Inspections Division
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Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

March 14, 2013

Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480
Attn: William Plouffe, Esq.

RE: 77 Read Street – 141-J-012 – R-3

Dear Attorney Plouffe,

I am in receipt of your request for a determination concerning the use of the property located at 77 Read Street.

Very clearly permits were applied for in 1999, first for a change of use from 3 families to 1 family and secondly for alterations to a single family. John Hills of Glenwood Building & Remodeling was the representative for the owner of the property, Cheverus High School, for both permits. The contact person for Cheverus High School was Reverend Richard Roos. I believe that the permits were accurate and approved as requested by the applicant. It is also noted that a certificate of occupancy for the change of use was apparently never issued. No certificate of occupancy was found in the Inspection Services files. It leads to the question as to whether the work requested was ever completed.

The Land Use Zoning Ordinance defines the tem "Dwelling Unit" as "One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit." You have stated that the third floor kitchen facilities were removed years ago, perhaps in 1999. You have also stated that the third floor functions as an extension of the 2nd floor dwelling unit, comprising one dwelling unit. I reviewed the pictures of the second floor kitchen facilities. The first floor apparently contains another dwelling unit with separate kitchen facilities (photos submitted), rooms and bath. There are separate and distinct entrances for each dwelling unit.

I have also been given information that there is an internal staircase in the "front hall" of the first floor that leads to the second floor assumingly connecting the two units. You went on to tell me that it was Cheverus who opened up this stairway. In order to be considered two independent self-contained dwelling units, this interconnecting stairway between units must be eliminated or fire coded off in a manner consistent with the Building Codes.

Before I can finally state that the two residential dwelling units are separate and distinct from each other, the interconnecting stairway shall be blocked by partition as suggested in your letter. It must be done at this time in order for the units to be considered fully independent and self-contained. I would require a permit application to verify how the stairway will be block and restored to the condition when Cheverus purchased the property. It will also be a good paper trail. When that work is completed and finalized with an inspection by this office, I would revise this determination to state that the legal use of the premises is a legal, nonconforming two family dwelling unit building. Until that time there is doubt that the two units are completely independent, self-contained dwelling units.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator