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February 19, 2010

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

Re: 15-17 Hemlock Street, Portland/65-A-17/Functional subdivision

Dear Marge:

Enclosed please find our check in the amount of \$150 for your review and determination of this request for a functional subdivision of the two buildings located at 15 and 17 Hemlock Street.

I write on behalf of my client, MJECO, LLC, the owner of the above property. The most recent deed is dated October 13, 2009 and recorded at the Cumberland County Registry of Deeds in Book 27319, Page 276, when MJECO, LLC obtained the property from Donald R. Aguilo and Holly A. Aguilo, a copy of which is attached. A copy of the Assessor's map and a recent survey showing the proposed new boundaries are also included.

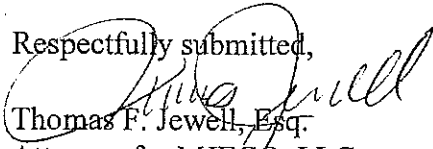
The total lot size of 65-A-17 is 6,452 square feet according to the survey although the assessor shows the lots size as 5,679 square feet. The lot is located in the R-6 Zone. There is one dwelling unit at 15 Hemlock Street and three dwelling units at 17 Hemlock Street.

The buildings have been separately used and occupied since they were constructed. The single family building at 15 Hemlock Street was built about 1900 and the building with the three units at 17 Hemlock Street was built about 1922. All utilities are separate. I am submitting utility bills showing separate water, sewer, electric and gas service for the two buildings.

We submit that the proposed subdivision of 15-17 Hemlock Street into two lots would meet the requirements of a functional subdivision.

We look forward to your determination. Please let me know if you need any further information.

Respectfully submitted,


Thomas F. Jewell, Esq.

Attorney for MJECO, LLC

✓ Ce: MJECO, LLC (w/encs.)



PORTLAND MAINE

MAR 20 2010

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

March 16, 2010

Thomas F. Jewell, Esq.
Jewell & Boutin, P.A.
Suite 1104
477 Congress Street
Portland, ME 04101-3427

RE: 15-17 Hemlock Street – 065-A-17 – R-6 Residential Zone

Dear Attorney ^{John} Jewell,

I am in receipt of your request for a determination letter concerning 15-17 Hemlock Street and whether the property meets the test and requirements of a functional division of land as outlined by the State Law Court under Keith v. Saco River Corridor Commission.

Preliminary Criteria:

1. **Were the structures in existence prior to adoption of the Zoning Ordinance?**
The records indicate that #15 or the rear single family structure was built prior to or around 1900. #17 Hemlock with three families was built in 1922. The basis of the current Land Use Zoning Ordinance is June 5, 1957. Therefore both structures were in existence prior to the adoption of the current Zoning Ordinance. This criterion is being met.
2. **From that time to the present, the buildings have been separately used and occupied.** Yes. Documentation in our microfiche shows separate building permit activities for each address. This criterion is being met
3. **Each structure is served by its own utilities and sewerage disposal systems.** Information has been submitted for each structure showing separate bills and separate meter numbers for the utilities of water, electric and gas. The applicant has also stated that there are two separate waste lines, one for each building. The wastewater fee on each Portland Water District bill supports this. The third criterion is being met.

Further Tests:

1. **The use reflects the “nature and purpose” of the use prevailing when the zoning legislation took effect.** The use of the property has not changed since the Land Use Zoning Ordinance went into effect in 1957. The City’s microfiche indicates that #15 Hemlock Street was a single family dwelling prior to 1957 and remains a single family dwelling. The City’s microfiche also has evidence that

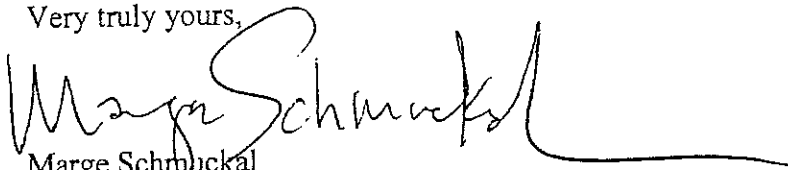
#17 Hemlock Street was a residential three unit prior to 1957 and remains a residential three unit. The uses meet this test.

