HIGH ST	1
	HARTLEY DAVID & JANE E BENSON JTS	7 STRATTON PL PORTLAND, ME 04101	7 STRATTON PL	1
	HIGGINS WILLIS E & SUSAN L HIGGINS JTS	101 DANFORTH ST PORTLAND, ME 04101	101 DANFORTH ST UNIT 6	1
	HIGHSTATE APARTMENTS	658 CONGRESS ST 1ST FLOOR PORTLAND, ME 04101	PARK ST	0
	HIGHSTATE APTS INC	658 CONGRESS ST 1ST FLOOR PORTLAND, ME 04101	40 HIGH ST	9
	HIGHSTATE APTS INC	658 CONGRESS ST 1ST FLOOR PORTLAND, ME 04101	45 STATE ST	8

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	HILL RICHARD S & CAROL SUE HILL JTS	45 PARK ST # 3 PORTLAND, ME 04101	45 PARK ST UNIT 3	1
	HOBSON PIER INC	390 COMMERCIAL ST PORTLAND, ME 04104	390 COMMERCIAL ST	1
	HOME FOR AGED WOMEN	75 STATE ST PORTLAND, ME 04101	115 DANFORTH ST	166
	J B BROWN & SONS	PO BOX 207 PORTLAND, ME 04101	HIGH ST CT	1
	JB BROWN & SONS	PO BOX 207 PORTLAND, ME 04112	11 HIGH ST CT	0
	JB BROWN & SONS	36 DANFORTH ST PORTLAND, ME 04101	85 YORK ST	1
	K & L PROPERTIES LLC	4 SEA STAR LN CAPE ELIZABETH, ME 04107	156 YORK ST	4
	KOTTS NORINE & CHERYL LEWIS JTS	45 PARK ST # 4 PORTLAND, ME 04101	45 PARK ST UNIT 4	1
	KRAUS ANNETTE & DAVID GRIMM JTS	10 STRATTON PL PORTLAND, ME 04101	10 STRATTON PL	1
	KUHN VICTORIA L	7 RIVERSIDE DR FALMOUTH, ME 04105	45 PARK ST UNIT 5	1
	LAKE REBECCA A & ROXANNE A LAROCHELLE JTS	161 YORK ST PORTLAND, ME 04101	161 YORK ST	1
	LANE CORDELIA P	33 PARK ST # 1 PORTLAND, ME 04101	33 PARK ST UNIT 1	1
	LAROCHELLE ROSARY M	161 YORK ST PORTLAND, ME 04101	163 YORK ST	1
	LARRABEE NATHANIEL & JOYCE N LARRABEE	4 STRATTON PL PORTLAND, ME 04101	4 STRATTON PL	1
	LAWRENCE MALINDA R	48 HIGH ST PORTLAND, ME 04101	48 HIGH ST UNIT 2	1
	LEE MANU & JENSINE E FRASER JTS	16 GUILFORD CT # 1D PORTLAND, ME 04101	16 GUILFORD CT UNIT 1D	1
	LORD PAMELA	77D PARK ST PORTLAND, ME 04101	77 PARK ST UNIT 4	1
	MAUSHART BRADFORD S & DONNA M MAUSHART	PO BOX 3042 KENNEBUNKPORT, ME 04046	101 DANFORTH ST UNIT 3	1
	MCGINNIS PATRICK J & SHERYL A MCGINNIS JTS	5 STRATTON PL PORTLAND, ME 04101	5 STRATTON PL	1
	MCGINNISS THOMAS L	27 HIGH ST PORTLAND, ME 04101	27 HIGH ST	2
	MID-TOWN PROPERTIES LLC	PO BOX 641 FREEPORT, ME 04032	65 HIGH ST	9
	MILLIKEN SMITH BLOCK LLC	383 COMMERCIAL ST PORTLAND, ME 04101	383 COMMERCIAL ST	2
