



# PORTLAND MAINE

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*Greg Mitchell - Acting Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

April 3, 2012

James D. Nadeau, P.L.S., C.F.M.  
James D. Nadeau, LLC Professional Land Surveyors  
918 Brighton Avenue  
Portland, Maine 04102

RE: 55 Salem Street – 057-J-20 & 22 (called parcel “A”)  
5 Briggs Street – 057-J-29 & 31 (called parcel “B”)

Dear Jim,

I am in receipt of your request for a determination letter concerning the properties located at 55 Salem Street (parcel “A”) and 5 Briggs Street (parcel “B”). Both properties are located in an R-6 residential zone with no other overlay zones.

My determination is based upon a survey prepared by James D. Nadeau of James D. Nadeau, LLC Professional Land Surveyors, sign, sealed and dated 2-13-12. It is important to observe that the Assessors maps have not accurately depicted the deeds in its map rendering. The 10' right-of-way over parcel “A” has been inaccurately shown as separate property and part of parcel “B”. It is my understanding that the underlying ownership of the property of the 10' right-of-way is part of parcel “A”.

The proposal is to convey 53 square foot of property from the owner of parcel “A” to the owner of parcel “B” as shown on the given survey. The proposal does not violate any zoning requirements of either property, including setbacks and lot coverage. Parcel “A” would maintain more than the minimum R-6 lot size at 4,701 square feet after the conveyance of 53 square feet.

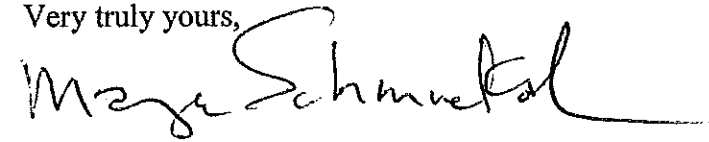
Parcel “B” is currently 4,366 square feet in size, essentially vacant with a garage to be demolished. The proposed conveyance would increase the lot size to 4,419 square feet. The R-6 zone has a minimum lot size of 4,500 square feet. Because the current lot is under the minimum lot size, the owner of parcel “B” has two options prior to developing the lot. The owner may prove the property is a lot of record as defined under 14-433 showing this office a chain of title since 1957 and use the dimensional requirements of section 14-139(1). Or the owner of parcel “B” may be able to show compliance with the R-6 “Small residential lot development” requirements of section 14-139(2).

Parcel “A” is considered to be a legal two (2) residential dwelling unit constructed prior to the basis of the current Land Use Zoning Ordinance.

This determination is not permission to begin construction. Separate reviews and permits are required through the Planning and Inspection Services Division prior to any construction.

If there are any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Marge Schmuckal  
Zoning Administrator

\* \* \* Communication Result Report ( Apr. 3. 2012 12:27PM ) \* \* \*

13

Date/Time: Apr. 3. 2012 12:26PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
0474	Memory TX	98787871	P. 3	OK	

Reason for error

E. 1) Hang up or line fail	E. 2) Busy
E. 3) No answer	E. 4) No facsimile connection
E. 5) Exceeded max. E-mail size	

FAX



To: Jim Nadeau / Mark Carpenter  
 Fax Number: 878-7871  
 From: Marge Schmuckel  
 Fax Number:  
 Date: 4/3/12  
 Regarding: Determination letter Briggs / ss  
 Total Number Of Pages Including Cover: 3  
 Phone Number For Follow-Up: 874-8695

Comments:

Here is the determination letter you requested - The original letter is being sent by mail

Marge

*James D. Nadeau, LLC*  
*Professional Land Surveyors*

*Certified Floodplain Managers*

February 9, 2012

*R-6 - No Historic*

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

**RE: Proposed Development, 5 Briggs Street & 47 Salem Street, Portland, Maine (2111259BL1)**

Dear Marge,

For your review, please accept this letter and our attached boundary survey plan. Our client desire's to construct a multi unit building with a daylight garage on his current parcel which he acquired September 8, 2011 per Cumberland County Registry of Deeds Book 28950, Page 151. The parcel is comprised of Lots 31 and 29 on City of Portland Assessor's Map 57, Block J and further reference is made to "Parcel B" as depicted on a plan entitled "*Boundary Survey Made For Nicholas Burnett, Salem Street & Briggs Street, Portland, Maine*", dated January 12, 2012, revised February 9, 2012, by James D. Nadeau, LLC Professional Land Surveyors, Portland, Maine, and attached hereto.

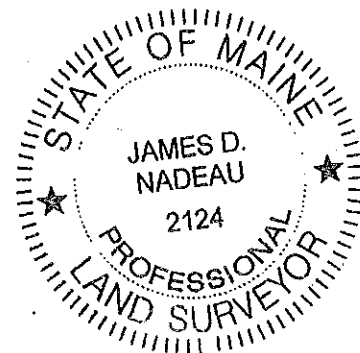
The Locus Parcel is located in the R-6 Zoning District and is currently benefited by a 10' wide right of way from Salem Street across "Parcel A", as depicted on our plan. No new curb cut is being proposed, and our client will continue to access "Parcel B" over the existing right of way, but proposes to expand this right with an "Access and Parking Easement" over a portion of "Parcel A". The proposed multi unit will conform to existing Space and Bulk requirements with a small proposed 53 square foot triangular shaped conveyance from "Parcel A". Upon completion of the proposed conveyance, the area of "Parcel A", 4,754 square feet, would remain in conformance with the required 4,500 square foot minimum lot size requirement. This office does not believe that any other Space and Bulk requirements have been altered, but please verify.