2. **The use created will not be different in quality or character, as well as in degree, from the original use.** As stated above, the uses of the two structures have remained constant. There are no newly created uses involved with this request. Therefore the applicant meets this test.
3. **The current use is not different in kind, in its effect on the neighborhood from the original use.** The neighborhood is residential. The past and current uses are the same and have no different effect on the neighborhood. The applicant meets this test.

Based upon the submitted information and further research of the property, the applicant is meeting the burden of a functional division of land. The applicant has submitted a sketch of how the property would be divided. There is a common drive that both properties use. It is recommended that the applicant place cross easements upon the land to allow the two lots to use the driveway and any parking spots as needed.

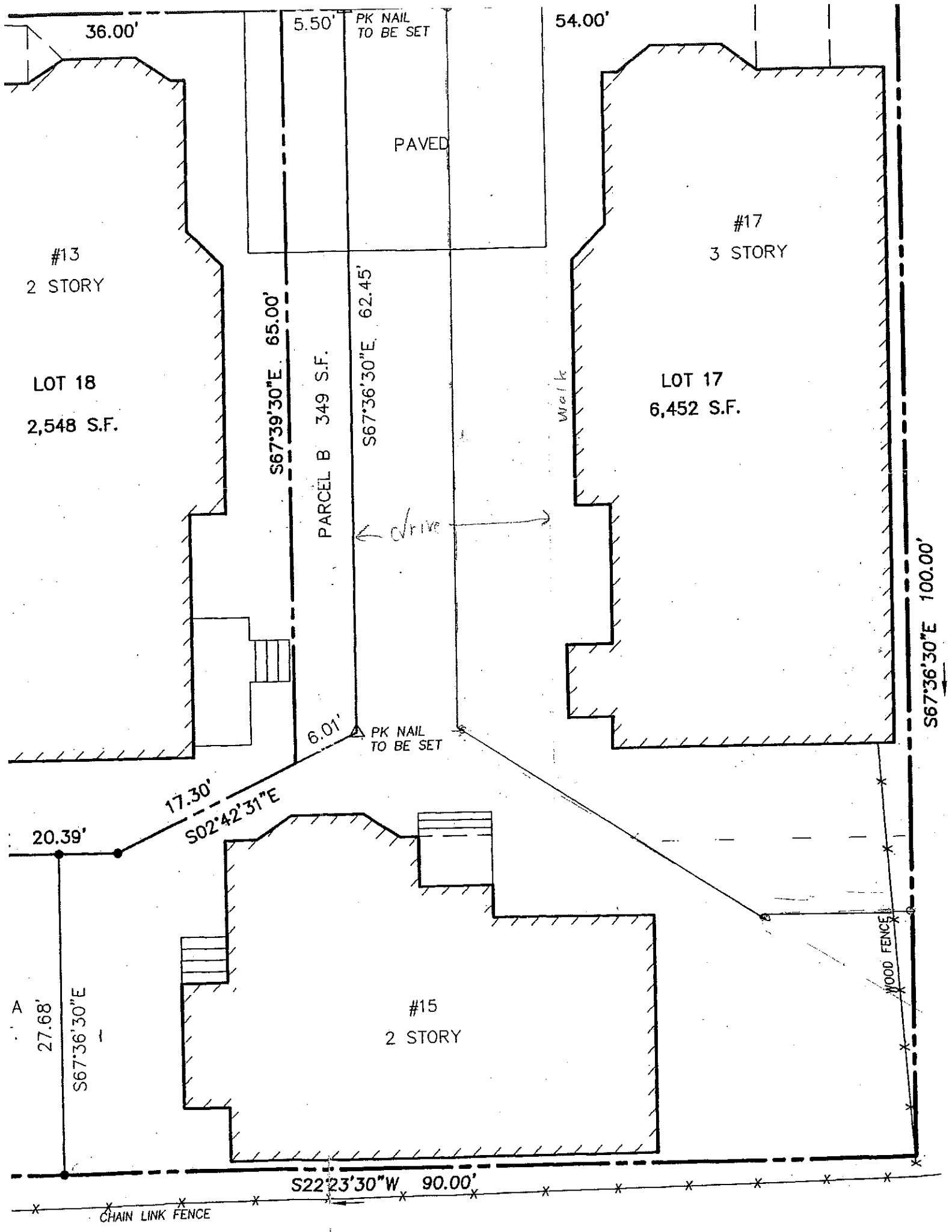
If you have any questions regarding this determination, please do not hesitate to contact me at 874-8695.

