

## Ann Machado - Mayfield Street & 14-403

---

**From:** Marge Schmuckal  
**To:** Ann Machado; Barbara Barhydt ; David Margolis-Pineo; Jennifer Thomps...  
**Date:** 5/20/2014 9:55 AM  
**Subject:** Mayfield Street & 14-403

---

I have reviewed 14-403 and used the information that I have gleaned about Mayfield Street.

1.) The submitted survey shows the Mayfield right-of way to be 50' wide. This is based upon a survey "... for Fred E. Briggs, May 1013, by E.C. Jordan & Co., recorded at Cumberland County Registry of Deeds in Plan Book 12, Page 68." We will be requesting a copy of that survey for our files. The survey also shows the right-of-way continues to the end of the property of Susan Small. Therefore the first test of 14-403 has been met, which states that no building intended for habitation shall be erected on a lot which has its only street frontage on a street less than thirty-five (35) feet wide.

2.) 14-403 also states that "For purposes of this section, street shall be defined in section 14-47." 14-47 states: "Street: A public way established by **or maintained under public authority...**" It has been made clear that Public Services collects garbage and plows and otherwise maintains Mayfield. It was Public Services that extended Mayfield in 1994 and is continued to be maintained by them. So by definition it is a street.

3.) So the property which is in an R-5 zone can be built upon. Paragraph 14-403(b) goes on to outline the minimum requirements for the street that is to be built upon. It says, "For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, **shall be improved**, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards promulgated by the public works authority pursuant to section 14-498(a) of article IV of this chapter....."

So, from a zoning standpoint, I would say that a new single family dwelling could be constructed if they comply with putting in approximately 17.25' of street to City standards.

I do not think that the new dwelling unit is exempt from meeting 14-403. Only an addition to the existing dwelling that does not have additional kitchen facilities (thus not triggering 14-403) would be allowed without having to meet 14-403.

Marge