	MUNOZ RICARDO A	33 PARK ST # 5 PORTLAND, ME 04101	33 PARK ST UNIT 5	1
	O'BRIEN BEVINN H	38 HIGH ST PORTLAND, ME 04101	34 HIGH ST	1
	O'TOOLE COLEMAN P KW VET & PATRICK J JR O'TOOLE JTS	57 PARK ST PORTLAND, ME 04101	57 PARK ST	2
	OSBORN JAMES F & AMY NOLAN OSBORN JTS	1 STRATTON PL PORTLAND, ME 04101	1 STRATTON PL	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	PEOPLES STEPHEN P	30 PARK ST PORTLAND, ME 04101	30 PARK ST	2
	PEREGRINE CORPORATION	233 OXFORD ST PORTLAND, ME 04101	7 NYE ST	3
	PEREGRINE CORPORATION	233 OXFORD ST PORTLAND, ME 04101	11 NYE ST	3
	PEREGRINE CORPORATION	233 OXFORD ST PORTLAND, ME 04101	12 NYE ST	3
	PITTMAN ROY S	75B PARK ST PORTLAND, ME 04101	75 PARK ST UNIT 11	1
	PORTLAND BABY HYGIENE & CHILD WELFARE ASSOC	96 DANFORTH ST PORTLAND, ME 04101	96 DANFORTH ST	1
	PRICHARD CATHY & LANCE M PRICHARD JTS	101 DANFORTH ST # 8 PORTLAND, ME 04101	101 DANFORTH ST UNIT 8	1
	PRINCE THOMAS & BRUCE HUGGINS JTS	22 COHAS DR AUBURN, NH 03032	101 DANFORTH ST UNIT 4	1
	RAJ & RAJ LLC	PO BOX 2001 AUGUSTA, ME 04338	27 STATE ST	7
	RAND REBECCA B	3 PINE GROVE WAY FALMOUTH, ME 04105	390 COMMERCIAL ST	1
	RANDOM ORBIT INC	17 CHESTNUT ST PORTLAND, ME 04101	81 DANFORTH ST	0
	REAGAN EDWARD JOSEPH	8 STETSON CT PORTLAND, ME 04101	10 STETSON CT	2
	REBELLO DENNIS	32 HIGH ST PORTLAND, ME 04101	32 HIGH ST	1
	REILLY FRANK E & SHARON S REILLY TRUSTEES	168 YORK ST PORTLAND, ME 04102	158 YORK ST	0
	REILLY FRANK E & SHARON S REILLY TRUSTEES	168 YORK ST PORTLAND, ME 04102	168 YORK ST	1
	RICE GEOFFREY I	658 CONGRESS ST 1ST FLOOR PORTLAND, ME 04101	126 DANFORTH ST	4
	RICE GEOFFREY I	658 CONGRESS ST 1 ST FLOOR PORTLAND, ME 04101	51 STATE ST	15
	RUDA TAMMY L & GREGORY RUDA JTS	79 PARK ST # 9 PORTLAND, ME 04101	79 PARK ST UNIT 9	1
	SACRE LINDA & DARRIN SACRE JTS	90 FLORENCE ST SOUTH PORTLAND, ME 04106	41 HIGH ST	4
	SAVAKINAS SHARON	15 STETSON CT PORTLAND, ME 04101	15 STETSON CT	3
	SCHWAB MARK	2681 MONTCLAIR ST SAN DIEGO, CA 92104	167 YORK ST UNIT 2	1
	SEARLES DAVID & KATHERINE L JTS	14 STETSON COURT PORTLAND, ME 04101	14 STETSON CT	4
	SKELLY IAN	101 DANFORTH ST # 12 PORTLAND, ME 04101	101 DANFORTH ST UNIT 12	1
	SMITH LAURENCE D & LINDA K SILKA JTS	101 DANFORTH ST # 10 PORTLAND, ME 04101	101 DANFORTH ST UNIT 10	1
	STANTON RONALD K	45 PARK ST # 1 PORTLAND, ME 04101	45 PARK ST UNIT 1	1
	STATE	AUGUSTA, ME 04333	14 HIGH ST	0

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	STATEWAY APTS INC	658 CONGRESS ST 1ST FLOOR PORTLAND, ME 04101	128 DANFORTH ST	2
	STATEWAY APTS INC	658 CONGRESS ST 1ST FLOOR PORTLAND, ME 04101	130 DANFORTH ST	6
	STATEWAY APTS INC	658 CONGRESS ST 1ST FLOOR PORTLAND, ME 04101	132 DANFORTH ST	1
	STATEWAY APTS INC	658 CONGRESS ST 1ST FLOOR PORTLAND, ME 04101	59 STATE ST	42
	STOCK LOIS LEONARD	3 STRATTON ST PORTLAND, ME 04101	3 STRATTON PL	1
	STORREY INDUSTRIES LLC	468 FOREST AVE PORTLAND, ME 04101	28 HIGH ST	7
	STURDIVANTS WHARF LLC	PO BOX 526 PORTLAND, ME 04112	422 COMMERCIAL ST	1
	STURDIVANTS WHARF LLC	PO BOX 526 PORTLAND, ME 04112	430 COMMERCIAL ST	1
	STURDIVANTS WHARF LLC	PO BOX 526 PORTLAND, ME 04112	430 COMMERCIAL ST	1
	SUEHRSTEDT ERIC	77E PARK ST PORTLAND, ME 04101	77 PARK ST UNIT 2	1
	SULLIVAN LAUREN V & ADAM S GARDNER JTS	33 PARK ST # 3 PORTLAND, ME 04101	33 PARK ST UNIT 3	1
	TAYLOR ELISE LOUISE ADAMS	5 NYE ST PORTLAND, ME 04101	5 NYE ST	3
	THORNE JAMES S & PRISCILLA B JTS	6 STRATTON ST PORTLAND, ME 04101	6 STRATTON PL	1
	TPO PROPERTIES LLC	30 LEDGEWOOD DR FALMOUTH, ME 04105	24 HIGH ST	12
	UNIVERSITY OF MAINE	107 MAINE AVE BANGOR, ME 04401	66 HIGH ST	1
	VICTORIA SOCIETY OF MAINE WOMEN	109 DANFORTH ST PORTLAND, ME 04101	109 DANFORTH ST	2
	VITANZA ROSARIO A & AMY M VITANZA JTS	19 BISCAVY LAKE SHORE RD BRISTOL, ME 04539	101 DANFORTH ST UNIT 5	1
	VOSBURGH TACHA	6275 E 22ND AVE APACHE JCT, AZ 85219	34 PARK ST	3
	WAGNER JANE S & MARK WAGNER JTS	129 SPURWINK RD SCARBOROUGH, ME 04074	45 PARK ST UNIT 6	1
	WALLINGFORD MICHAEL H & DEBORAH E JTS	PO BOX 1115 NAPLES, ME 04055	135 YORK ST	3
	WEST COMPANY	104 GRANT ST PORTLAND, ME 04101	78 DANFORTH ST	8
	WHITNEY PETER W & DEBORAH WHITNEY JTS	8 STRATTON PL PORTLAND, ME 04101	STETSON CT	0
	WHITNEY PETER W & DEBORAH WHITNEY JTS	8 STRATTON PL PORTLAND, ME 04101	8 STRATTON PL	1
	WILLIAMS GREGORY J	52 ASH SWAMP RD SCARBOROUGH, ME 04074	8 GUILFORD CT	2
	YARDY NICHOLAS M	48 HIGH ST # 1 PORTLAND, ME 04101	48 HIGH ST UNIT 1	1
	ZITIN BRITA	101 DANFORTH ST # 11 PORTLAND, ME 04101	101 DANFORTH ST UNIT 11	1