Very truly yours,



Marge Schmuckal
Zoning Administrator

Cc: File



36.00'

5.50'

PK NAIL TO BE SET

54.00'

PAVED

#13
2 STORY

#17
3 STORY

LOT 18
2,548 S.F.

LOT 17
6,452 S.F.

S67°39'30"E 65.00'

PARCEL B 349 S.F.

S67°36'30"E 62.45'

Wreck

← drive →

6.01'

PK NAIL TO BE SET

S67°36'30"E 100.00'

20.39'

17.30'

S02°42'31"E

A

27.68'

S67°36'30"E

#15
2 STORY

WOOD FENCE

S22°23'30"W 90.00'

CHAIN LINK FENCE

N/E

N22°23'30" E 90.00'

36.00'

5.50'

PK NAIL
TO BE SET.

54.00'

PAVED

#13

2 STORY

#17

3 STORY

LOT 18

2,548 S.F.

LOT 17

6,452 S.F.

S67°39'30"E 65.00'

PARCEL B 349 S.F.

S67°36'30"E 62.45'

6.01'

PK NAIL
TO BE SET.

S67°36'30"E 100.00'

20.39'

17.30'

S02°42'31"E

27.68'

S67°36'30"E

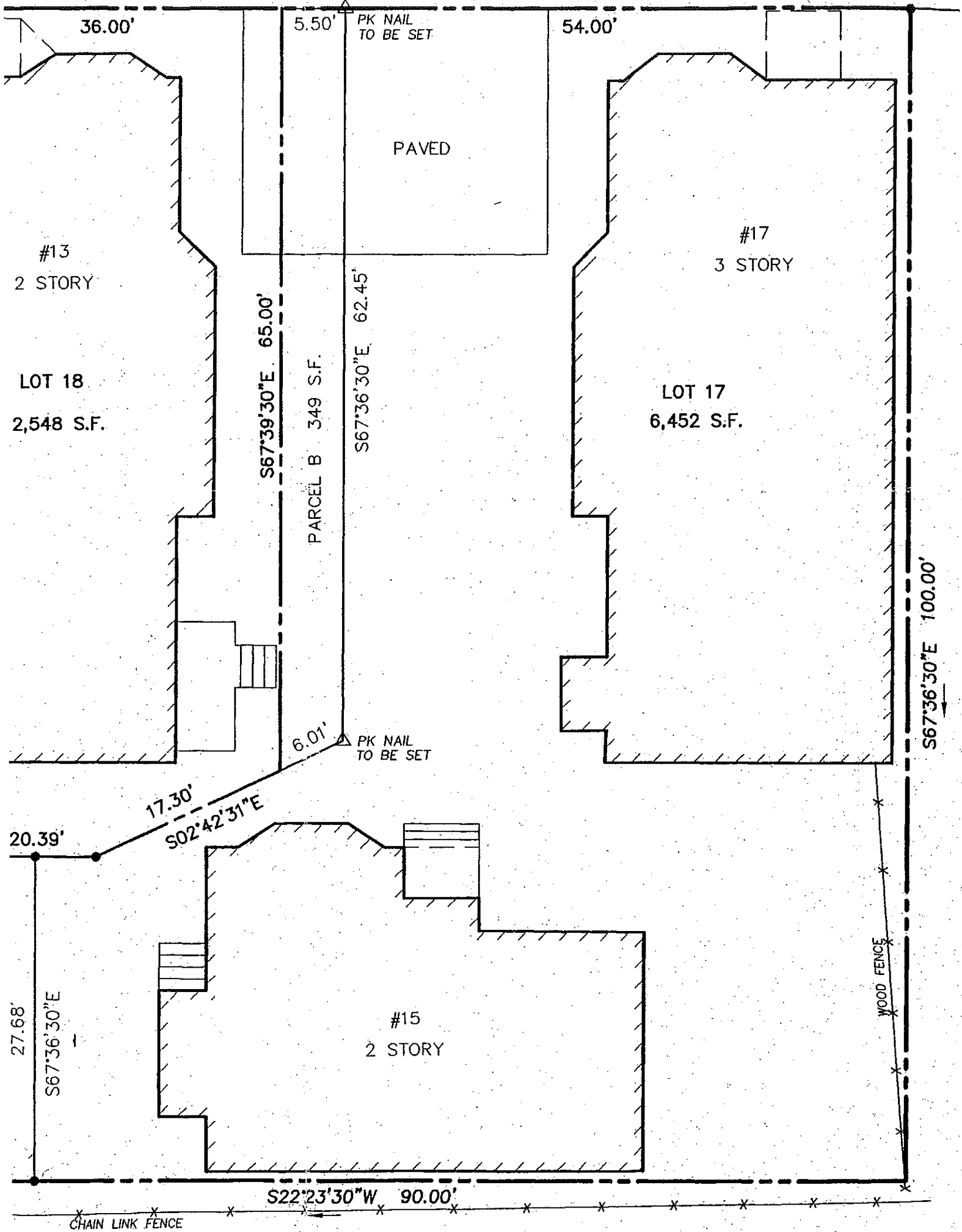
#15

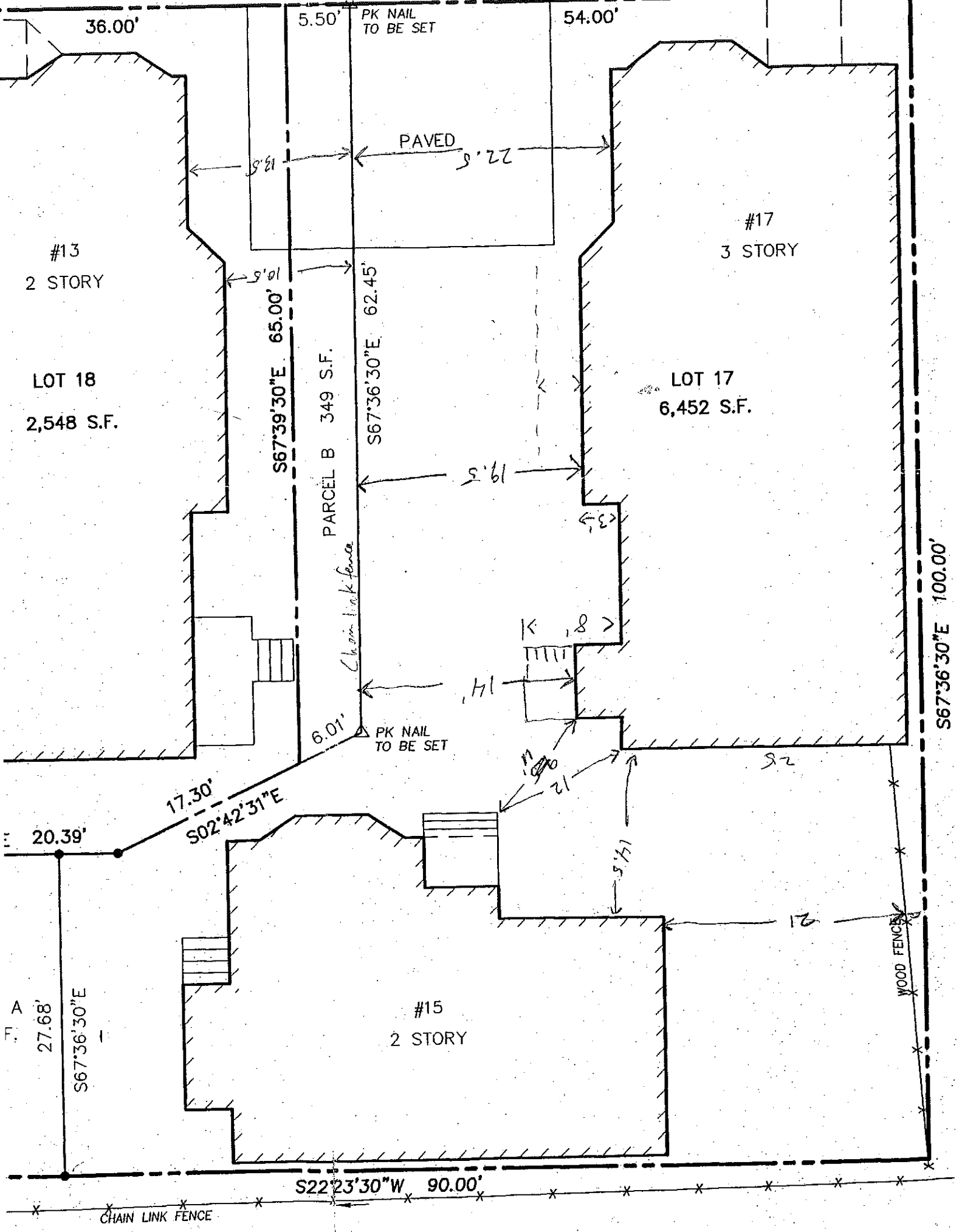
2 STORY

WOOD FENCE

S22°23'30"W 90.00'

CHAIN LINK FENCE





36.00'

5.50'

PK NAIL
TO BE SET

54.00'

PAVED

22.5'

#13
2 STORY

#17
3 STORY

LOT 18
2,548 S.F.

LOT 17
6,452 S.F.

S67°39'30"E 65.00'

PARCEL B 349 S.F.

S67°36'30"E 62.45'

Chain link fence

19.5'

6.01'

PK NAIL
TO BE SET

17.30'

S02°42'31"E

20.39'

27.68'

