



# PORTLAND MAINE

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*Lee Urban- Director of Planning and Development  
Marge Schmuckal, Zoning Administrator*

September 2, 2005

Shawna Jenkins, Information Specialist  
The Planning & Zoning Resource Corporation  
100 NE 5<sup>th</sup> Street  
Oklahoma City, Oklahoma 73104

RE: Danforth Heights -- 48 Salem Street -- 58-A-013 -- R-6 Residential Zone (the "Property")

Dear Shawna,

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

The current zoning of the property is a R-6 residential zone. There is no special, restrictive or overlay district over the Property. The direct abutting properties are also within the R-6 zones. As the attached zoning map details, there is a B-5b business zone within 100' of the rear of this property.

The Property was not developed as Planned Unit Development. The research of our files on the Property show no variances or conditional use permits. Apparently there was a special exception granted under the Urban Renewal guidelines to over riding the Zoning Ordinance in regard to parking requirements. Although a site plan showing the site, building, and parking was not submitted for compliance with the current underlying zone, this office is aware that there is a legal nonconformity concerning minimum lot size for the legal number of dwelling units of sixty-nine (69). The Property has only 66,211 square feet of land area which is well under the requirements of the current R-6 zone. There is evidence on file that the Planning Board approved the site plan including the insufficient number of parking spaces as stated above. The Property is legally conforming as to parking spaces because of the review and approval of the special exception.

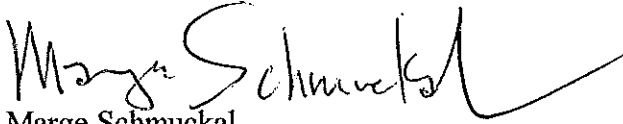
To the best of my knowledge, this office has no records showing any unresolved zoning violations or current complaints on the Property.

This office has no written record of site plan review from the Planning Division. However, correspondence refers to site plan approval from the Planning Board.

I have attached a copy of the issued building permit along with an issued certificate of occupancy. Certificates of occupancy are issued for both building shells, and for each tenant fit-up, or change of uses. Certificates of occupancy are not issued any time there is a change in ownership. The certificate of occupancy remains with the building. A certificate of occupancy would only be

required for major tenant improvements. They would not be required for minor changes to the tenant space.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Marge Schmuckal", followed by a long horizontal flourish.

Marge Schmuckal  
Zoning Administrator

attachments



R6 RESIDENCE ZONE

## APPLICATION FOR PERMIT

Class of Building or Type of Structure

Portland, Maine,

Sept. 26, 1972

OCT 20 1972

01287

CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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

Location 48-62 Salem St. Bldg. C. Within Fire Limits? \_\_\_\_\_ Dist. No. \_\_\_\_\_  
Owner's name and address Codman Portland Ltd, 683 Atlantic Ave., Boston Telephone \_\_\_\_\_  
Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
Contractor's name and address Sappala and Aho, New Ipswich, New Hampshire Telephone \_\_\_\_\_  
Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans \_\_\_\_\_ No. of sheets \_\_\_\_\_  
Proposed use of building Apt. Bldg. No. families 69  
Last use \_\_\_\_\_ No. families \_\_\_\_\_  
Material \_\_\_\_\_ No. stories \_\_\_\_\_ Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_  
Other buildings on same lot \_\_\_\_\_  
Estimated cost \$ 1,063,000. Fee \$ 3,188.

