

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

# CITY OF PORTLAND

## PERMIT INSPECTION

Please Read Application And Notes, If Any, Attached

This is to certify that

OSHANA DAVID L & ANITA ALTS

has permission to

Convert existing carriage ho into s...

AT 401 LAND ST

133 C010001

provided that the person or persons or firm or person accepting this permit shall comply with all of the provisions of the Statutes of the State and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and when permit on project is issued or closed-in, your notice is required.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

### OTHER REQUIRED APPROVALS

Fire Dept. *Case 8*  
Health Dept.  
Appeal Board  
Other

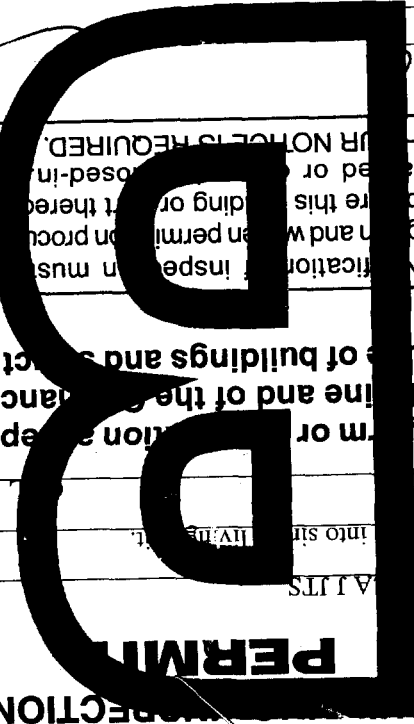
Department Name

### PENALTY FOR REMOVING THIS CARD

Director - Building & Inspection Services

*5/11/04*  
*[Signature]*

PERMIT ISSUED  
CITY OF PORTLAND  
Permit Number: 060194  
2003



**City of Portland, Maine - Building or Use Permit Application**  
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 06-0194	Issue Date: PERMIT ISSUED	CBL: 133	C010001
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Location of Construction: 40 LELAND ST	Owner Name: OSHANA DAVID J & ANDREA J
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Owner Address: 1501 FOREST AVE	Phone:
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Business Name:	Contractor Name:
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Contractor Address: CITY OF PORTLAND	Phone:
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Lessee/Buyer's Name:	Phone:
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Permit Type: Change of Use - Dwellings	Zone: R-5
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Past USE: Three family dwelling w/Carriage house	Proposed Use: Three family dwelling w/ new detached apartment- Convert existing carriage house into single living unit.- total of four d.u. on property
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Permit Fee: \$456.00	Cost of Work: \$40,000.00	CEO District: 5
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**Proposed Project Description:**  
 Convert existing carriage house into single living unit.

FIREDEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>See conditions</i>	INSPECTION Use Group: R-2 Type: SE IRC 2003
Signature: <i>Greg Lars</i>	Signature: <i>[Signature]</i>
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	
Signature: _____ Date: _____	

Permit Taken By: ldobson	Date Applied For: 02/08/2006
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**Zoning Approval**

- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
- Building permits do not include plumbing, septic or electrical work.
- Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and **stop** all work..

<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i>Site Plan exemption applied for</i> Maj <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM <input type="checkbox"/> <i>OK with conditions</i> Date: <i>2/10/06</i>	<b>Zoning Appeal</b> <input checked="" type="checkbox"/> Variance <i>practical diff.</i> <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved <i>10/6/05</i> <input type="checkbox"/> Denied Date: _____	<b>Historic Preservation</b> <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>[Signature]</i>
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**CERTIFICATION**

I hereby certify that I **am** the owner of record of the **named** property, or that the proposed work is authorized by the owner of record and that I have been authorized **by** the owner to make this application as **his** authorized agent and I agree to **conform** to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I **certify** that the code official's authorized representative shall have the authority to enter all areas covered **by** such permit at any reasonable hour to enforce the provision of the **code(s)** applicable to such permit.

