

**Ann Machado - RE: 1125 Brighton Avenue, Portland, Maine (Loring House Apartments) CBL 269-B-001-002**

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**From:** Ann Machado  
**To:** Karen Shanahan  
**Date:** 2/3/2016 11:40 AM  
**Subject:** RE: 1125 Brighton Avenue, Portland, Maine (Loring House Apartments) CBL 269-B-001-002

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Karen -

I cannot scale the pdfs of the plans that you sent me. The point of my email is that Lot 1 is just a separate leased area that is part of the larger lot the City of Portland acquired as two separate parcels in 1902 and 1949. The dimensional requirements of the R-5 zone apply to the larger parcel as a whole. Since the specific building at 1125 Brighton Avenue was built around 1904, well before the current ordinance went into effect in June of 1957, the building is "grandfathered".

I hope this answers your question.

Ann

Ann Machado  
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>>> Karen Shanahan <KShanahan@curtisthaxter.com> 2/3/2016 10:41 AM >>>

So, to confirm, taken as a whole, the property meets the dimensional and setback requirements?

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**From:** Ann Machado [mailto:AMACHADO@portlandmaine.gov]  
**Sent:** Wednesday, February 03, 2016 10:24 AM  
**To:** Karen Shanahan  
**Subject:** Re: 1125 Brighton Avenue, Portland, Maine (Loring House Apartments) CBL 269-B-001-002

Karen -

In looking at the information that you provided in PB 148, PG 67 & PB 191, PG 39 from the CCRD and the preliminary survey dated June - Oct.2015 done by Nadeau Land Surveys for Wishrock Housing Partners & Investment Group, it appears that Lot 1 was created in a "Recording Plat of City Hospital Housing For Elderly Portland, Maine For City Hospital Housing Assoc." by Owen Haskell Inc. and recorded at the CCRD on July 11, 1985 under PB 148, P 67.

The building located at 1125 Brighton Avenue appears to have been built around 1904 on property owned by the City of Portland. This building was included as part of Lot 1 on PB 191, PG 39 in 1984. According to the second paragraph under "Description Per Locus Deed Reference Schedule A" on the Preliminary survey for Wishrock Housing Partners & Investment Group done by Nadeau Land Surveys, which states: "Being Lot 1 on a plan dated November 8, 1984 as revised, entitled Recording Plat of City Hospital for Elderly, Portland, Maine

made for City Hospital Housing Assoc. by Owen Haskell, Inc. and recorded in the Cumberland County Registry of Deeds in Plan Book 191, Page 39. Meaning and intending to lease and hereby leasing a portion of the premises conveyed to said City of Portland by (1) Deed of Charles E. Gould dated March 11, 1902 and recorded in the Registry of Deeds in Book 716, Page 17, and (2) deed of Ameido M. Matelle dated July 15, 1949 and recorded in said Registry of Deeds in book 1961, Page 395.", this lot was created to be leased as part of the property owned by the City of Portland. Although this is a separate leased lot, the underlying dimensional requirements of the R-5 Residential Zone apply to the whole lot owned by the City of Portland and not the "leased lot" that was created in 1984.

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>>> Karen Shanahan <[KShanahan@curtisthaxter.com](mailto:KShanahan@curtisthaxter.com)> 1/27/2016 5:48 PM >>>

Hi Ann:

I just left you a grossly verbose voice mail message about this, so please accept my apologies!

For your review, I've attached two plans that I located at the Cumberland County Registry of Deeds relating to the property I've noted above. I've also attached the most recent survey (1/25/16).

We've been asked to issue a Land Use Opinion and as part of that opinion, we've been asked to address dimensional and setback requirements. It's clear from the attached that the property doesn't meet the requirements for R5 zone in the City's Land Use Ordinance. Having said that, the building dates back to the late 1800's/early 1900's, so I think it's reasonable to assume it's a grandfathered, nonconforming lot for zoning purposes, but I'm seeking clarification of that.

Could you please reply to confirm my assumption is correct, so that I may finalize our Opinion?

Thanks so much (as always) for your help, Ann. Don't hesitate to call with questions (774-9000).

Karen Shanahan, Paralegal  
[kshanahan@curtisthaxter.com](mailto:kshanahan@curtisthaxter.com)

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