## General Description of New Work

7-story  
To construct masonry load bearing fireproof apt bldg. (69 units) as per plans

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT TO BE ISSUED TO

## 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? yes 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 gas fuel gas  
Framing Lumber Kind \_\_\_\_\_ Dressed or full size? \_\_\_\_\_ Corner posts \_\_\_\_\_ Sills \_\_\_\_\_  
Size Girder \_\_\_\_\_ Column 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? \_\_\_\_\_

## Miscellaneous

Will work require disturbing of any tree on a public street? \_\_\_\_\_  
Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

APPROVED:

PERMIT

Re: Bldg. A - Danforth Street  
Bldg. B - School Street  
Bldg. C - Salem Street

October 20, 1972

Codman of Portland, Ltd.  
693 Atlantic Street  
Boston, Massachusetts

cc to: Seppala and Aho  
New Ipswich, N.H.  
Mr. Hutchinson  
Public Works  
Planning Board

Gentlemen:

Building permits to construct Building A with 30 units as per plan, Building B with 36 units as per plan and Building C with 69 units as per plan are being issued herewith subject to the following requirements:

(1) Even though the parking requirements are in violation of the Zoning Ordinance, the Planning Board informs us that the Portland West Urban Renewal plan over rides the Zoning Ordinance in regard to parking requirements. On the strength of this, we are issuing the permits.

(2) Where truss rafters are being used, we need information pertaining to the gusset plates, the material thereof and how fastened.

(3) The Building Code calls for a #6 wire ties to be used where unlike masonry units are tied together. These ties are to be spaced no more than 1' vertically and 2' horizontally.

(4) Exterior plywood ( texture 111) may be used on building provided that the grooved sections do not exceed 12" on centers and that the material be not less than 5/8 thick and is applied per the recommendations of the manufacturer. The exception shall be that panels shall have a backing of 15 lb. felt paper with a 6" minimum overlap.

Mr. Harold Hutchinson, Chief Engineer in the Public Works Dept. sent a memo to me, this date, which said, "This Department has reviewed the plans of parcels #2, #3, and #4 of the Neighborhood Development Project and finds the existing city sewers adequate in capacity to handle the projected flows as presented to this department by the developer. (Codman Co.)"

Very truly yours,

Earle S. Smith  
Plan Examiner

Ess/c

(COPY)

CITY OF PORTLAND, MAINE  
Department of Building Inspection



## Certificate of Occupancy

LOCATION

48-62 Salem Street & 65 Summer Street  
(known as building "C")

Issued to **Codman-Portland Limited**

Date of Issue **May 22, 1974**

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. **72/1287**, 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

**entire**

APPROVED OCCUPANCY

**sixty nine (69) apartment units.**

Limiting Conditions:

This certificate supersedes  
certificate issued

Approved:

**5/22/74**

(Date)

*P. S. Hoffner*  
Inspector

*[Signature]*  
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.

owner to transfer with property change hands. Copy will be furnished to owner or lessee for one dollar.

**From:** Marge Schmuckal  
**To:** Karen Dunfey  
**Date:** Thu, Sep 1, 2005 6:36 PM  
**Subject:** 240 Danforth Street - Codman Project

Karen,

Is it possible to get a copy of the 10/2/72 City Council approval for the Codman Project which is on 240 Danforth Street and 48 Salem Street? I have to put together a determination letter and my research is saying that the City Council did some sort of approval on this project on 10/2/72.

Thank you,  
Marge

She can't find —  
it isn't in City Council "Stuff"

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

Card Number	1 of 1
Parcel ID	058 A013001
Location	48 SALEM ST
Land Use	TWENTY-ONE PLUS FAMILY
Owner Address	CODMAN-PORTLAND ASSOC 175 FEDERAL ST SUITE 700 BOSTON MA 02110

Book/Page	58-A-13
Legal	SUMMER ST 55-61 SALEM ST 48-74 66211 SF

### Current Assessed Valuation For Fiscal Year 2006

Land	Building	Total
\$227,170	\$2,164,930	\$2,392,100

### Estimated Assessed Valuation For Fiscal Year 2007\*

Land	Building	Total
\$329,800	\$2,665,500	\$2,995,300

\* Value subject to change based upon review of property status as of 4/1/06.  
The tax rate will be determined by City Council in May 2006.

### Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1973	69	75424	1
Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
1.52	75424		APARTMENT - GARDEN	DANFORTH HEIGHTS APTS

### Exterior/Interior Information

Section	Levels	Size	Use	Height	Walls	Heating	A/C
1	B1/B1	6300	SUPPORT AREA	8		NONE	NONE
1	B2/B2	9918	APARTMENT	8		HW/STEAM	NONE
1	B2/B2	4520	SUPPORT AREA	8		NONE	NONE
1	01/01	16374	APARTMENT	9	FRAME	HW/STEAM	NONE
1	02/02	16374	APARTMENT	9	FRAME	HW/STEAM	NONE
1	03/03	15638	APARTMENT	9	FRAME	HW/STEAM	NONE
1	04/04	6300	APARTMENT	9	FRAME	HW/STEAM	NONE

### Building Other Features

Line	Structure Type	Identical Units
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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

Card Number	1 of 2
Parcel ID	057 1001001
Location	240 DANFORTH ST
Land Use	TWENTY-ONE PLUS FAMILY
Owner Address	CODMAN-PORTLAND ASSOC 175 FEDERAL ST SUITE 700 BOSTON MA 02110
Book/Page	
Legal	57-I-1 BRIGGS ST 18-32 DANFORTH ST 228-242 SCHOOL ST 1-33 71064 SF

### Current Assessed Valuation For Fiscal Year 2006

Land	Building	Total
\$240,190	\$2,028,100	\$2,268,290

### Estimated Assessed Valuation For Fiscal Year 2007\*

Land	Building	Total
\$348,700	\$2,565,400	\$2,914,100

\* Value subject to change based upon review of property status as of 4/1/06.  
The tax rate will be determined by City Council in May 2006.

### Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1973	30	27040	1
Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
1.631	60512		APARTMENT - GARDEN	

### Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	520	SUPPORT AREA
1	01/01	8840	APARTMENT
1	02/03	8840	APARTMENT

Height	Walls	Heating	A/C
7		NONE	NONE
9	FRAME	HW/STEAM	NONE
9	FRAME	HW/STEAM	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

### Building Other Features

Line	Structure Type	Identical Units
2	PORCH - ENCL	2







## The Planning & Zoning Resource Corporation

100 NE 5<sup>th</sup> Street • Oklahoma City, Oklahoma 73104

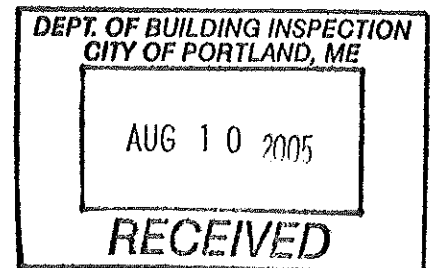
Telephone (405) 840-4344 • Fax (405) 840-2608

Toll Free (800) 344-2944 • Toll Free Fax (405) 840-2608

Att: Marge Schmuckal

Date: August 9, 2005

Subject: Zoning Verification Letter,  
Copies of Certificate of Occupancy (or Letter),  
Zoning Variances  
Violations (Zoning and Building)  
Site Plan Copy for:



Danforth Heights Apartments@48 Salem Street  
058 A013001 Year Built: 1973

We have been engaged to prepare a due diligence Zoning Analysis and Site Summary report for the above-mentioned site. Please consider this a formal request for a letter outlining the Zoning Designation and a Brief Description of the property, as follows:

- \* What is the current zoning of the property? *F-4*
- \* Is the property in any special, restrictive or overlay district? *NO*
- \* What are the abutting zoning designations?
- \* Was this a Planned Unit Development? If so, can we please get a copy of the PUD? *NO*
- \* Was this property granted any variances, special exceptions, or conditional use permits or zoning relief of any kind? If so, can we please get a copy of them? If these are not available, would you briefly outline the conditions of the applicable document? *I can find NO variances of any type on file.*
- \* Are there any legal nonconforming issues? *without a survey - I am uncertain of all legal nonconformities. But I am aware of min area per D.U.*
- \* To the best of your knowledge, do your records show any unresolved Zoning or Building Code Violations and/or complaints? *NO*
- \* Was this property developed with Site Plan approval? If so, could we get a copy of the approved plan and/or conditions? *I can find NO*
- \* Is this site in compliance with the current Zoning Ordinance Code? *will have NO min area per D.U.*

In addition, please include copies of the Certificates of Occupancy you may have on file for this site. We further request that you please take a moment to answer the following questions so that we may accurately determine the status of occupancy on site.



