

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Gordon Smith-chair
Sara Moppin-secretary
William Getz
Eric Larsson
Chip Gavin
Kent Avery
Donna Katsiaffias

April 18, 2014

David & Sylvia Sprague
34 Tucker Avenue
Portland, ME 04103

RE: 24-34 Tucker Avenue
CBL: 332 A002, 003, 004, 005, 006, 041, 042, 043, 044 & 045
ZONE: R-3

Dear Mr. and Ms. Sprague,

At the April 17, 2014 meeting, the Zoning Board of Appeals voted 5-0 to grant the Conditional Use Appeal to allow the addition of an accessory dwelling unit over the attached garage. I am enclosing a copy of the Board's decision.

You will also find an invoice for the fees that are still owed for the legal ad and the notices for the appeal. Please submit your payment on receipt of this invoice. Your permit cannot be issued until your payment has been received.

Now that the conditional use appeal has been approved, your permit (#2014-00509) to build the addition and add the accessory dwelling unit will be moved forward in the review process. You have six months from the date of the meeting, April 17, 2014, referenced under section 14-474(f) to obtain the permit and start work, or your Zoning Board approval will expire.

You will also need to submit an Administrative Authorization Application to the Planning Division to add the accessory dwelling unit. This application can also be found on the Inspections Division Home Page on the City website under Site Plan Applications. Your permit for the change of use cannot be issued until Planning approves the Administrative Authorization.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions please feel free to contact me at 207-874-8709.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann B. Machado', with a long horizontal flourish extending to the right.

Ann B. Machado
Zoning Specialist

Cc. file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: April 18, 2014
RE: Action taken by the Zoning Board of Appeals on April 17, 2014

Members Present: Gordon Smith (chair), Donna Katsiaticas, Eric Larsson, William Getz (acting secretary), and Kent Avery

Members Absent: Chip Gavin and Sara Moppin

1. New Business

A. Conditional Use Appeal:

24-34 Tucker Avenue, David & Sylvia Sprague, owners, Tax Map 332, Block A, Lots 002, 003, 004, 005, 006, 041, 042, 043, 044 & 045, R-3 Residential Zone: The applicants are seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit over their attached garage. Representing the appeal are the owners. **The Zoning Board of Appeals voted 5-0 to grant the appeal to add an accessory dwelling unit to the space over the garage.**

Enclosure:

Decision for Agenda from April 17, 2014

One DVD

CC: Mark Rees, City Manager

Jeff Levine, AICP, Director Planning & Urban Development

Alex Jaegerman, Planning Division

Mary Davis, Housing and Neighborhood Services Division

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-3 Residential Zone Accessory Unit:

Conditional Use Appeal.

DECISION

Date of public hearing: April 17, 2014

Name and address of applicant: David & Sylvia Sprague
34 Tucker Avenue
Portland, ME

Location of property under appeal: 34 Tucker Avenue

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

no members of the public present

David Sprague : owner

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

Submitted by applicant
Plot Plan w/ measurements
City lot map
building sketch & floor plan
legal description

Donna Katsiaticas
Gordon Smith
Eric Larsson
Kent Avery
William Gietz

Findings of Fact and Conclusions of Law:

Applicant is proposing to add a third bay to an existing 2-car garage attached to their single family home. There is an existing space above the current garage that will then be enlarged and converted into an accessory unit (in-law apartment). The gross floor area of the principal building is 3,400 sq. feet. The accessory unit will be 640 sq. ft. The lot size is 25,669 sq. ft.

A. Conditional Use Standards pursuant to Portland City Code §14-88(a)(2):

1. The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit.

Satisfied 5 Not Satisfied -

Reason and supporting facts:

*Testimony figures supplied in applicants materials and verified by plan review zoning Administrator. Total 27.3%
All of the area for habitable space has a height of over 4'
Area is greater than 400 sq ft per design drawing.*

2. There shall be no open outside stairways or fire escapes above the ground floor.

Satisfied 5 Not Satisfied -

Reason and supporting facts:

None: per testimony and design

3. Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling.