Please find enclosed a check in the amount of \$150 to review the proposed land division at 5 Briggs Street & 47 Salem Street, Portland, Maine. It is our desire that your formal determination be in writing confirming that the Locus parcel is located in an R-6 zone and that our boundary survey plan represents a proposed lot line revision and setback window that would be in compliance to the City of Portland Zoning Ordinance. Upon completion of this process, a formal Site Plan or Subdivision Plan shall be prepared for review and construction permitting. Our client understands that this request does not secure a building permit. Thank you for your time and please do not hesitate to call if you have any questions.

Sincerely,  
James D. Nadeau, LLC

James D. Nadeau, P.L.S., C.F.M. (agent)

CC: Nicholas Burnett



RECEIVED

FEB 21 2012

Dept. of Building Inspections  
City of Portland, Maine

Applicant:

Date: 3/12/12

Address:

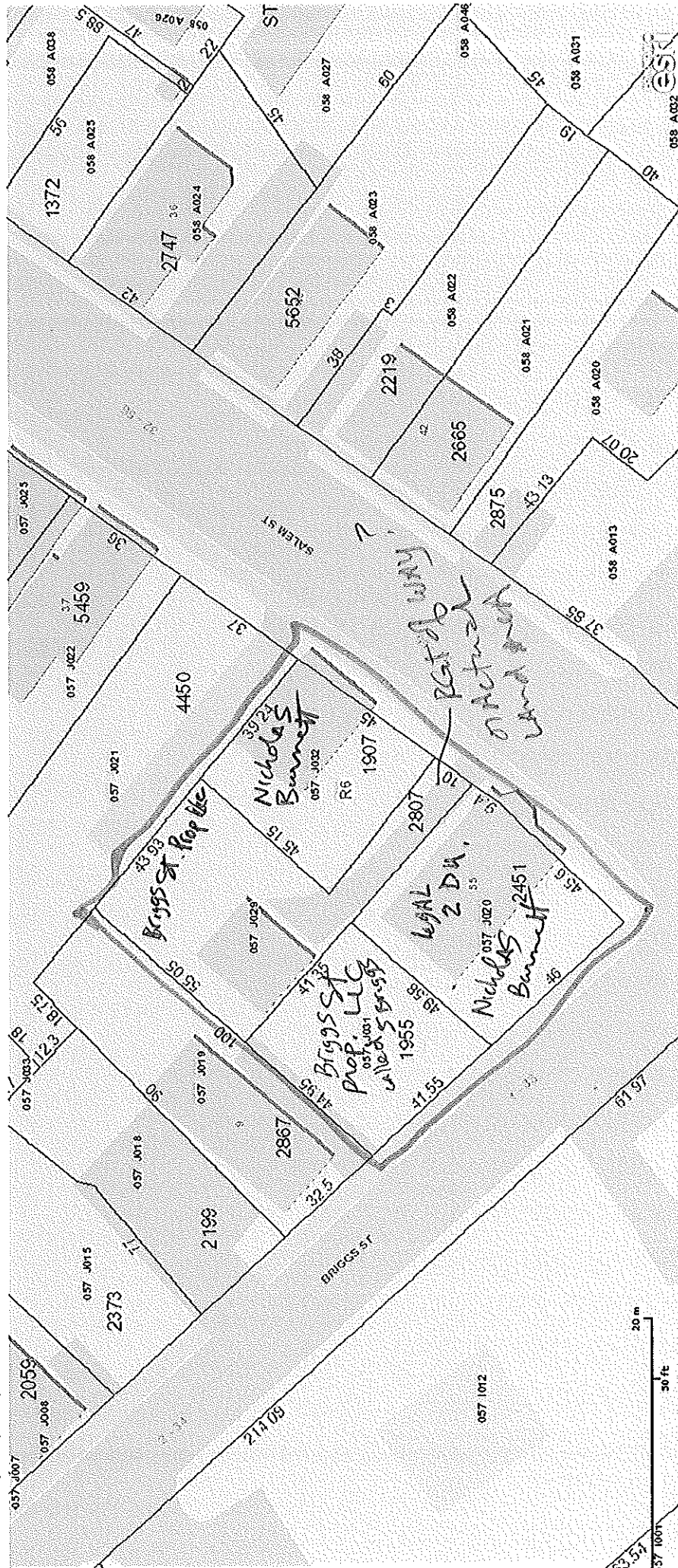
C-B-L:

CHECK-LIST AGAINST ZONING ORDINANCE

Date -	Parcel "A" existing 2 DU called 55 Salem 57-J-20 57-J-32	Parcel "B" vacant except for A garage called 5 Briggs 57-J-31 57-J-29
Zone Location - R-1		
Interior or corner lot -		
Proposed Use/Work -	existing 2 fam DU City	vacant except garage City
Sewage Disposal -		
Lot Street Frontage - 40' min	45.49 + 64.40 = = 109.89 total	41.55'
Front Yard - 10' or average	Existing on property line	10' can be met
Rear Yard - 20'	1.75' existing	can be met
Side Yard - 10'	10' + shown for principal Bldg	can be met
Projections -		
Width of Lot - 40' min	≈ 104'	41' + shown
Height - 45'	? existing	can be met
Lot Area - 4500 <sup>sq</sup> ft <sup>53<sup>rd</sup> conveyed from "A" to "B"</sup>	4,754 <sup>sq</sup> ft - previous 4,701 <sup>sq</sup> ft after conveyance	4,366 <sup>sq</sup> ft - previous 4,419 <sup>sq</sup> ft - newly proposed
(Lot Coverage) Impervious Surface - 50%		lot coverage can be met
Area per Family - 1,000 <sup>sq</sup> ft of LA/DU for 1.3 DU	OK	can be met
Off-street Parking - 1 per DU or permitted	2 + being shown	can be met
Loading Bays - N/A		
Site Plan -		
Shoreland Zoning/Stream Protection - N/A		
Flood Plains -		
open space - 20%		

# Briggs & Salem Streets

057-J-20, 29, 31, 32



Copyright 2011 Esri. All rights reserved. Fri Mar 9 2012 01:41:47 PM.

Briggs St Prop. - 1955  
 Existing  
 2807  
 14762

Nicholas Burnett prop 2451  
 Existing  
 1907  
 4358A

NOTE: THE ASSESSORS  
DEPARTMENT IS NOT  
ACCURATE

Existing

New

4762 lots → 4366 lots  
 4358 lots ← 4754 lots  
 9120P existing  
 9120P  
 New



**Marge Schmuckal - Re: Determination letter**

**From:** Mark Carpenter <mark@nadeaulandsurveys.com>  
**To:** Marge Schmuckal <MES@portlandmaine.gov>  
**Date:** 4/2/2012 1:42 PM  
**Subject:** Re: Determination letter  
**CC:** nicholas burnett <nick3ddesign@gmail.com>  
**Attachments:** CCF04022012\_00001.pdf

Hi Marge,  
I have removed a bit of information from the survey and highlighted both parcels. Our survey depicts two existing parcels of land owned by two different entities.  
Parcel A = Nicolas S. Burnett - 28937/294  
Parcel B = Briggs Street Property, LLC - 28950/151  
In a nutshell, we are proposing to convey a small sliver of land to an abutter to maximize a building envelope.

Please review and reply with any questions.

Thanks

On Mon, Apr 2, 2012 at 12:53 PM, Marge Schmuckal <MES@portlandmaine.gov> wrote:

Thank you, Mark, your information is helpful. Can you put together a quick sketch showing the lots prior to your reconfiguration? I believe that I understand what you are saying, but I want to be positive. The Assessor's records are not always accurate. However, without something other than the Assessor's records showing me what the deeds really say, I am at a loss. So a quick before sketch would be very helpful.

Thank you,  
Marge

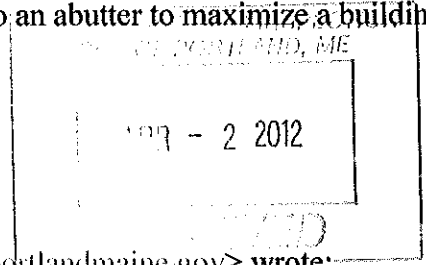
>>> Mark Carpenter <mark@nadeaulandsurveys.com> 4/2/2012 10:54 AM >>>

Hi Marge,  
Unfortunately your last email was hidden in our email chain, so thank you for bringing it back to our attention. I have responded to your questions in red, directly in your last email. I hope my response is not too technical and can clarify any confusion, but I would be happy to meet with you at your earliest convenience to discuss these items or any additional ones.

Regards,  
Mark

On Fri, Mar 30, 2012 at 12:46 PM, Marge Schmuckal <MES@portlandmaine.gov> wrote:

Hi Mark  
I e-mailed this to Jim several weeks ago. I didn't get any response on my questions. Can you address them? If there is no further information, I am prepared to state that the proposal does not work from a zoning stand point.  
Let me know,  
Marge Schmuckal  
Zoning Administrator





----- Forwarded message -----

From: "Marge Schmuckal" <MES@portlandmaine.gov>

To: "Jim Nadeau" <surveys@gwi.net>

Cc:

Date: Mon, 12 Mar 2012 15:13:22 -0400

Subject: Determination letter

Hi Jim,

I have taken a closer look at what you submitted. I am seeing that parcel "B" is an undersized lot. The Assessor's office is showing that the 10' strip of land that you are calling a right of way is now owned by the Briggs Street Property LLC and is not a right of way. I would like to verify that with you. I'm not sure why the Assessor's Map depicts the 10' strip to be a part of Lot 29, dividing "Parcel A" and creating two lots 20 & 32. There was a 10' right of way conveyed over "Parcel A" for "Parcel B" that was reserved in a deed from Albin Spirlvicz to Joseph T. & Sophia V. Lesniewski dated May 13, 1933 recorded at the Cumberland County Registry of Deeds (CCRD) in Book 1420, Page 210. "Parcel A" is currently one contiguous parcel and described in a deed from Robert Adams to Nicolas S. Burnett dated August 31, 2011 and recorded at the CCRD in Book 28950, Page 294. "Parcel A" has been one contiguous lot since 1933 and currently has an area of 4,754 sq.ft. as noted in General Note 10 on the submitted Boundary Survey. "Parcel A" potentially has 254 sq.ft. to convey before becoming nonconforming. We are proposing only a 53 sq.ft. conveyance to abutting "Parcel B".