## CITY OF PORTLAND, MAINE

### Department of Building Inspections

Aug 16 2005

Received from The Planning & Zoning Resource Corp.

Location of Work 48 Salem St.

Cost of Construction \$ \_\_\_\_\_

Permit Fee \$ 150.00

Building (I1) \_\_\_\_\_ Plumbing (I5) \_\_\_\_\_ Electrical (I2) \_\_\_\_\_ Site Plan (U2) \_\_\_\_\_

Other Zoning Determination

CBL: 58 A C13

Check #: 5897 Total Collected \$ 150.00

## THIS IS NOT A PERMIT

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$10.00 or 10% whichever is greater.

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

How are Certificates of Occupancy issued in the city? (For instance, are Certificates issued for building shells, for each tenant or for both? Are Certificates issued any time a use, tenant improvement or owner is changed?) *Both* *yes*

Please see attached form letter. Please copy onto your letterhead and indicate which of the three options applies to this site. Please sign and return by fax to me at the number listed above.

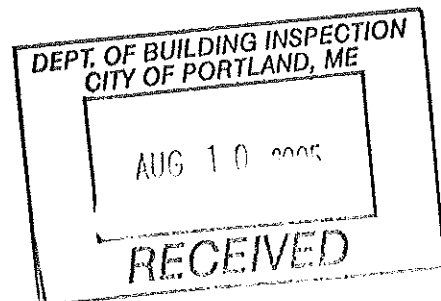
**It is my understanding that there is a \$150 fee associated with this request.**

Please provide as much information as possible in writing. **If there are any questions you are unable to answer, please let us know whom we should contact.** Because we are working on a very strict timeline, we further request a faxed copy of the letter prior to its being mailed. Our client has asked that we gather this information as quickly as possible so any help would be greatly appreciated.

Thank you in advance for your time and consideration on the above matter. If you have any questions or concerns, please do not hesitate to telephone at the toll free number above, extension 3343.

Sincerely: **Shawna Jenkins**  
**Information Specialist**

*Shawna Jenkins*



*(Please copy onto your letterhead)*

*Planning and Zoning Resource Corporation  
Attn: Shawna Jenkins  
100 NE 5<sup>th</sup> Street  
Oklahoma City, OK 73104*

*To Whom it May Concern:*

*Based on our records [choose one]:*

*\_\_\_\_\_ A valid final certificate of occupancy has been issued and is now outstanding for the Project. (See Attached Copy Issued)*

*\_\_\_\_\_ Certificates of Occupancy for projects constructed prior to the year \_\_\_\_\_ are no longer on file with this office. The Project was constructed in \_\_\_\_\_. The absence of a certificate of occupancy for the Project will not give rise to any enforcement action affecting the Project. A certificate of occupancy for the Project will only be required to the extent of any construction activity (such as either restoring, renovating or expanding the Project or any part thereof).*

*\_\_\_\_\_ We are unable to locate a certificate of occupancy for the Project from our records. We have evidence in our records, however, that one was issued and has been subsequently lost or misplaced. The absence of a certificate of occupancy for the Project will not give rise to any enforcement action affecting the Project. A certificate of occupancy for the Project will only be required to the extent of any construction activity, either restoring, renovating or expanding the Project or any part thereof.*

*Please call the undersigned at \_\_\_\_\_ if you have any comments or questions.*

*Sincerely,*

*By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
(Title of Government Official)*



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Book/Page	
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The tax rate will be determined by City Council in May 2006.

### Building Information

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1	1973	69	75424	1

Total Acres	Total Buildings Sq. Ft.	Structure Type	Building Name
1.52	75424	APARTMENT - GARDEN	DANFORTH HEIGHTS APTS

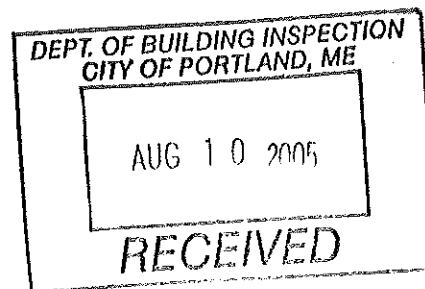
### Exterior/Interior Information

Section	Levels	Size	Use
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1	B2/B2	9918	APARTMENT
1	B2/B2	4520	SUPPORT AREA
1	01/01	16374	APARTMENT
1	02/02	16374	APARTMENT
1	03/03	15638	APARTMENT
1	04/04	6300	APARTMENT

Height	Walls
8	
8	
8	
9	FRAME
9	FRAME
9	FRAME
9	FRAME

Heating
NONE
HW/STEAM
NONE
HW/STEAM
HW/STEAM
HW/STEAM
HW/STEAM
NONE

A/C
NONE
NONE
NONE
NONE
NONE
NONE
NONE
NONE



### Building Other Features

Line	Structure Type	Identical Units
------	----------------	-----------------

## Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1973	ASPHALT PARKING	14388	1
2004	UTILITY FRAME	192	1

## Sales Information

Date	Type	Price	Book/Page
07/09/1997	LAND + BLDING		13185-189

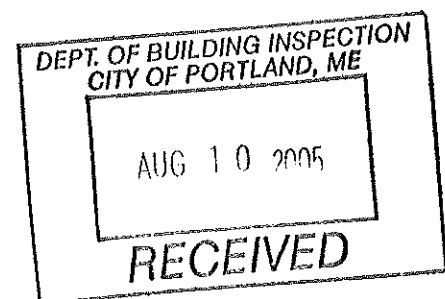
## Picture and Sketch

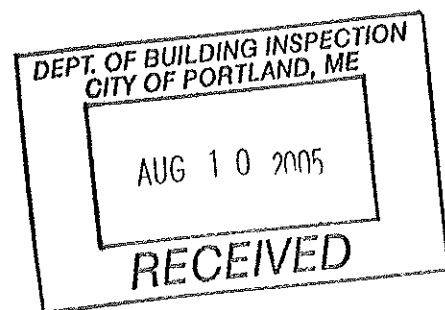
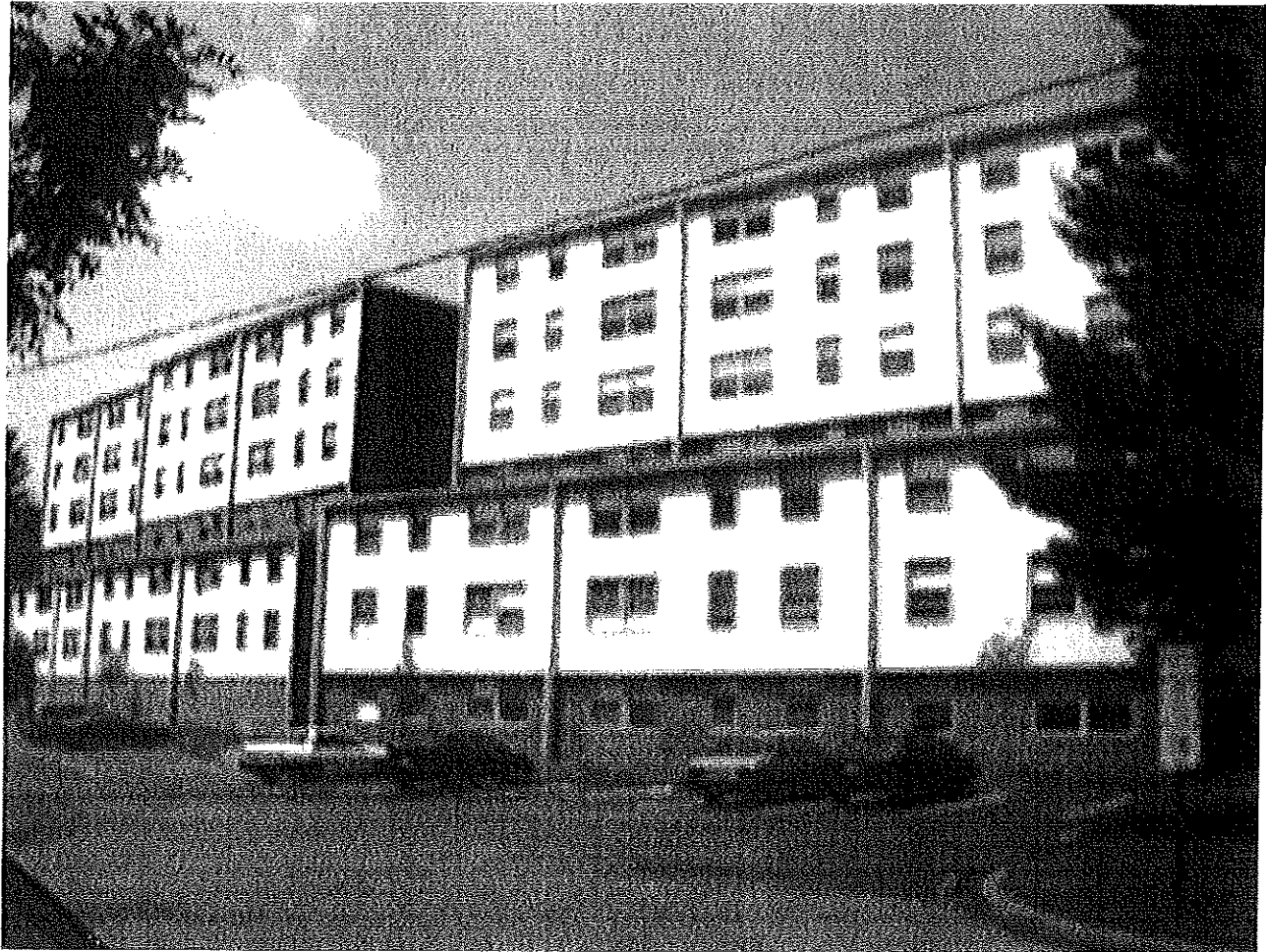
[Picture](#)      [Sketch](#)      [Tax Map](#)

[Click here](#) to view Tax Roll Information.

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

[New Search!](#)



