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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,

Marge Schmuckal
Zoning Administrator