Satisfied 5 Not Satisfied -

Reason and supporting facts:

Compatible per design, photograph, and testimony

4. A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required.

Satisfied 5 Not Satisfied -

Reason and supporting facts:

Per plot plan, written statement, legal description, and testimony

5. No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement or attic.

Satisfied 5 Not Satisfied -

Reason and supporting facts:

*No reduction in principal unit per design and testimony
Building and addition sizes submitted*

6. Parking shall be provided as required by division 20 of this article: 1 off-street parking space per new unit (14-332(a)(2)).

Satisfied 5 Not Satisfied —

Reason and supporting facts:

New garage bay will provide parking

7. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

Satisfied 5 Not Satisfied —

Reason and supporting facts:

per testimony and application

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

Yes ___ No 5

Reason and supporting facts:

Per applicants submission, design plans, and testimony

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes ___ No 5

Reason and supporting facts:

*No indication of a substantial change of existing use
No neighbors or abutters were present to appose
application*

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes ___ No 5

Reason and supporting facts:

*Residential use in a residential area. Nothing
indicated per plan or testimony*

Conclusion: (check one)

Larson / AVERY

Option 1: The Board finds that all of the standards (1 through 7) described in section A above have been satisfied and that not all of the conditions (1 through 3) described in section B above are present, and therefore GRANTS the application.

Option 2: The Board finds that all of the standards (1 through 7) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

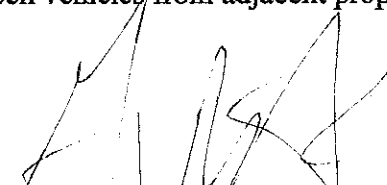
Option 3: The Board finds that not all of the standards (1 through 7) described in section A above have been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Please note that, pursuant to Portland City Code 14-88(a)(2)(i), if approved the project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

1. Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building; and
2. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.

Dated:

4/17/14



Board Chair

members present: Kent Avery - ERIC LARSON - Bill Getz
Donna Katsikas - Gordon Smith
members absent: Sara Moppin - Chip Garvin

Acting Sec
not member!!!

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

6:35pm

R-3 Residential Zone Accessory Unit:

Conditional Use Appeal

DECISION

Date of public hearing: April 17, 2014

Name and address of applicant: David & Sylvia Sprague
34 Tucker Avenue
Portland, ME

Location of property under appeal: 34 Tucker Avenue

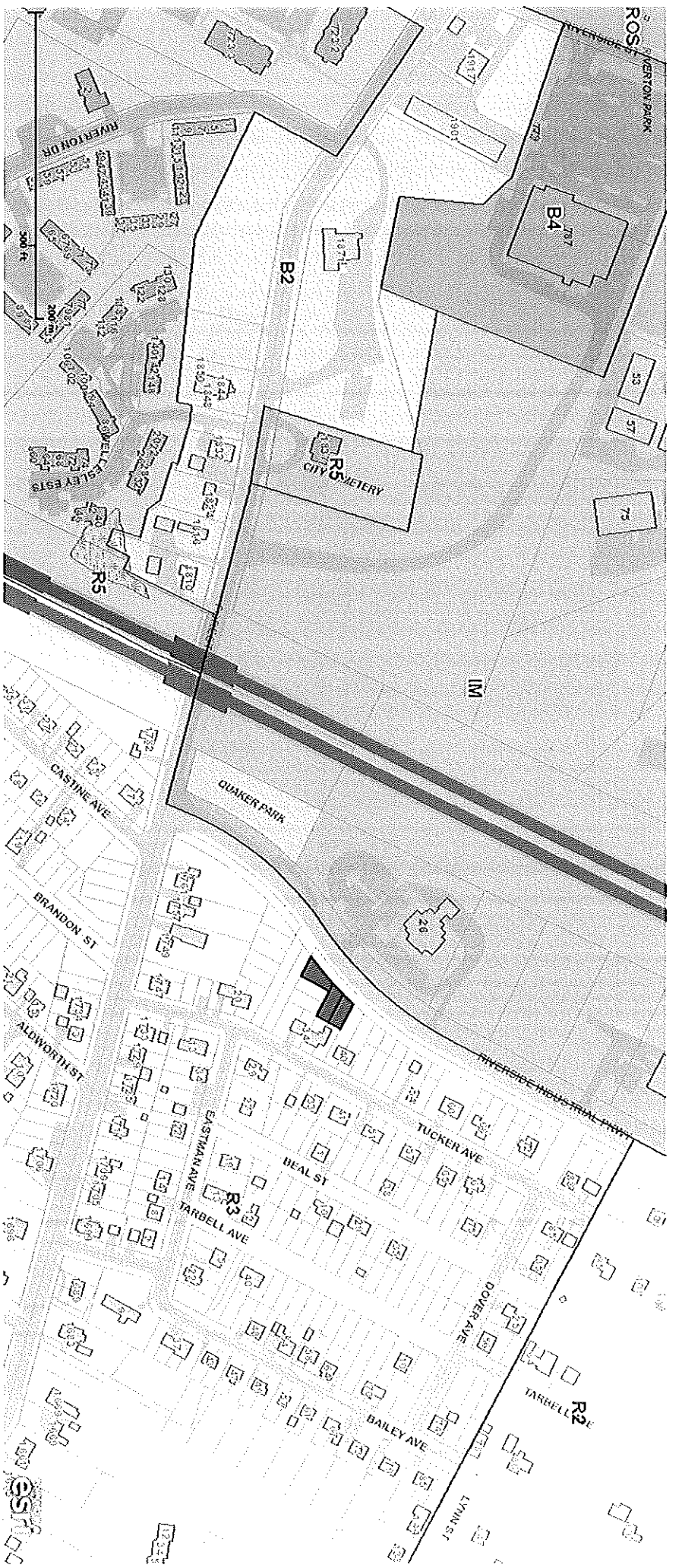
For the Record:

Names and addresses of witnesses (proponents, opponents and others):

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

7:00pm

34 Tucker Avenue





City of Portland Zoning Board of Appeals

April 9, 2014

David & Sylvia Sprague
34 Tucker Avenue
Portland, ME 04103

Dear Ms. and Mr. Sprague,

Your Conditional Use Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday, April 17, 2014 at 6:30 p.m.** in the City Council Chambers located on the second floor of City Hall.

Please remember to bring a copy of your application packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted, as well as a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bill for the legal ad, and the notices for the appeal. The check should be written as follows:

MAKE CHECK OUT TO: City of Portland
MAILING ADDRESS: Room 315, attn. Ann Machado
389 Congress Street
Portland, ME 04101

Please feel free to contact me at 207-874-8709 if you have any questions.

Sincerely,

Ann B. Machado
Zoning Specialist

Cc: File

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

RECEIPT OF FEES

| | |
|------------------------------------|--|
| Application No: 0000-1878 | Applicant: SPRAGUE DAVID W & SYLVIA |
| Project Name: 34 TUCKER AVE | Location: 34 TUCKER AVE |
| CBL: 332 A002001 | Application Type: Conditional Use |
| Invoice Date: 04/08/2014 | |

| | | | | | | | | | |
|-------------------------|---|-------------------------|---|---------------------|---|------------------------|---|------------------|-------------------------|
| Previous Balance | - | Payment Received | + | Current Fees | - | Current Payment | = | Total Due | Payment Due Date |
| \$150.00 | | \$150.00 | | \$121.27 | | \$0.00 | | \$121.27 | On Receipt |

First Billing

| | |
|---|-----------------|
| Previous Balance | \$150.00 |
| Payment Received 3/31/2014 - Thank you | \$150.00 |

| <u>Fee Description</u> | <u>Qty</u> | <u>Fee/Deposit Charge</u> |
|----------------------------|--------------------------------|---------------------------|
| Notices - ZBA | 49 | \$36.75 |
| Legal Advertisements - ZBA | 1 | \$84.52 |
| | | <hr/> \$121.27 |
| | Total Current Fees: | + \$121.27 |
| | Total Current Payments: | - \$0.00 |
| | Amount Due Now: | \$121.27 |

 Detach and remit with payment

CBL 332 A002001
Bill to: SPRAGUE DAVID W & SYLVIA W SPRAGUE JTS
 34 TUCKER AVE
 PORTLAND, ME 04103

Application No: 0000-1878
Invoice Date: 04/08/2014
Invoice No: 44629
Total Amt Due: \$121.27
Payment Amount:

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.
 Check the status of your permit or schedule an inspection on-line at <http://www.portlandmaine.gov/planning/permitstatus.asp>

Ann Machado - RE: Zoning Board of Appeals Legal Ad

From: Joan Jensen <jjensen@mainetoday.com>
To: Ann Machado <AMACHADO@portlandmaine.gov>
Date: 4/7/2014 10:52 AM
Subject: RE: Zoning Board of Appeals Legal Ad
Attachments: Agenda apr 11.pdf

Good morning Ann,

All set to publish your ad on Friday, April 11.
The cost is \$169.05 includes \$2.00 online charge. I included a proof.
If you have any questions, please feel free to contact me.

Thank you,
Joan

Joan Jensen
Legal Advertising
Portland Press Herald/Maine Sunday Telegram
295 Gannett Drive
South Portland, ME 04106
Tel: (207) 791-6157
Fax: (207) 791-6910
jjensen@mainetoday.com

Portland Press Herald
Maine Sunday Telegram
www.pressherald.com

From: Ann Machado [mailto:AMACHADO@portlandmaine.gov]
Sent: Monday, April 07, 2014 8:36 AM
To: classified
Subject: Zoning Board of Appeals Legal Ad

Joan -

Attached is the Zoning Board of Appeals legal ad for Friday, April 11, 2014.

Thank you.

**IMPORTANT NOTICE FROM CITY OF PORTLAND
ZONING BOARD OF APPEALS**

IN THE VICINITY OF 34 TUCKER AVE

The Zoning Board of Appeals will hold a public hearing on Thursday, April 17, 2014 at 6:30 p.m. on the second floor in the City Council Chambers at Portland City Hall, 389 Congress Street, Portland, Maine to hear the following appeal.

Conditional Use Appeal:

24-34 Tucker Avenue, David & Sylvia Sprague, owners, Tax Map 332, Block A, Lots 002, 003, 004, 005, 006, 041, 042, 043, 044 & 045, R-3 Residential Zone: The applicants are seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit over their attached garage. Representing the appeal are the owners.

For more information you may contact Marge Schmuckal, Zoning Administrator, at 207-874-8695.

**IMPORTANT NOTICE FROM CITY OF PORTLAND
ZONING BOARD OF APPEALS**

IN THE VICINITY OF 34 TUCKER AVE

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ZONING BOARD OF APPEALS**

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**IMPORTANT NOTICE FROM CITY OF PORTLAND
ZONING BOARD OF APPEALS**

IN THE VICINITY OF 34 TUCKER AVE

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For more information you may contact Marge Schmuckal, Zoning Administrator, at 207-874-8695.