S67°36'30"E

#15
2 STORY

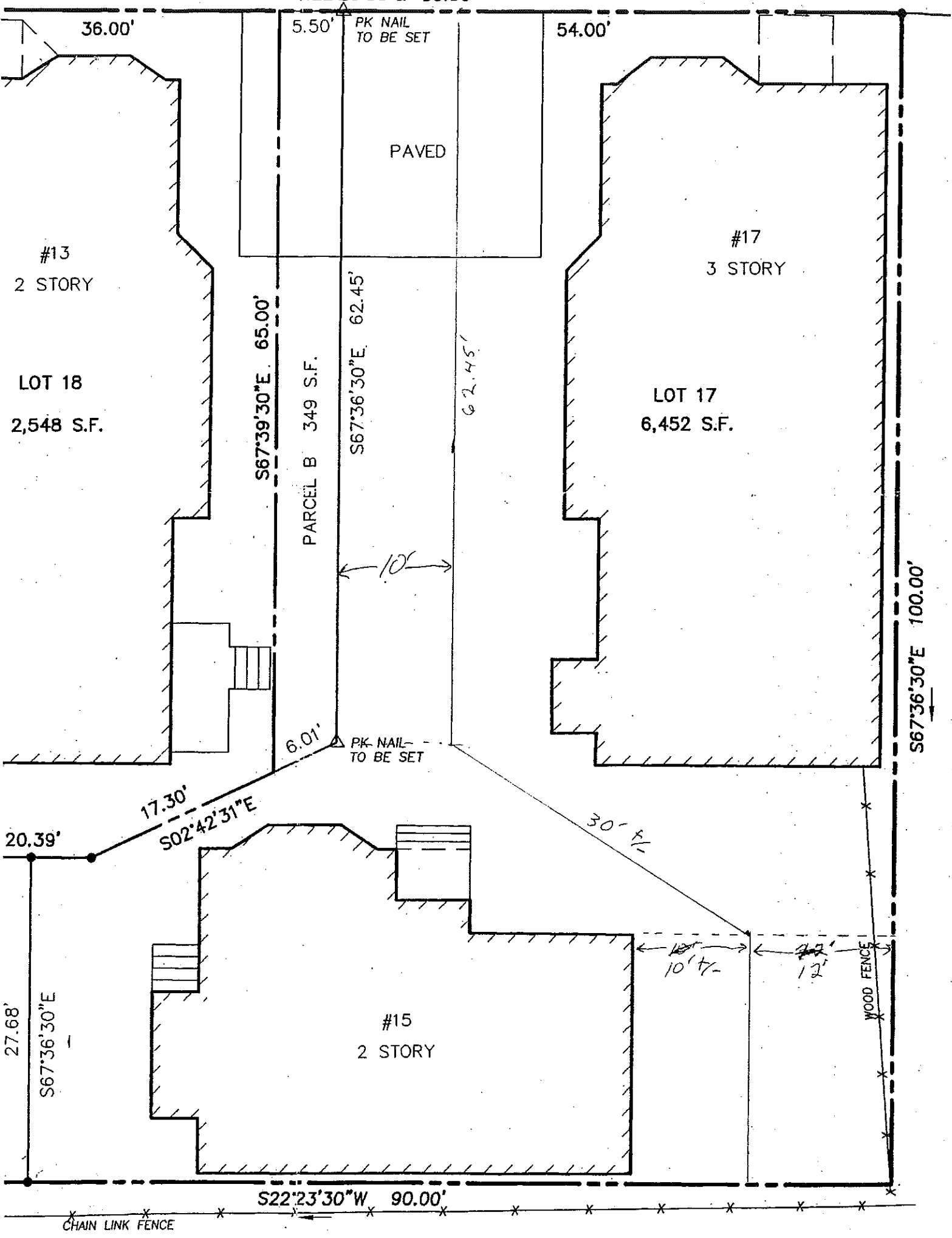
WOOD FENCE

S22°23'30"W 90.00'

CHAIN LINK FENCE

S67°36'30"E 100.00'

N/E



36.00'

5.50'

PK NAIL TO BE SET

54.00'

PAVED

#13
2 STORY

#17
3 STORY

LOT 18
2,548 S.F.

LOT 17
6,452 S.F.

S67°39'30"E 65.00'

PARCEL B 349 S.F.

S67°36'30"E 62.45'

62.45'

10'

S67°36'30"E 100.00'

6.01'

PK NAIL TO BE SET

17.30'
S02°42'31"E

20.39'

27.68'

S67°36'30"E

#15
2 STORY

30'-F/-

10'-4.01'

12'

WOOD FENCE

S22°23'30"W 90.00'

CHAIN LINK FENCE

AFFIDAVIT OF MICHAEL BRUENJES

My name is Michael Bruenjes. I am the Manager of MJECO, LLC, the owner of property at 15-17 Hemlock Street, Portland, Maine pursuant to deed recorded in Book 27319, Page 276.

The deed above contains two (2) separate buildings, a single family located at 15 Hemlock Street and three family located at 17 Hemlock Street.

Permission has recently been given by the City of Portland Zoning Administrator to divide the property into two (2) separate lots as "Functional Subdivision," a copy of the approval is attached hereto.

Also attached hereto is a copy of the sketch of the division of the two (2) lots that was submitted to the City of Portland.

Dated at Portland, Maine this 14th day of February, 2011

MJECO, LLC

BY: Michael Bruenjes
Michael Bruenjes
Its: Manager

STATE OF MAINE
CUMBERLAND, SS.

February 14th, 2011

Personally appeared the above-named Michael Bruenjes in his capacity as Manager of MJECO, LLC, and made oath that the statements contained in the within Affidavit are based on his personal knowledge and belief and he believes them to be true.

Before me,
Thomas J. Jell
Notary Public/Attorney-at-Law

Thomas Jell
Printed Name of Person Taking
Acknowledgment

Map Block lot

Sue Keller

775 5900

THIS IS NOT A BOUNDARY SURVEY

This copyrighted document expires 01-07-10. Reproduction and/or dissemination after this date is unauthorized.
 MORTGAGE INSPECTION OF: DEED BOOK 1948B PAGE 117 COUNTY Cumberland
 PLAN BOOK unrecorded PAGE --- LOT ---

