

# PORTLAND MAINE

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

Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator

September 4, 2012

Federal Housing Commissioner  
U.S. Department of Housing and Urban Development  
New Hampshire State Office  
Norris Cotton Federal Building  
275 Chestnut Street  
Manchester, NH 03101-2487

And

Oppenheimer Multifamily Housing & Healthcare Finance, Inc.  
c/o John C. McCullough, Esq.  
MPD Law, LLC  
121 Main Street  
Charlestown, MA 02129

RE: Danforth Heights – 48 Salem Street – 058-A-013 (the “Property”) – R-6 Zone

Dear Sirs and Madams:

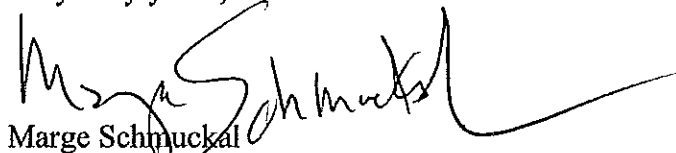
I am in receipt of your request for a determination letter concerning the Property. The Property is located in a R-6 Residential Zone. In October, 1972 a building permit was issued to construct a 7-story masonry apartment building for 69 residential dwelling units. Subsequently, in May, 1974 a certificate of occupancy was issued for the approved 69 residential dwelling units. Copies of the permit and certificate of occupancy are enclosed with this letter.

To the best of my knowledge, the 69 residential units are still within the existing building and are still compliant with the issued permit and certificate of occupancy. If there are any dimensional nonconformities in regard to today's Land Use Zoning Ordinance, they would be considered to be legally nonconforming and are not subject to correction at this time or at any future time when the Ordinance may change.

I am not aware of any legal actions that are pending or in the process.

If you have 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", with a long horizontal flourish extending to the right.

Marge Schmuckal  
Zoning Administrator

Cc: Thomas R. Kelly  
Robinson Kriger & McCallum  
12 Portland Pier  
Portland, ME 04101-4713

enclosures

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R6 RESIDENCE ZONE

## APPLICATION FOR PERMIT

Class of Building or Type of Structure

Portland, Maine,

Sept. 26, 1972

PLANNING  
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 Seppala 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

APPROVED:

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 \_\_\_\_\_

(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. **72/1267**, 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. Hoffles*  
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 owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

ROBINSON  
KRIGER &  
MCCALLUM  
ATTORNEYS AT LAW

TWELVE PORTLAND PIER  
PORTLAND, MAINE 04101-4713

TELEPHONE (207) 772-6565  
FACSIMILE (207) 773-5001  
E-MAIL @rkmlegal.com

DOUGLAS J. ALOFS  
RICHARD D. BAYER  
CARA L. BIDDINGS  
MARIANNA M. FENTON  
JAMES C. HUNT  
HUMPHREY H. N. JOHNSON  
THOMAS R. KELLY  
JOHN M. MCCALLUM  
THOMAS QUARTARARO  
JEFFREY B. WILSON

OF COUNSEL

JAMES S. KRIGER  
ROBERT C. ROBINSON

August 21, 2012

Marge Schmucklc  
Zoning Administrator  
City of Portland, City Hall  
389 Congress Street  
Portland, ME 04101

RECEIVED

11 22 2012

Dept. of Building Inspections  
City of Portland Maine

RE: Zoning Compliance Letter  
Danforth Heights – 48 Salem Street – 058-A-013 (the “Property”) – R-6 Zone

*yes - not in  
history*

Dear Marge:

We represent Codman-Portland Associates, which owns the Danforth Heights property on 48 Salem Street. Kindly accept this as a request for a letter indicating Danforth Height’s compliance with zoning and land use regulations of the City.

Please include a statement of whether the current use complies with the zone’s use restrictions. With respect to legal nonconformities, kindly include a statement that the City’s zoning code does not require that those nonconformities be made to conform at the current time.