SIGNATURE OF APPLICANT \_\_\_\_\_ ADDRESS \_\_\_\_\_ DATE \_\_\_\_\_ PHONE \_\_\_\_\_

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE \_\_\_\_\_ DATE \_\_\_\_\_ PHONE \_\_\_\_\_

**City of Portland, Maine - Building or Use Permit**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: <b>06-0194</b>	Date Applied For: 02/08/2006	CBL: 133 C010001
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Location of Construction: 40 LELAND ST	Owner Name: OSHANA DAVID J & ANDREA J	Owner Address: 1501 FOREST AVE	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Dwellings	

Proposed Use: Three family dwelling w/ new detached apartment- Convert existing carriage house into single living unit.- total of four d.u. on property	Proposed Project Description: Convert existing carriage house into single living unit.
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**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 02/10/2006**Note:** 10/6/06 ZBA appeal granted to allow new unit in the carriage house for a total of four (4) d u. on the property **Ok to Issue:** 

- 1) This property shall remain a four (4) family dwelling with the issuance of this permit and subsequent issuance of a certificate of occupancy. Three dwelling units are within the main building and one dwelling unit is in the carriage house. Any change of use shall require a separate permit application for review and approval
- 2) This permit is being approved on the basis of plans submrted. Any deviations shall require a separate approval before starting that work.

**Dept:** Building      **Status:** Approved with Conditions      **Reviewer:** Tammy Munson      **Approval Date:** 05/11/2006**Note:** **Ok to Issue:** 

- 1) Separate permits are required for any electrical, plumbing, or heating.
- 2) As discussed, hardwired mterconnected battery backup smoke detectors shall be installed in all bedrooms, protecting the bedrooms, and on every level.
- 3) The basement is NOT approved as habitable space.

**Dept:** Fire      **Status:** Approved with Conditions      **Reviewer:** Cptn Greg Cass      **Approval Date:** 02/21/2006**Note:** **Ok to Issue:** 

- 1) details of means of egress from 2nd Required.
- 2) Fire doors required in all rated wall assemblies.

**Comments:**

2/17/06-GG: received granted site plan exemption. /gg

3/15/06-tmm: faxed copy of review shhets to designer

4/25/06-tmm: went over outstanding items w/designer - still need to address cantilever and insulation factors

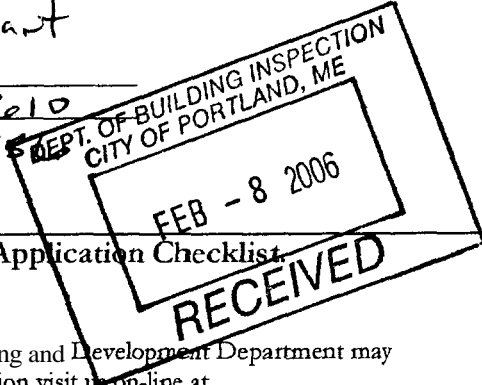
5/1/06-ldobson: Michael Hayes dropped additional information off Put w/ originatmg permit from Tammy's desk put in her chair.



# General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements **must** be made before permits of any kind are accepted.

Total Square Footage of Proposed Structure <b>1350 S.F. (1st, 2nd Floor)</b>		Square Footage of Lot <b>12,248 S.F.</b>	
Tax Assessor's Chart, Block & Lot Chart# <b>133</b> Block# <b>C</b> Lot# <b>10</b>		Owner: <b>David &amp; Andrea Oshawa</b>	Telephone: <b>(H) 772-3610</b>
Lessee/Buyer's Name (If Applicable) <b>Same as applicant</b>	Applicant name, address & telephone: <b>David &amp; Andrea Oshawa 1501 Forrest Ave. Portland, Me. 04103</b>		cost Of Work: \$ <b>40,000</b> Fee: \$ <b>381</b> <b>+ 75</b> C of O Fee: \$ <b>456.00</b>
Current Specific use: <b>Carriage house / Garage / Storage</b> Proposed Specific use: <b>Single family apartment</b>			
Project description: <b>Conversion of existing carriage house / garage into a single unit apartment at 40 Leeknd street. Project received a site plan exemption and was granted an appeal for unit density.</b>			
Contractor's name, address & telephone: <b>Same as applicant</b>			
Who should we contact when the permit is ready: _____			
Mailing address: <b>David &amp; Andrea Oshawa 1501 Forrest Avenue Portland, Me. 04103</b>		Phone: <b>(H) 772-3610 (C) 749-1555</b>	



Please submit all of the information outlined in the Commercial Application Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), stop by the Building Inspections office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: <b>Andrea J. Oshawa</b>	Date: <b>2/8/2006</b>
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**This is not a permit; you may not commence ANY work until the permit is issued.**