| CBL | OWNER | OWNER MAILING ADDRESS | PROPERTY LOCATION | UNITS |
|-------------|--|--|-----------------------|-------|
| 309 A010001 | LYDON WARREN D | 47 SUNSET RD HIGHLAND LAKE FALMOUTH, ME 04105 | 1747 FOREST AVE | 2 |
| 309 A014001 | AMERGIAN RAYMOND R | 1749 FOREST AVE PORTLAND, ME 04103 | 1749 FOREST AVE | 1 |
| 309 A018001 | MEEHAN SEAN & PATRICIA A FINNEMORE | 1757 FOREST AVE PORTLAND, ME 04103 | 1757 FOREST AVE | 1 |
| 309 A019001 | MORIN DAVID A & JESSICA L MORIN JTS | 1761 FOREST AVE PORTLAND, ME 04103 | 1761 FOREST AVE | 1 |
| 309 B016001 | LANDRY MICHAEL E | PO BOX 11496 PORTLAND, ME 04104 | 1733 FOREST AVE | 1 |
| 309 B018001 | HEM DA | 1729 FOREST AVE PORTLAND, ME 04103 | 1729 FOREST AVE | 1 |
| 309 B020001 | ROZZI MARGARET A & FREDERICK ROZZI JR JTS | 1725 FOREST AVE PORTLAND, ME 04103 | 1725 FOREST AVE | 1 |
| 309 B022001 | CAIL RICHARD D & MARY S OR SURV | 1717 FOREST AVE PORTLAND, ME 04103 | 1717 FOREST AVE | 1 |
| 309 D001001 | DONATELLI EVANGELISTA | 7 CASTINE AVE PORTLAND, ME 04103 | 7 CASTINE AVE | 1 |
| 309 E002001 | W & C LLC | PO BOX 10127 PORTLAND, ME 04104 | 1760 FOREST AVE | 1 |
| 309 E003001 | W & C LLC | PO BOX 10127 PORTLAND, ME 04104 | 1754 FOREST AVE | 1 |
| 309 E005001 | W & C LLC | PO BOX 10127 PORTLAND, ME 04104 | 1752 FOREST AVE | 1 |
| 309 E006001 | MOREY ERIN | 19 BRANDON ST PORTLAND, ME 04103 | 19 BRANDON ST | 1 |
| 309 E007001 | BEDROSIAN GARY S TRUSTEE | 9 BONESS LN STRATHAM, NH 03885 | 10 CASTINE AVE | 1 |
| 309 F001001 | KINCAID D WILMOT HEIRS | 42 CHESLEY AVE PORTLAND, ME 04103 | 1740 FOREST AVE | 1 |
| 309 F002001 | STICKNEY KAREN J & PAUL F JTS | 2 BLOCKHOUSE RUN GORHAM, ME 04038 | 1734 FOREST AVE | 3 |
| 309 F005001 | MURPHY DENNIS T & MARY M MURPHY JTS | 3 ALDWORTH ST PORTLAND, ME 04103 | 3 ALDWORTH ST | 1 |
| 328 B006001 | PROPERTIES PLUS LLC | 100 RIVERSIDE IND PARKWAY PORTLAND, ME 04103 | 88 RIVERSIDE IND PKWY | 1 |
| 328 B008001 | CPORT CREDIT UNION | 50 RIVERSIDE IND PKWY PORTLAND, ME 04103 | 26 RIVERSIDE IND PKWY | 1 |
| 332 A002001 | SPRAGUE DAVID W & SYLVIA W SPRAGUE JTS | 34 TUCKER AVE PORTLAND, ME 04103 | 34 TUCKER AVE | 1 |
| 332 A003001 | SPRAGUE DAVID W & SYLVIA W SPRAGUE JTS | 34 TUCKER AVE PORTLAND, ME 04103 | TUCKER AVE | 1 |
| 332 A012001 | MORENO GILBERT | 54 TUCKER AVE PORTLAND, ME 04103 | 50 TUCKER AVE R | 1 |
| 332 A013001 | MORENO GILBERT | 54 TUCKER AVE PORTLAND, ME 04103 | 54 TUCKER AVE | 1 |
| 332 A016001 | CHAMBERS MICHAEL & TRACY CHAMBERS JTS | 60 TUCKER AVE PORTLAND, ME 04103 | 60 TUCKER AVE | 1 |
| 332 A018001 | TUCCI PETER A | 25 OAKWOOD DR BUXTON, ME 04093 | 66 TUCKER AVE | 1 |
| 332 A021001 | YATES GLORIA L | 72 TUCKER AVE PORTLAND, ME 04103 | 72 TUCKER AVE | 1 |
| 332 A037001 | TROSPER STACY & JILL D TREMBLAY JTS | 40 TUCKER AVE PORTLAND, ME 04103 | 40 TUCKER AVE | 1 |
| 332 A041001 | SPRAGUE DAVID W & SYLVIA W SPRAGUE JTS | 34 TUCKER AVE PORTLAND, ME 04103 | 34 TUCKER AVE | 1 |

| CBL | OWNER | OWNER MAILING ADDRESS | PROPERTY LOCATION | UNITS |
|-------------|---|---------------------------------------|-------------------|-------|
| 332 A044001 | SPRAGUE DAVID W & SYLVIA W SPRAGUE JTS | 34 TUCKER AVE PORTLAND, ME 04103 | 26 TUCKER AVE | 1 |
| 332 C001001 | BOWIE LISA A & PETER J KIMBALL JR JTS | 29 TUCKER AVE PORTLAND, ME 04103 | 29 TUCKER AVE | 1 |
| 332 C004001 | HENDRICKSON KATHERINE M | 27 EASTMAN AVE PORTLAND, ME 04103 | 27 EASTMAN AVE | 1 |
| 332 C006001 | BROCHU ZACHARY E | 33 TUCKER AVE PORTLAND, ME 04103 | 33 TUCKER AVE | 1 |
| 332 C010001 | TRAN MY D | 41 TUCKER AVE PORTLAND, ME 04103 | 41 TUCKER AVE | 1 |
| 332 C012001 | SAABINO BAKKHITA J | 51 TUCKER AVE PORTLAND, ME 04103 | 51 TUCKER AVE | 1 |
| 332 C015001 | TIBBETTS DAVID N & REBECCA J TIBBETTS JTS | 57 TUCKER AVE PORTLAND, ME 04103 | 57 TUCKER AVE | 1 |
| 332 C019001 | CONLEY MICHAEL E & SELENA A JTS | 65 TUCKER AVE PORTLAND, ME 04103 | 65 TUCKER AVE | 1 |
| 332 C021001 | BIGIRIMANA YVES | 67 TUCKER AVE PORTLAND, ME 04103 | 67 TUCKER AVE | 1 |
| 332 C023001 | BROWN RETA H | 26 VICTORY LN HOLLIS, ME 04042 | 75 TUCKER AVE | 1 |
| 332 C031001 | BEDIVERE JESSE FEJOHN | 38 BEAL ST PORTLAND, ME 04103 | 38 BEAL ST | 1 |
| 332 C035001 | PICARD NILDA VIOLA | 1 BEAL ST PORTLAND, ME 04103 | 1 BEAL ST | 1 |
| 332 E001001 | GARRETT SPENCER PAUL & CARIE W GARRETT JTS | 19 EASTMAN AVE PORTLAND, ME 04103 | 19 EASTMAN AVE | 1 |
| 332 E004001 | MURRAY JASON G | 13 EASTMAN AVE PORTLAND, ME 04103 | 13 EASTMAN AVE | 1 |
| 332 E010001 | BABSON ROBERT & CAMELIA HALEY JTS | 10 BEAL ST PORTLAND, ME 04103 | 10 BEAL ST | 1 |
| 332 E013001 | TITCOMB ROBERT L | 29 BEAL ST PORTLAND, ME 04103 | 29 BEAL ST | 1 |
| 332 E017001 | MCDONOUGH BRIDGET | 35 BEAL ST PORTLAND, ME 04103 | 35 BEAL ST | 1 |
| 332 E038001 | GAY GREGORY G | 12 TARBELL AVE PORTLAND, ME 04103 | 12 TARBELL AVE | 1 |
| 332 I001001 | AMERGIAN RAYMOND R & SCRIBNER EMMA W | 1749 FOREST AVE PORTLAND, ME 04101 | KELLEY ST | 1 |
| 332 I006001 | HOLLAND JAMES A | 20 TUCKER AVE PORTLAND, ME 04103 | 20 TUCKER AVE | 1 |
| 332 K001001 | FITZ JENNIFER & STEPHEN DRAKE JTS | 13 TUCKER AVE PORTLAND, ME 04103 | 13 TUCKER AVE | 1 |
| 332 K003001 | AIKEN JUDITH T & PAUL J JTS | 34 EASTMAN AVE PORTLAND, ME 04103 | 34 EASTMAN AVE | 2 |
| 332 K006001 | MARTIN LOUISE M & STEPHEN T JTS | 22 EASTMAN AVE PORTLAND, ME 04103 | 22 EASTMAN AVE | 1 |
| 332 K011001 | RUBY JOAN B | 1372 POST RD # 513 WELLS, ME 04090 | 14 EASTMAN AVE | 1 |
| 332 K013001 | MACLEAN JAMES & DOROTHY | 8 EASTMAN AVE PORTLAND, ME 04103 | 8 EASTMAN AVE | 1 |
| 332 K018001 | MCDONOUGH MADELYN HEIRS | 29 BEAL ST PORTLAND, ME 04103 | 1713 FOREST AVE | 1 |
| 332 K019001 | HUBLEY DOUGLAS L & GRETCHEN A SCHAEFER JT | 1709 FOREST AVE PORTLAND, ME 04103 | 1709 FOREST AVE | 1 |