ADDRESS: 15 Hemlock Street, Portland, Maine

Job Number: 414-75-R

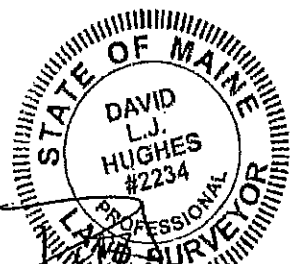
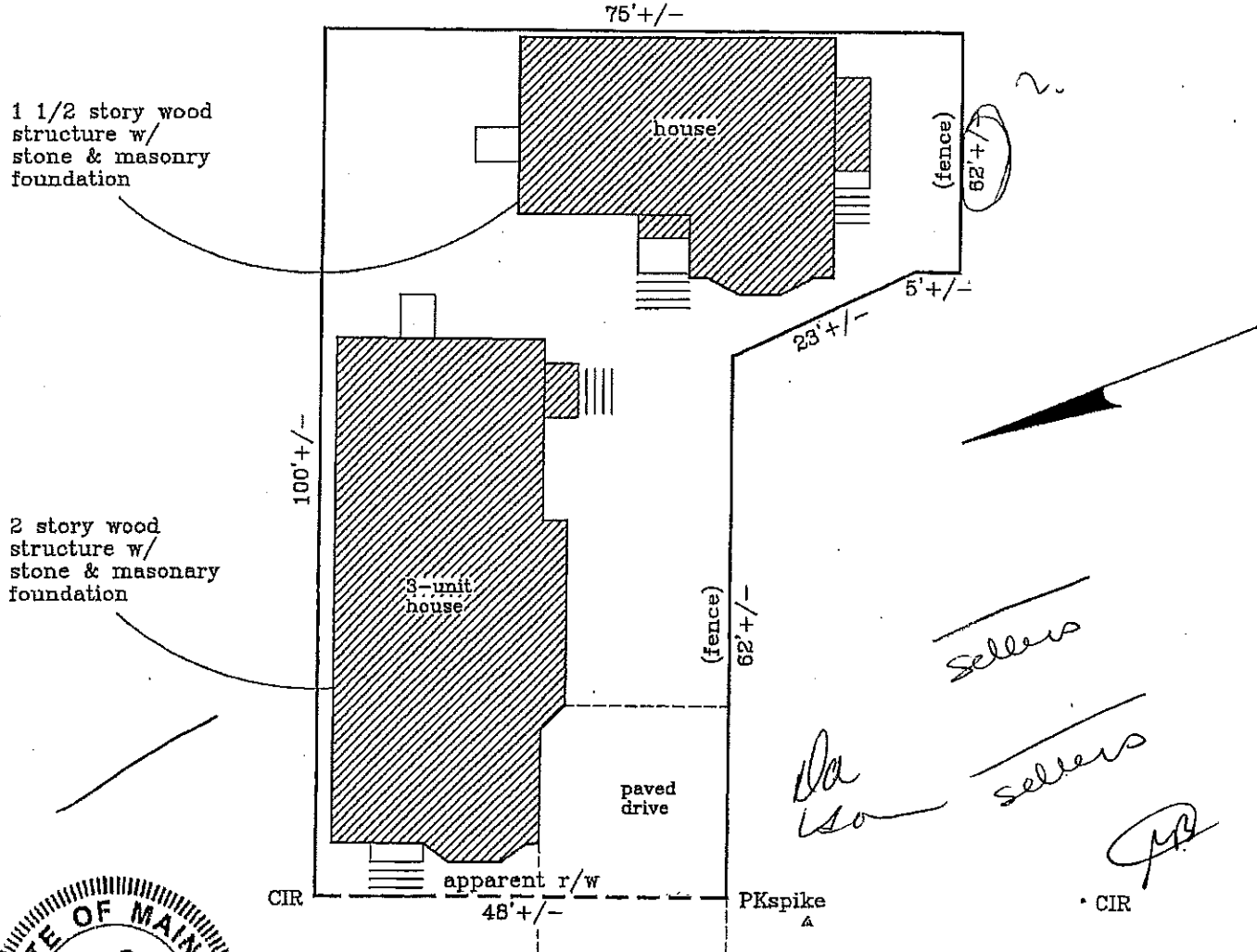
Buyer: MJECO LLC

Inspection Date: 10-07-09

Scale: 1" = 20'

Sellers: Donald R. & Holly A. Aguilo

Client File#: 90714-TO



H e m l o c k S t. to Congress St.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

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I HEREBY CERTIFY TO: Bay Area Title Services, Inc.; Norway Savings Bank and its title insurer.

Monuments found did not conflict with the deed description.
 The dwelling setbacks do not violate town zoning requirements.

As delineated on the Federal Emergency Management Agency Community Panel 230051-0013 B:

The structure does not fall within the special flood hazard zone.
 The land does not fall within the special flood hazard zone.

Livingston - Hughes
 Professional Land Surveyors
 88 Guinea Road
 Kennebunkport - Maine 04046
 207-967-9761 phone 207-967-4831 fax

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY