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

December 2, 2009

Lambert Coffin Haenn
477 Congress Street
Portland, ME 04101

Attn: Paul S. Bulger

RE: 549-553 Cumberland Avenue, (called 553) – 048-E-027 – (the "Property") - R-6
Zone

Dear Attorney Bulger,

I am in receipt of your request for a determination letter concerning the Property.

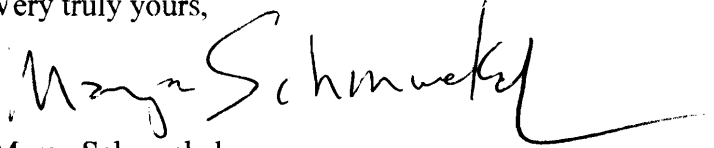
Because our Inspection's microfiche information was not clear on the use of the Property, the Zoning office used a 1955 City Directory to determine the use of the Property. Our current Land Use Zoning Ordinance was enacted in 1957. Therefore, this office accepts documented uses that existed prior to the enactment of the Land Use Zoning Ordinance to be the legal use. This office determined that the legal use of the Property is 28 residential dwelling units. No change of use permits were documented in our microfiche since 1957.

On June 19, 2009, the current owner, Geoffrey I. Rice applied for a change of use from 28 to 27 dwelling units with an upgrade of the interior egress components to best meet current codes (permit application #09-0651). On 6/29/09, the Zoning office approved the change of use with conditions and passed the permit on for Fire Prevention Codes review. On 9/2/09 after receiving new, revised plans, Ben Wallace Jr. of the Fire Prevention office approved the permit with conditions. The permit is now being reviewed for Building Code requirements. The plan reviewer has asked Jim Sterling for updated plans. Such plans have not yet been submitted. The permit is still pending, waiting for the final sign-off under Building Codes review. A copy of the application and attachments are being enclosed.

Currently, the legal use of the Property is 28 residential dwelling units.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Marge Schmuckal
Zoning Administrator

Enclosures

CC: file

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 09-0651	Issue Date:	CBL: 048 E027001
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Location of Construction: 553 Cumberland Ave	Owner Name: RICE GEOFFREY I	Owner Address: 658 CONGRESS ST 1ST FLOOR	Phone:
Business Name:	Contractor Name: property owner	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Dwellings	Zone:

Past Use: Commercial/Multi-family - 28 Dwelling units	Proposed Use: Commercial/Multi family - 27 dwelling units - upgrading interior egress components to best meet current codes	Permit Fee: \$895.00	Cost of Work: \$80,000.00	CEO District: 2
		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:
Proposed Project Description: Change of use from 28 to 27 dwelling units- upgrading interior egress components to best meet current codes		Signature:		Signature:
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: Date:		

Permit Taken By: L.dobson	Date Applied For: 06/19/2009	Zoning Approval	
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1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date:	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	Historic Preservation <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:
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CERTIFICATION

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

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

City of Portland, Maine - Building or Use Permit

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

Permit No: 09-0651	Date Applied For: 06/19/2009	CBL: 048 E027001
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Location of Construction: 553 Cumberland Ave	Owner Name: RICE GEOFFREY I	Owner Address: 658 CONGRESS ST 1ST FLOOR	Phone:
Business Name:	Contractor Name: property owner	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Dwellings	

Proposed Use: Commercial/Multi family - 27 dwelling units - upgrading interior egress components to best meet current codes	Proposed Project Description: Change of use from 28 to 27 dwelling units- upgrading interior egress components to best meet current codes
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Ann Machado **Approval Date:** 06/29/2009

Note: **Ok to Issue:** ✓

- 1) With the issuance of this permit and the certificate of occupancy, this property shall remain a twenty-seven (27) family dwelling. Any change of use shall require a separate permit application for review and approval.
- 2) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building **Status:** **Reviewer:** Jeanine Bourke **Approval Date:**

Note: **Ok to Issue:** ...

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Ben Wallace Jr. **Approval Date:** 09/02/2009

Note: **Ok to Issue:** ✓

- 1) Fire extinguishers required. Installation per NFPA 10
- 2) Fire department sprinkler connection type and location shall be approved in writing by fire prevention bureau.
- 3) All smoke detectors and smoke alarms shall be photoelectric. Carbon Monoxide detectors are required in the dwelling unit by State Law.
- 4) A separate Sprinkler System Permit is required.
- 5) A separate Fire Alarm System Permit is required.
- 6) Emergency lights are required to be tested at the electrical panel on the same circuit as the lighting for the area they serve.
- 7) The Fire alarm and Sprinkler systems shall be reviewed by a licensed contractor[s] for code compliance. Compliance letters are required.
- 8) A single source supplier should be used for all through penetrations.
- 9) The entire structure shall comply with NFPA 101 "Existing Apartments".
- 10) Installation of a Fire Alarm system requires a Knox Box to be installed per city ordinance
- 11) All construction shall comply with NFPA 101

Comments:

6/29/2009-amachado: Spoke to Geoffrey Rice. He confirmed that the two apartments on the 551 side (first floor) are being combined into one apartment. There will be a total of 27 dwelling units in the 551-553 Cumberland Avenue.

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6/29/2009-amachado: This permit is also a change of use because it is going from 28 dwelling units to 27 dwelling units. I left a message for Geoffrey Rice that he owes \$75 for the change of use.

8/17/2009-wallaceb: Told James Sterling we were still waiting for updated plans. He stated he will get them to us ASAP.

9/2/2009-Ldobson: Recieved new plans W/ CD Jeanie placed of Capt Desk

9/8/2009-jmb: Left vcmgs on 2 phones for Jim S. Who is on vacation until 9/14. Need clarification on closet door in common hall near 551-0.1 on plan A-0.1, and wall type addition of insulation, roof framing and stair landing detail, and where is F2.1. Also cost of work requires a design compliance.

9/11/2009-jmb: Jeremy Mosier called and reviewed the code questions, he will submit revisions by midweek.

10/1/2009-jmb: Received revisions from Jeremy M.

10/14/2009-jmb: Meeting with Jim Sterling on both Rice projects

10/28/2009-jmb: Left vcmgs with Jim S. Ready to issue, just need his design memo

10/29/2009-jmb: Jim S. Called he will submit the newest revisions and pdf's with a letter of design.