My concern is that Parcel "B" is currently 4,762 sq ft in size. The new parcel "B" would only be 4,366 sq ft which is in violation of the minimum lot size of 4,500 sq. ft. Parcel "B" cannot be reduced below the minimum lot size requirement. The issue seems to revolve around that right of way. Who actually owns that strip of land right now? "Parcel B" is made of two parcels described in a deed from The Estate of Ilon J. Lesniewski to Briggs Street Property, LLC dated September 8, 2011 recorded at the CCRD in Book 28950, Page 151, being the same description since a deed from Joseph & Lillian Fluet to Marion E. McCullum dated December 30, 1951 recorded at the CCRD in Book 2073, Page 332. "Parcel B" currently has an area of 4,366 sq.ft. as noted in General Note 10 on the submitted Boundary Survey. We are proposing to add 53 sq.ft., bringing the lot of record closer to conformity. "Parcel A" owns the area of the 10' right of way.

Thank you. I hope you are enjoying your classes. Last Tuesday I met with Jimmy Chin for my yearly monitoring with him. He mentioned you (in good terms). The City of Portland is doing pretty good in our participation in the Community Rating System. I think you could be helpful to communities who participate in the NFIP Community Rating System.. Talking with Jimmy, it seems like some communities are very lax in their paperwork. Keeping my files in order seems to be the key. It may be a pain to track permits and information when applications come in, but it is the only way to know what has been reviewed and approved.

thank you,  
Marge

--

Mark Carpenter, P.L.S.

[Nadeau Land Surveys.com](http://NadeauLandSurveys.com)

918 Brighton Avenue

Portland, Maine 04102

Phone: 207.878.7870

Fax: 207.878.7871

[mark@nadeaulandsurveys.com](mailto:mark@nadeaulandsurveys.com)

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8466

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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

**Current Owner Information:**

**Services**

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Maps

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Q & A

browse city services a-z

browse facts and links a-z

**CBL** 057 J020001  
**Land Use Type** TWO FAMILY  
**Property Location** 55 SALEM ST  
**Owner Information** BURHETT NICHOLAS S  
 55 SALEM ST  
 PORTLAND ME 04102  
**Book and Page** 28937/294  
**Legal Description** 57-J-20  
 SALEM ST 49-51  
 BRIGGS ST 1-3  
 2451 SF  
**Acres** 0.056

**Current Assessed Valuation:**

**TAX ACCT NO.** 9328 **OWNER OF RECORD AS OF APRIL 2011**  
 ADAMS ROBERT  
**LAND VALUE** \$109,400.00 55 SALEM ST  
**BUILDING VALUE** \$140,500.00 PORTLAND ME 04102  
**NET TAXABLE - REAL ESTATE** \$249,900.00  
**TAX AMOUNT** \$4,568.18

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

**Building Information:**

**Building 1**  
**Year Built** 1920  
**Style/Structure Type** OLD STYLE  
**# Stories** 2  
**Bedrooms** 4  
**Full Baths** 2  
**Total Rooms** 10  
**Attic** NONE  
**Basement** FULL  
**Square Feet** 2096

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



**Sales Information:**

Sale Date	Type	Price	Book/Page
9/2/2011	LAND + BUILDING	\$295,000.00	28937/294
9/25/2007	LAND + BUILDING	\$179,000.00	25494/237
10/21/2006	LAND + BUILDING	\$0.00	/
8/2/2002	LAND + BUILDING	\$0.00	17917/266
1/16/2002	LAND + BUILDING	\$0.00	/
4/24/2001	LAND + BUILDING	\$172,000.00	16227/249
2/24/1994	LAND + BUILDING	\$0.00	11308/315

[New Search!](#)



Best viewed at EGO+EGO, with Internet Explorer

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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[Tax Roll](#)

[Q & A](#)

[browse city services a-z](#)

[browse facts and links a-z](#)

<b>CBL</b>	057 J032001
<b>Land Use Type</b>	GARAGES, SHEDS, AUX, ETC.
<b>Property Location</b>	45 SALEM ST
<b>Owner Information</b>	BURNETT NICHOLAS S 55 SALEM ST PORTLAND ME 04102
<b>Book and Page</b>	28937/294
<b>Legal Description</b>	57-J-32 SALEM ST 45 1907 SF
<b>Acres</b>	0.044

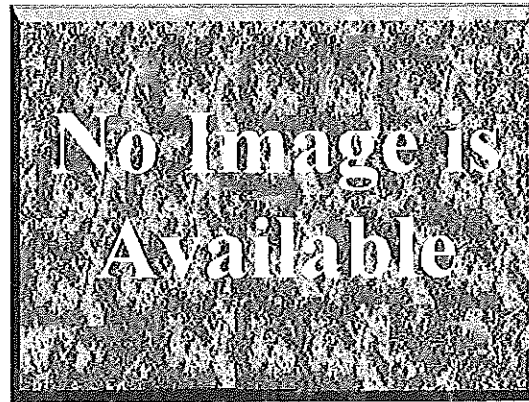
**Current Assessed Valuation:**

<b>TAX ACCT NO.</b>	9344	<b>OWNER OF RECORD AS OF APRIL 2011</b> ADAMS ROBERT
<b>LAND VALUE</b>	\$2,800.00	55 SALEM ST
<b>BUILDING VALUE</b>	\$9,200.00	PORTLAND ME 04102
<b>NET TAXABLE - REAL ESTATE</b>	\$12,000.00	
<b>TAX AMOUNT</b>	\$219.36	