40 Leland

ONE AND TWO FAMILY	PLAN REVIEW	CHECKLIST
Soil type/Presumptive Load Value (Table R401.4.1)	Submitted Plan	Findings/Revisions/Dates
<b>STRUCTURAL</b> Footing Dimensions/Depth (Table R403.1 & R403.1(1), Section R403.1 & R403.1.4.1)	OK	.
Foundation Drainage, Fabric, Damp proofing (Section R405 & R406)	<del>Existing</del> Existing	
Ventilation/Access (Section R408.1 & R408.3) Crawls Space ONLY	Not shown - access? ventilation? OK	OK
Anchor Bolts/Straps, spacing (Section R403.1.6)	Existing	
Lally Column Type (Section R407)	Need more lally's or larger beam	m11 -
Girder & Header Spans (Table R 502.5(2)) Built-Up Wood Center Girder Dimension/Type	2x8 - 5'6" Max allowed span -	Added 2x10s -
Sill Band Joist Type & Dimensions First Floor Joist Species Dimensions and Spacing (Table R502.3.1(1) & Table R502.3.1(2))	4x8 Existing 2x8 5' - 20" oc - 11'-0" Max Need to add in 1st flr	2x8 5' - 10" oc - OK
Second Floor Joist Species Dimensions and Spacing (Ta Table R502.3.1(2))	2x10 5' - 12" oc OK	
Attic or additional Floor Joist Species Dimensions and Spacing (Table R802.4(1) and	Existing	

*Dr. Deland*

R802.4(2)			
Pitch, Span, Spacing & Dimension (Table R802.5.1(1) - R802.5.1(8))	Existing		
Roof Rafter; Framing & Connections (Section R802.3 & R802.3.1)	3/4" T & G Floor - walls + feet - existing		
Sheathing; Floor, Wall and roof (Table R503.2.1.1(1))	existing		
Fastener Schedule (Table R602.3(1) & (2))	existing		
<b>Private Garage</b> (Section R309)			
Living Space? (Above or beside)	N/A		
Fire separation (Section R309.2)	Need to show between <del>floor</del> floor.		
Opening Protection (Section R309.1)	" "		
Emergency Escape and Rescue Openings (Section R310)	OK		
Roof Covering (Chapter 9)	existing asphalt - see		
Safety Glazing (Section R308)	lock in stairs w/in 3' of landings near stairs - OK		
Attic Access (Section R807)	existing pull-down - see		
Chimney Clearances/Fire Blocking (Chap. 10)	Net shown	OK	
Header Schedule (Section 502.5(1) & (2))	existing		
Energy Efficiency (N1101.2.1) R-Factors of Walls, Floors, Ceilings, Building Envelope, U-	Net shown		

R-19 ceiling  
R-11 walls

OK

700 Leland

Factor Fenestration		
Means of Egress (Sec R311 & R312)		
Basement	/	
Number of Stairways	3	
Interior	/	
Exterior	/	
Treads and Risers (Section R311.5.3)	10" T + 7 3/4" Rise	
Width (Section R311.5.1)	3'	
Headroom (Section R311.5.2)	Not shown + details of framing of openings for niche stairs.	OK
Guardrails and Handrails (Section R312 & R311.5.6 - R311.5.6.3)	OK	OK
Smoke Detectors (Section R313)	not shown	OK
Location and type/Interconnected		
Dwelling Unit Separation (Section E-117) and IBC - 2003 (Section 1207)		
Deck Construction (Section R502.2.1)	existing construction -	need framing detail

Need to address combiboard deck. OK

# GRANT HAYS ASSOCIATES

A R C H I T E C T U R E ♦ I N T E R I O R D E S I G N

## MEMO

**DATE:** April 12,2006

**TO:** City of Portland CEO

**FROM:** Mike Hays

**RE:** 40 Leland Street Renovations

**CC:** David Oshana (Owner); Owens McCullough (Sebago Technics Inc), file

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Please find attached 2 sets of prints and one set of 11 x 17 prints of the revised drawings for the renovations to the Carriage House apartment at 40 Leland Street.

I believe we have addressed **all** the comments and requests in the permit review form.

Please do not hesitate to contact me directly if I may be of any further assistance.

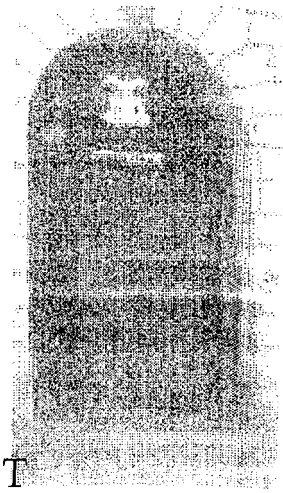
Thank you for your efforts.



# 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>Owens McCullough</u>	FROM: <u>Tammy Munson</u>
FAX NUMBER: <u>856-2206</u>	NUMBER OF PAGES, WITH COVER: <u>4</u>
TELEPHONE: _____	RE: <u>40 Leland</u>
DATE: <u>3/15/06</u>	_____

Comments:

*Please call w/question 4-8706*



CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, William Hall, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 6th day of October, 2005, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

- 1. Current Property Owner: David J. & Andrea J. Oshana
2. Property: Cumberland County Registry of Deeds, Book 11998, Page 292 (Last recorded 07/01/1995 Deed in Chain of Title) 40 Leland Street, Portland, ME CBL: 133-C-010
3. Variance and Conditions of Variance: To allow for relief from Section 14-117 R-5 Zone of the Zoning Ordinance in regards to the dimensional requirement to allow an additional dwelling unit (for a total of four dwelling units) on a lot with 12,300 square feet of land area instead of the 24,000 square foot of land area (6,000 square foot of land area per dwelling unit) required.

IN WETNESS WHEREOF, I have hereto set my hand and seal this

7th day of October, 2005.

Handwritten signature of William Hall

William Hall (Printed or Typed Name)

STATE OF MAINE Cumberland, ss.

Then personally appeared the above-named William Hall and acknowledged the above certificate to be and deed in his capacity as Chairman of the Portland Board of Appeals.

10/7/05 Margaret Schmickeal Handwritten signature

MARGARET Schmickeal (Printed or Typed Name) Notary Public

my Term Expires June 28, 2012

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.



CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, William Hall, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 6<sup>th</sup> day of October, 2005, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

- 1. Current Property Owner: David J. & Andrea J. Oshana
- 2. Property: Cumberland County Registry of Deeds, Book 11998, Page 292  
(Last recorded 07/01/1995 Deed in Chain of Title)  
40 Leland Street, Portland, ME CBL: 133-C-010
- 3. Variance and Conditions of Variance:  
To allow for relief from Section 14-117 R-5 Zone of the Zoning Ordinance in regards to the dimensional requirement to allow an additional dwelling unit (for a total of four dwelling units) on a lot with 12,300 square feet of land area instead of the 24,000 square foot of land area (6,000 square foot of land area per dwelling unit) required.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 7th day of October, 2005.

*William Hall*, Chair  
William Hall  
(Printed or Typed Name)

STATE OF MAINE  
Cumberland, ss.

Then personally appeared the above-named William Hall and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals.

10/7/05 *Margaret Schmickal*  
MARGARET SCHMICKAL  
(Printed or Typed Name)  
Notary Public  
my Term Expires June 28, 2012

PURSUANT TO 30-A M.R.S.A SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

04475

CITY OF PORTLAND, MAINE  
ZONING BOARD OF APPEALS

William Hall, Chair  
David Dore Secretary  
Peter Thornton  
Kate Knox  
Catherine Alexander,

October 12, 2005

John B. Shumadine, Attorney @ Law  
75 Pearl Street  
PO Box 9785  
Portland, ME 04104-5085

COPY FOR YOUR  
INFORMATION

RE: 40 Leland Street  
CBL: 133 C 010  
ZONE: R5

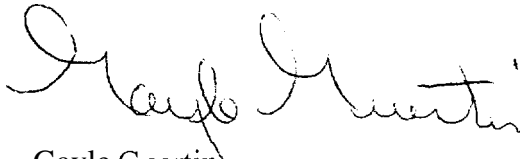
Dear Mr. Shumadine:

As you know, at its October 6, 2005, meeting, **the Board voted 4-0 and overturned the decision of the Zoning Administrator regarding your Interpretation Appeal.**

Enclosed please find a copy of the Board's decision.

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin  
Office Assistant

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, October 6, at 7:00 p.m. on the second floor in Room 209 at the Portland City Hall 389 Congress Street, Portland, Maine to hear the following appeals:

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: October 12, 2005

RE: Action taken by the Zoning Board of Appeals on October 6, 2005

The meeting was called to order at 7:10p.m.

Roll call as follows:

Members Present: Kate Knox, William Hall, Peter Thornton and David Dore..

Members Absent: Catherine Alexander (maternity leave) and Patric Santere (resigned from ZBA)

### APPEAL AGENDA

#### 1. Old Business:

##### A. Practical Difficulty Variance Appeal:

40 Leland Street / 1-9 Mabel Street, David and Andrea Oshana, owners Tax Map #133 Block C Lot #010 in the R-5 Residential Zone. are seeking a Practical Difficulty Variance Appeal from section 14-117 of the City of Portland Zoning Ordinance. The appellant proposes to convert the attached carriage house into a fourth residential unit. The property is legally non-conforming for use as a three multi-family dwelling. The current R-5 Zone requires a minimum lot area of 6,000 square feet per dwelling unit or 24,000 square feet of total land area. The Appellant has 12,300 square feet of lot area. Still pending is the Practical Difficulty Variance under Section 14-473 (c) (3). Representing the appeal is John B. Shumadine from Murray Plumb Murray, Attorneys at Law. Board voted 4-0 on August 18, 2005 to continue to September 15, 2005 for public discussion and deliberation. Lack of Quorum on September 15, 2005, to be continued to October 06, 2005. **Board voted 4-0 and granted the Conditional Use Appeal.**

##### B. Interpretation Appeal:

40 Leland Street / 1-9 Mabel Street, David and Andrea Oshana, owners Tax Map #133 Block C Lot #010 in the R-5 Residential Zone. Appellants are appealing an interpretation of the Zoning Administration, issued on July 18, 2005, relating to section 14-382 (e) of the City of Portland Zoning Ordinance. The appellant proposes to convert the attached carriage house into a fourth residential unit. The property is legally non-conforming for use as a three multi-family dwelling. The current R-5 Zone requires a minimum lot area of 6,000 square feet per dwelling unit or 24,000 square feet of total land area. The Appellant has 12,300 square feet of lot area. Representing the appeal is John B. Shumadine from Murray Plumb Murray, Attorneys at Law. Board voted 4-0 on August 18, 2005 to continue to September 15, 2005 for public discussion and deliberation. Lack of Quorum on September 15, 2005, to be continued to October 06, 2005. **Board voted 4-0 and overturned the decision of the Zoning Administrator.**

**C. Conditional Use Appeal:**

Island Avenue, Cliff Island, Land Associates of Cliff Island, owner, Tax Map #109A Block B Lot #021 in the IR1 Island Residential Zone is seeking a Conditional Use Appeal under section 14-145.3.c.5 of the City of Portland Zoning Ordinance. Appellant request permission to construct a new boat landing for municipal services. The owner of the current boat landing has requested that the City find another location. Board voted 4-0 for a Continuation for Deliberation. Board voted 4-0 to continue to September 1, 2005. Representing the Appeal is Owens McCullough of Sebago Technics. Original Zoning Board of Appeals, dated August 4, 2005; Peter Thornton signed documentation stating that he reviewed the tapes and materials and feels confident that he has been brought up to speed. Board voted 5-0 and granted the Conditional Use Appeal, with the condition that the Appeal be granted for one year. Board voted 4-0 on September 1, 2005, to allow Kate Knox to continue participation in the discussions that she has no conflict of interest thru her ~~firm~~. Board also voted 4-1 (Patric) against accepting and reading the packet submitted by Juliet Brown of Verrill Dana. Board's Decision for the Conditional Use Appeal using the Findings of Fact and Procedure. **Board voted 4-0 on Accepting the Findings of Facts with one date revision.**

2. **Other Business: None**

3. **Adjournment: 9:55p.m.**

**Enclosure:**

Agenda of October 6, 2005  
Copy of Board's Decision

CC: Joseph Gray, City Manager  
Alex Jaegerman, Planning Department  
Lee Urban, Planning & Development Director  
Aaron Shapiro, Housing & Neighborhood Services



CITY OF PORTLAND

INTERPRETATION APPEAL

DECISION

SARAH + JIM

Applicant's name and address: DAVID + ANDREA OSWANA  
40 LELAND ST, PORTLAND ME

Applicant's interest in property (e.g. owner, purchaser, etc.): OWNER

Owner's name and address if different \_\_\_\_\_

Address of property: 40 LELAND

For the Record

Names of witnesses (proponents, opponents and others):

JOHN STUMADINE - MURRAY ALUMS + MURRAY

DAVID + ANDREA OSWANA

Exhibits admitted (e.g., renderings, reports, etc.):

Findings of Fact

1. The Board finds as fact that: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_