You provided a zoning compliance letter December 19, 2011, on this property, so I would expect that you may be able to undertake this project without substantial additional work. I am requesting the letter to update the lender’s files in connection with a refinancing.

Please find the check for the fee in the amount of \$150.00.

The letter is needed prior to an anticipated mortgage closing in early September, 2012. The closing will occur at H.U.D. regional headquarters in New Hampshire.

Kindly **provide me a copy and** address the letter to the following:

Marge Schmuckle  
August 21, 2012  
Page 2

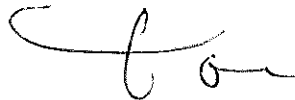
FEDERAL HOUSING COMMISSIONER  
U.S. Department of Housing and Urban Development  
New Hampshire State Office  
Norris Cotton Federal Building  
275 Chestnut Street  
Manchester, NH 03101-2487

And

Oppenheimer Multifamily Housing & Healthcare Finance, Inc.  
c/o John C. McCullough, Esq.  
MPD Law, LLC  
*successor to McCullough Stievater & Polvere*  
121 Main Street  
Charlestown, MA 02129

Thank you in advance.

Sincerely,



Thomas R. Kelly

TRK:smh

Enclosure

cc: LaFonte Nesbitt, Esq., Holland & Knight  
800 17th Street, NW, Suite 1100  
Washington DC 20006

RECEIVED

AUG 22 2012

Dept. of Building Inspections  
City of Portland Maine



# 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: 35737

**Tender Amount:** 150.00

## Receipt Header:

**Cashier Id:** bsaucier

**Receipt Date:** 8/23/2012

**Receipt Number:** 47420

## Receipt Details:

Reference ID:	486	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00
Job ID: Miscellaneous charges			
Additional Comments: 48 Salem Street Det Ltr			

Thank You for your Payment!

Assessor's Office | 369 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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[E-Services](#)
[Calendar](#)
[Jobs](#)

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**[Applications](#)[Doing Business](#)[Maps](#)[Tax Relief](#)[Tax Roll](#)[Q & A](#)[Browse city services a-z](#)[Browse facts and links a-z](#)

**CBL** 058 A013001  
**Land Use Type** TWENTY-ONE PLUS FAMILY  
**Property Location** 48 SALEM ST  
**Owner Information** CODMAN-PORTLAND ASSOC  
 175 FEDERAL ST SUITE 700  
 BOSTON MA 02110

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

**Acres** 1.52

**Current Assessed Valuation:**

<b>TAX ACCT NO.</b>	9418	<b>OWNER OF RECORD AS OF APRIL 2012</b>
		CODMAN-PORTLAND ASSOC
<b>LAND VALUE</b>	\$329,800.00	
<b>BUILDING VALUE</b>	\$2,665,500.00	175 FEDERAL ST SUITE 700
<b>NET TAXABLE - REAL ESTATE</b>	\$2,995,300.00	BOSTON MA 02110
<b>TAX AMOUNT</b>	\$56,371.56	

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

**Building Information:**

**Building 1**  
**Year Built** 1973  
**Style/Structure Type** APARTMENT - GARDEN  
**# Units** 69  
**Building Num/Name** 1 - DANFORTH HEIGHTS APTS  
**Square Feet** 75424

[View Sketch](#)[View Map](#)[View Picture](#)**Exterior/Interior Information:**

**Building 1**  
**Levels** B1/B1  
**Size** 6300  
**Use** SUPPORT AREA  
**Height** 8  
**Heating** NONE  
**A/C** NONE

**Building 1**  
**Levels** B7/B2  
**Size** 9918  
**Use** APARTMENT  
**Height** 8  
**Heating** HW/STEAM  
**A/C** NONE