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



Best viewed at 800x600, with Internet Explorer



[View Map](#)

**Outbuildings/Yard Improvements:**

	<b>Building 1</b>
<b>Year Built</b>	1920
<b>Structure</b>	GARAGE-WD/CB
<b>Size</b>	19X28
<b>Units</b>	1
<b>Grade</b>	D
<b>Condition</b>	A

**Sales Information:**

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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**Services**

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browse city services a-z

browse facts and links a-z

**CBL** 057 J031001  
**Land Use Type** VACANT LAND  
**Property Location** 5 BRIGGS ST  
**Owner Information** BRIGGS STREET PROPERTY LLC  
 47 SALEM ST  
 PORTLAND ME 04102  
**Book and Page** 28950/151  
**Legal Description** 57-J-31  
 BRIGGS ST 5  
 1955 SF  
**Acres** 0.045

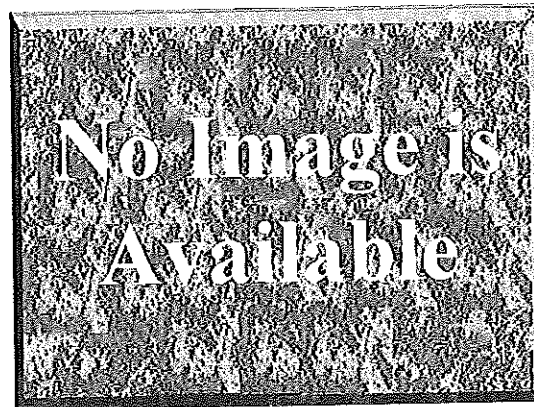
**Current Assessed Valuation:**

<b>TAX ACCT NO.</b>	9342	<b>OWNER OF RECORD AS OF APRIL 2011</b>
		LESNIEWSKI ILON HEIRS
<b>LAND VALUE</b>	\$9,400.00	55 SALEM ST
<b>BUILDING VALUE</b>	\$0.00	PORTLAND ME 04102
<b>NET TAXABLE - REAL ESTATE</b>	\$9,400.00	
<b>TAX AMOUNT</b>	\$171.84	

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



Best viewed at 800x600, with Internet Explorer



[View Map](#)

**Sales Information:**

Sale Date	Type	Price	Book/Page
9/9/2011	LAND	\$30,300.00	28950/151
1/16/2002	LAND + BUILDING	\$0.00	/

[New Search!](#)

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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Tax Relief

Tax Roll

Q & A

browse city services a-z

browse facts and links a-z

<b>CBL</b>	057 J029001
<b>Land Use Type</b>	GARAGES, SHEDS, AUX, ETC.
<b>Property Location</b>	47 SALEM ST
<b>Owner Information</b>	BRIGGS STREET PROPERTY LLC 47 SALEM ST PORTLAND ME 04102
<b>Book and Page</b>	28950/151
<b>Legal Description</b>	57-3-29 SALEM ST 47 2807 SF
<b>Acres</b>	0.064

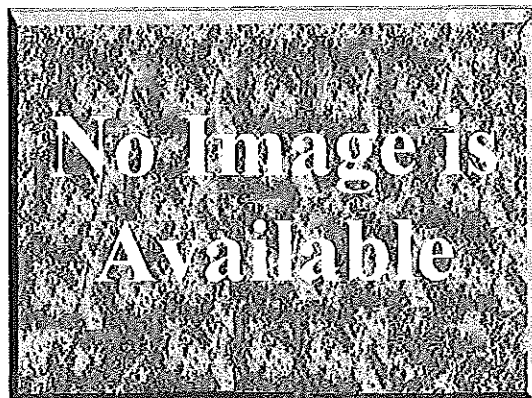
**Current Assessed Valuation:**

<b>TAX ACCT NO.</b>	9340	<b>OWNER OF RECORD AS OF APRIL 2011</b> LESNIEWSKI ILOM HEIRS
<b>LAND VALUE</b>	\$13,500.00	55 SALEM ST
<b>BUILDING VALUE</b>	\$7,400.00	PORTLAND ME 04102
<b>NET TAXABLE - REAL ESTATE</b>	\$20,900.00	
<b>TAX AMOUNT</b>	\$382.06	

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



Best viewed at 800x600, with Internet Explorer



[View Map](#)

**Outbuildings/Yard Improvements:**

	<b>Building 1</b>
<b>Year Built</b>	1920
<b>Structure</b>	GARAGE-WD/CB
<b>Size</b>	18X21
<b>Units</b>	1
<b>Grade</b>	D
<b>Condition</b>	A

**Sales Information:**

**Marge Schmuckal - Re: Determination letter**

---

**From:** Mark Carpenter <mark@nadeaulandsurveys.com>  
**To:** Marge Schmuckal <MES@portlandmaine.gov>  
**Date:** 4/2/2012 10:55 AM  
**Subject:** Re: Determination letter  
**CC:** nicholas burnett <nick3ddesign@gmail.com>

---

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**To:** "Jim Nadeau" <surveys@gwi.net>  
**Cc:**  
**Date:** Mon, 12 Mar 2012 15:13:22 -0400  
**Subject:** Determination letter

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Street Property, LLC dated September 8, 2011 recorded at the CCRD in Book 28950, Page 151, being the same description since a deed from Joseph & Lillian Fluet to Marion E. McCullum dated December 30, 1951 recorded at the CCRD in Book 2073, Page 332. "Parcel B" currently has an area of 4,366 sq.ft. as noted in General Note 10 on the submitted Boundary Survey. We are proposing to add 53 sq.ft., bringing the lot of record closer to conformity. "Parcel A" owns the area of the 10' right of way.