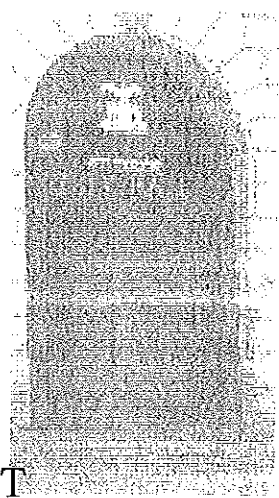




City of Portland  
**INSPECTION SERVICES**

Room 315  
389 Congress Street  
Portland, Maine 04101

Telephone: 207-874-8703 or 207-874-8693  
Facsimile: 207-874-8716

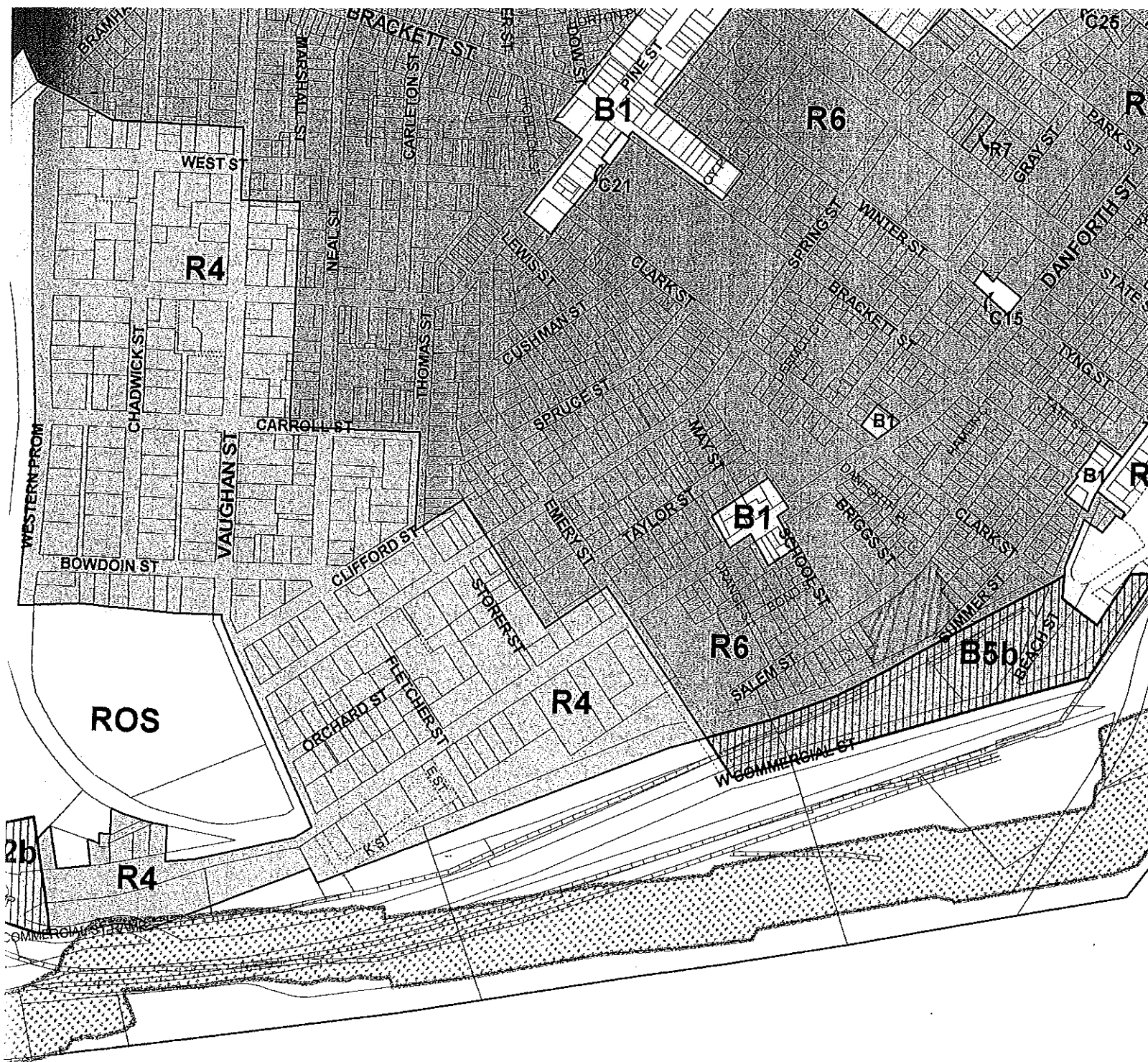


**FACSIMILE TRANSMISSION COVER SHEET**

TO: <u>Shauna Jenkins</u>	FROM: <u>Marge Schuchel</u>
FAX NUMBER: <u>1-405-840-2608</u>	NUMBER OF PAGES, WITH COVER: <u>3</u>
TELEPHONE: _____	RE: <u>48 Salem St - 58-A-03</u>
DATE: <u>9/2/05</u>	_____

Comments:

The original & attachments are in the mail



**OVERLA**  
**FLEXIBLE H**  
 **FH**  
**RESIDENTIA**