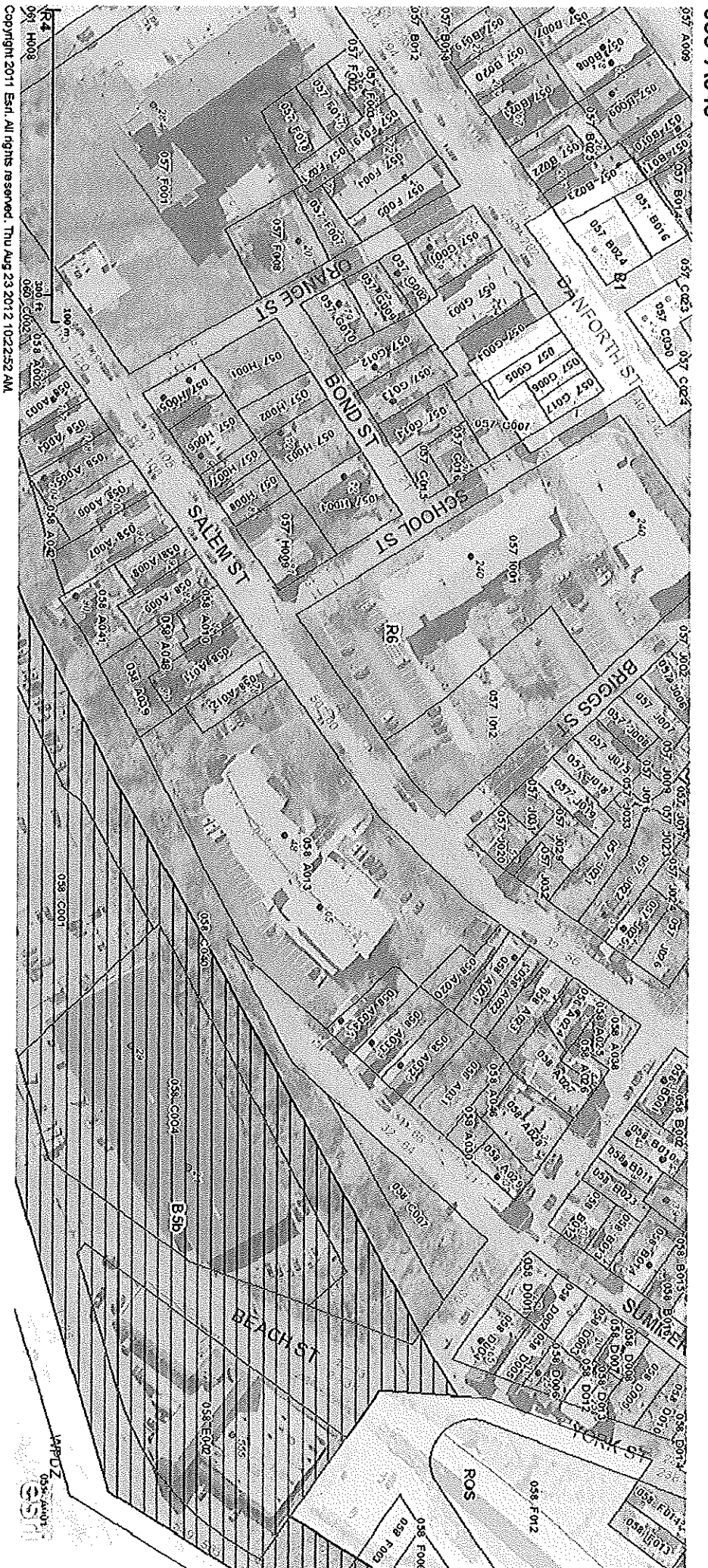
**Building 1**  
**Levels** B2/B2  
**Size** 4520  
**Use** SUPPORT AREA  
**Height** 8  
**Heating** NONE  
**A/C** NONE

**Building 1**  
**Levels** 01/01  
**Size** 16374  
**Use** APARTMENT  
**Height** 9  
**Walls** FRAME  
**Heating** HW/STEAM  
**A/C** NONE



# 48 Salem St

058 A040



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 overrides 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