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Marge

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**Mark Carpenter, P.L.S.**

[Nadeau Land Surveys.com](http://NadeauLandSurveys.com)  
918 Brighton Avenue  
Portland, Maine 04102  
Phone: 207.878.7870  
Fax: 207.878.7871  
[mark@nadeaulandsurveys.com](mailto:mark@nadeaulandsurveys.com)

**[View our monthly newsletter, "Welcome to the Flood Zone"](#)**



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**CITY OF PORTLAND, MAINE**

Department of Building Inspections

**Original Receipt**

Feb. 21 2008

Received from Michael J. ...

Location of Work 5 Burgin ST 247 Seaside ST

Cost of Construction \$ \_\_\_\_\_ Building Fee: \_\_\_\_\_

Permit Fee \$ \_\_\_\_\_ Site Fee: \_\_\_\_\_

Certificate of Occupancy Fee: \_\_\_\_\_

Total: \_\_\_\_\_

Building (IL) \_\_\_\_\_ Plumbing (IS) \_\_\_\_\_ Electrical (I2) \_\_\_\_\_ Site Plan (U2) \_\_\_\_\_

Other Zoning Determination

CBL: \_\_\_\_\_

Check #: 131 Total Collected \$ 150.00

**No work is to be started until permit issued.  
Please keep original receipt for your records.**

Taken by: [Signature]

- WHITE - Applicant's Copy
- YELLOW - Office Copy
- PINK - Permit Copy



**Marge Schmuckal - Re: Determination letter**

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**From:** Marge Schmuckal  
**To:** Mark Carpenter  
**Date:** 4/2/2012 12:53 PM  
**Subject:** Re: Determination letter  
**CC:** nicholas burnett

---

Thank you, Mark, your information is helpful. Can you put together a quick sketch showing the lots prior to your reconfiguration? I believe that I understand what you are saying, but I want to be positive. The Assessor's records are not always accurate. However, without something other than the Assessor's records showing me what the deeds really say, I am at a loss. So a quick before sketch would be very helpful.  
Thank you,  
Marge

>>> Mark Carpenter <mark@nadeaulandsurveys.com> 4/2/2012 10:54 AM >>>

Hi Marge,  
Unfortunately your last email was hidden in our email chain, so thank you for bringing it back to our attention. I have responded to your questions in red, directly in your last email. I hope my response is not too technical and can clarify any confusion, but I would be happy to meet with you at your earliest convenience to discuss these items or any additional ones.  
Regards,  
Mark

On Fri, Mar 30, 2012 at 12:46 PM, Marge Schmuckal <MES@portlandmaine.gov> wrote:

Hi Mark  
I e-mailed this to Jim several weeks ago. I didn't get any response on my questions. Can you address them? If there is no further information, I am prepared to state that the proposal does not work from a zoning stand point.  
Let me know,  
Marge Schmuckal  
Zoning Administrator

----- Forwarded message -----

From: "Marge Schmuckal" <MES@portlandmaine.gov>  
To: "Jim Nadeau" <surveys@qwi.net>  
Cc:  
Date: Mon, 12 Mar 2012 15:13:22 -0400  
Subject: Determination letter

Hi Jim,  
I have taken a closer look at what you submitted. I am seeing that parcel "B" is an undersized lot. The Assessor's office is showing that the 10' strip of land that you are calling a right of way is now owned by the Briggs Street Property LLC and is not a right of way. I would like to verify that with you. I'm not sure why the Assessor's Map depicts the 10' strip to be a part of Lot 29, dividing "Parcel A" and creating two lots 20 & 32. There was a 10' right of way conveyed over "Parcel A" for "Parcel B" that was reserved in a deed from Albin Spirlvicz to Joseph T. & Sophia V. Lesniewski dated May 13, 1933 recorded at the Cumberland County

**Marge Schmuckal - Determination letter**

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**From:** Marge Schmuckal  
**To:** Jim Nadeau  
**Date:** 3/12/2012 3:13 PM  
**Subject:** Determination letter

---

Hi Jim,

I have taken a closer look at what you submitted. I am seeing that parcel "B" is an undersized lot. The Assessor's office is showing that the 10' strip of land that you are calling a right of way is now owned by the Briggs Street Property LLC and is not a right of way. I would like to verify that with you.

My concern is that Parcel "B" is currently 4,762 sq ft in size. The new parcel "B" would only be 4,366 sq ft which is in violation of the minimum lot size of 4,500 sq. ft. Parcel "B" cannot be reduced below the minimum lot size requirement. The issue seems to revolve around that right of way. Who actually owns that strip of land right now?

Thank you. I hope you are enjoying your classes. Last Tuesday I met with Jimmy Chin for my yearly monitoring with him. He mentioned you (in good terms). The City of Portland is doing pretty good in our participation in the Community Rating System. I think you could be helpful to communities who participate in the NFIP Community Rating System.. Talking with Jimmy, it seems like some communities are very lax in their paperwork. Keeping my files in order seems to be the key. It may be a pain to track permits and information when applications come in, but it is the only way to know what has been reviewed and approved.

thank you,  
Marge

NICHOLAS BURNETT  
DBA BRIGGS STREET PROPERTY  
P.O. BOX 7693 PH: 207-272-4956  
PORTLAND, ME 04112-7693

58-7498-2112  
E-Z CHECK® Plus Check Pad  
Includes All 31 Features

131

PAY to the order of CITROF PORTLAND \$ 150  
ONE HUNDRED & FIFTY DOLLARS

BANGOR SAVINGS BANK  
BANGOR, MAINE 04401

FOR DAVEN DAVROR

*[Signature]*

⑆211274382⑆ 4020187982⑆ 0131

Locus Deed References:

Parcel A

Robert Adams

to

Nicolas S. Burnett

dated August 31, 2011 and recorded September 2, 2011 at the Cumberland County Registry of Deeds in Book 28937, Page 294.

Parcel B

Estate of Ilon J. Lesniewski

to

Briggs Street Property, LLC

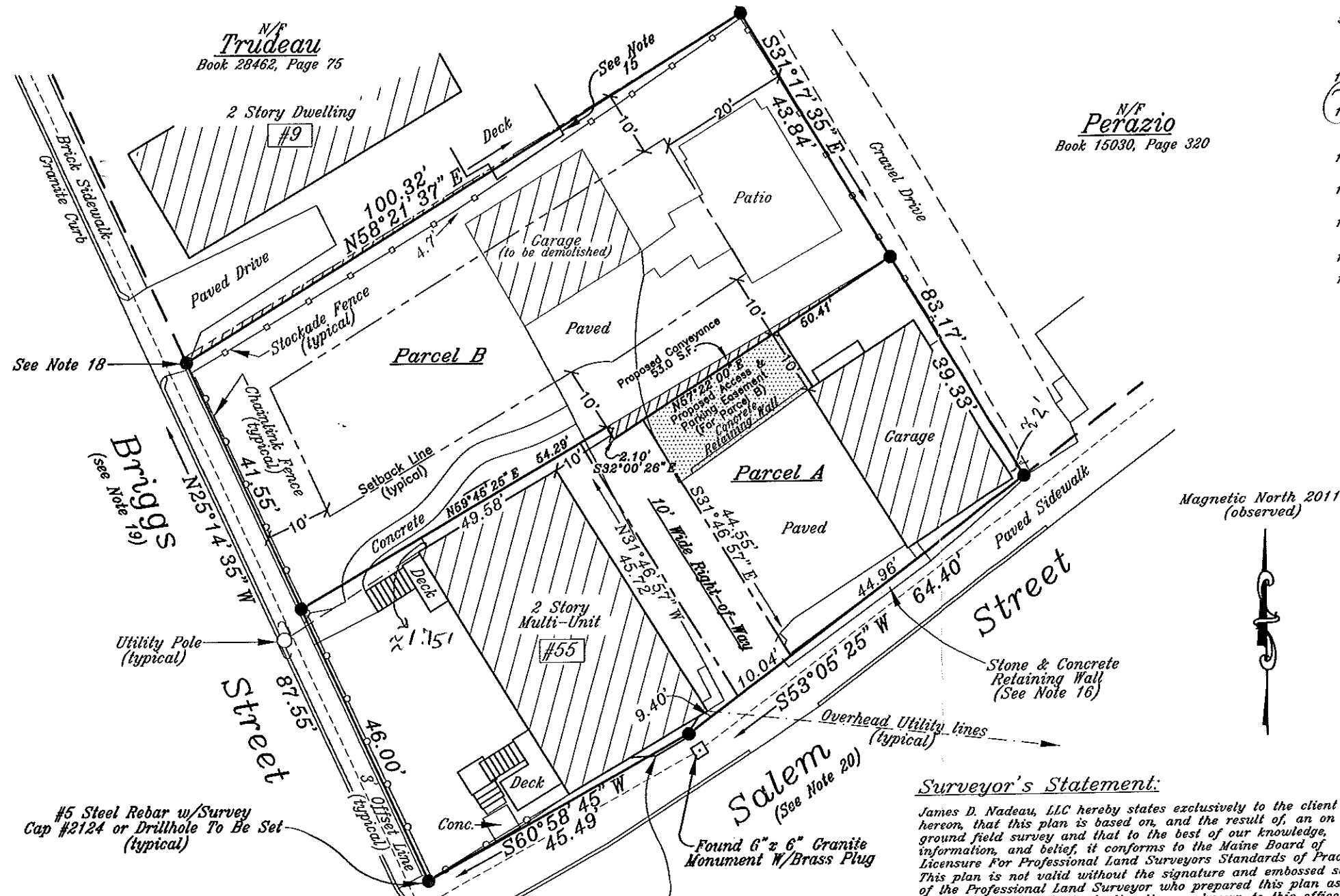
dated September 8, 2011 and recorded September 9, 2011 at the Cumberland County Registry of Deeds in Book 28950, Page 151.

Plan References:

1. "Plan Of Danforth, Salem, May, School & Briggs Streets In Portland, Maine", dated December 4, 1974, by Owen Haskell, Inc., City of Portland Plan 674/2.
2. City of Portland Engineering Street Notes, Danforth, Salem, Bond, Orange, School, & Briggs Streets, dated January 1926, City of Portland Vol. 2, No. 160.
3. City of Portland Engineering Street Notes, Salem Street, City of Portland Vol. 1, No. 22.
4. "Plan Of Briggs Street And Showing Change In Line Of Salem Street", dated October 7, 1857, by Charles Edwards, City of Portland Plan 359/10.
5. City of Portland Engineering Street Notes, Danforth Street, revised December 15, 2009, sheet 2 of 4, City of Portland Vol. 1, No. 83.
6. City of Portland Engineering Street Notes, Clark Street, dated September 1925, sheet 1 of 2, City of Portland Vol. 1, No. 88.
7. "Plan Of Division Of Brackett Estate", dated September 1857, by Charles H. Howe, C.E., recorded June 4, 1859 in CCRD Plan Book 2, Page 8.
8. "Plan Of Property In The City Of Portland", dated June 1854, by Wm. Anson, C.E., copied by W.S. Edwards, recorded June 21, 1858 in CCRD Plan Book 2, Page 3.

General Notes:

1. This plan is not intended to depict limits or extent of fee title ownership. An opinion of title should be rendered by a title attorney.
2. This office reserves the right to be held harmless by all 3rd party claims.
3. This survey does not purport to reflect any of the following:
  - a. easements other than those that are visible or specifically stated in the referenced documents.
  - b. building setback compliance or restrictive covenants.
  - c. zoning or other land use regulations.
  - d. the location of any underground utilities or structures.
4. This office reserves the right to be held harmless for unknown or unobtainable private records which could affect the results of this survey.
5. Reference is made to "Contract For Land Surveying Services" between James D. Nadeau, LLC and the below listed client(s), which shall be considered an integral part of this survey.
6. N/F is an abbreviation for Now or Formerly.
7. All deeds referenced on this plan are recorded at the Cumberland County Registry of Deeds (CCRD).
8. This office does not accept any liability for errors in the Plan References listed hereon.
9. Locus Parcel A is shown on the City of Portland Assessor's Map 57, Block J, as Lot 20, listed as 55 Salem Street & Lot 32, listed as 45 Salem Street. Locus Parcel B is shown on the City of Portland Assessor's Map 57, Block J, as Lot 31, listed as 5 Briggs Street & Lot 29, listed as 47 Salem Street.
10. Area of Locus Parcel A is 4,754 square feet (0.11 acre), Locus Parcel B is 4,868 square feet (0.10 acre).
11. The apparent right of way lines depicted on this plan are based on the Plan References listed hereon and monumentation found in the field, and City of Portland Engineering Street Notes.
12. All building corner offsets to boundary lines are from cornerboards and not building foundation.
13. Call 1-888-DIGSAFE at least three business days before performing ANY excavation.
14. Locus Parcel falls in the R-6 Zoning District. See City of Portland Zoning Ordinance for regulations and restrictions.
15. Abutter's deck appears to encroach on Locus Parcel B by 1.2'.
16. Stone and concrete retaining wall on Locus Parcel A appears to encroach in the Salem Street right of way.
17. 2nd & 3rd story bay window of multi-unit on Locus Parcel A appears to encroach in the Salem Street right of way by 0.5'±.
18. This office has created this northwesterly corner based on a 268' call from Danforth Street to the northwesterly corner of land now or formerly Trudeau per Book 295, page 486, dated 09/10/1859 which best fits a circa 1932 survey performed on the surveyed parcels. The purpose of this note is to acknowledge a previous deed call of 267' from Danforth Street per Book 113, page 222, dated 05/06/1828. The hatched area depicts the difference in these deeds call.
19. Briggs Street was accepted November 11, 1859 per City of Portland records Vol. 11, Page 177. The width varies from 28' along Danforth Street to 32' along Salem Street.
20. Salem Street was accepted as 3 rods (49.5') December 6, 1848 per City of Portland records Vol. 6, Page 53B. A portion of Salem Street was altered at the intersection of Briggs Street November 11, 1859 per City of Portland records Vol. 11, Page 180.



Surveyor's Statement:

James D. Nadeau, LLC hereby states exclusively to the client listed hereon, that this plan is based on, and the result of, an on the ground field survey and that to the best of our knowledge, information, and belief, it conforms to the Maine Board of Licensure For Professional Land Surveyors Standards of Practice. This plan is not valid without the signature and embossed seal of the Professional Land Surveyor who prepared this plan as it may contain unauthorized alterations unknown to this office.

James D. Nadeau, LLC  
 James D. Nadeau, P.L.S. #2124 (agent)

2-13-12  
 Date:

Revised 02/09/2012 Add proposed elements for municipal review.

BOUNDARY SURVEY  
 Made For  
 Nicholas Burnett  
 Salem Street & Briggs Street  
 Portland, Maine

MADE BY:  
 James D. Nadeau, LLC

Professional Land Surveyors  
 Certified Floodplain Managers  
 918 BRIGHTON AVE. PORTLAND, ME. PH.(207)878-7870

DATE: 01/12/2012 DRAWN BY: MLC  
 SCALE: 1" = 20' FILE#: 211259BR1