



# PORTLAND MAINE

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*Jeff Levine, AICP, Director*

*Marge Schmuckal, Zoning Administrator*

April 9, 2013

Drummond Woodsum  
84 Marginal Way, Suite 600  
Portland, ME 04101-2480  
Attn: Kimberly Sweatt

RE: 238 Auburn Street – 373-B-005 –( the “Property”) - R-5 Zone

Dear Ms. Sweatt,

I am in receipt of your request for a determination regarding the Property. The Property is located within a R-5 residential zone.

The Property was approved as six detached buildings with 10 residential dwelling units for each building. Enclosed is a copy of the original building permit. Such permit indicates that a site plan review through the planning division was done in conjunction with approvals. I have not been able to find any certificates of occupancy for this project as would have been the practice during the time of this permit and approvals.

Other than the lack of any certificate of occupancy on file, I am not aware of any outstanding zoning, building or life safety code violations. At this time there are no pending or anticipated court actions regarding the Property.

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

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal".

Marge Schmuckal  
Zoning Administrator

enclosure

APPLICATION FOR PERMIT

PERMIT ISSUED

B.O.C.A. USE GROUP

#0270

MAR 30 1983

B.O.C.A. TYPE OF CONSTRUCTION

ZONING LOCATION PORTLAND, MAINE

Sept. 20, 1983

CITY OF PORTLAND

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION 238 Auburn Street - Brockfield Apartments Fire District #1 #2 #3

1. Owner's name and address Philip & Richard Briggs - 222 Auburn St. Telephone 1-617-6610165

2. Lessee's name and address

3. Contractor's name and address pending C. Harland A. Gendreau - 28 Main St. Telephone

Developers - Barry B. Harris & Richard Harris - 22 Monument Square, Kennebunk, Me. B.S. 773-7595

Proposed use of building apt. rentals R. H. 797-2297 No. families

Last use No. families

Material No. stories Heat Style of roof Roofing

Other buildings on same lot

Estimated contractual cost \$ 1,250,000 Appeal Fees \$

FIELD INSPECTOR-Mr. @ 775-5451 Base Fee site plan review 300.00

Late Fee

TOTAL \$ 6,250.00

To construct 52' x 64' - 6 bldgs. 10 units each site plan review

Stamp of Special Conditions

plans 12 sheets of plans.

send permit to # 3 P. O. Box 846 04043

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

DETAILS OF NEW WORK

Is any plumbing involved in this work? yes... Is any electrical work involved in this work? yes...
Is connection to be made to public sewer? existing or not, what is proposed for sewage?
Has sept. tank notice been sent? Form notice sent?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories sold or filled land? earth or rock?
Material of foundation Thickness, top bottom cellar
Kind of roof Rise per foot Roof covering
No. of chimneys Material of chimneys of lining Kind of heat fuel
Framing Lumber-Kind Dressed or full size? Corner posts Sills
Size Girder Columns under girders Size Max. on centers
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor 2nd 3rd roof
On centers: 1st floor 2nd 3rd roof
Maximum span: 1st floor 2nd 3rd roof
If one story building with masonry walls, thickness of walls? height?

IF A GARAGE

No. cars now accommodated on same lot to be accommodated number commercial cars to be accommodated
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVALS BY:

DATE

MISCELLANEOUS

BUILDING INSPECTION-PLAN EXAMINER Will work require disturbing of any tree on a public street? no
ZONING: Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes
BUILDING CODE:
Fire Dept.:
Health Dept.:
Others:

Signature of Applicant Herbert P. Gray for Phone # 775-1207
Type Name of Applicant Barry B. Harris & Richard Harris Developers 1 2 3 4
Other and Address

# DrummondWoodsum

Kimberly Sweatt

ksweatt@dwmlaw.com

84 Marginal Way, Suite 600  
Portland, ME 04101-2480

(207) 772-1941  
(207) 772-3627 Fax  
(800) 727-1941

www.dwmlaw.com

Daniel Amory\*  
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Kerlann Roman†  
Daniel J. Rose\*†  
George Royle V\*  
Gregory W. Sample\*  
Jessica M. Scherb\*†  
David S. Sherman, Jr.\*  
Richard A. Shinay\*  
Christina R. Simpson†  
Keighn Smith, Jr.\*  
Bruce W. Smith\*  
Richard A. Spencer\*†  
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Joanna B. Tourangeau\*†  
M. Thomas Trenholm\*  
Matthew H. Upton†  
Gary D. Vogel\*  
Ronald N. Ward\*  
Thomas R. Watson†  
Brian D. Willing\*  
Reade E. Wilson\*  
Gerald M. Zelin†

#### Consultants

Ann S. Chapman  
Policy & Labor Relations

Roger P. Kelley  
Labor Relations &  
Conflict Management

Michael J. Opuda Ph.D.  
Special Education

#### Of Counsel

Joseph L. Delafield III\*  
Robert L. Dips\*  
Donald A. Kopp\*  
Hugh G. E. MacMahon\*  
Harold E. Woodsum, Jr.\*

\* Admitted in Maine  
† Admitted in New Hampshire

March 20, 2013

Ms. Marge Schmuckal  
City of Portland  
389 Congress Street  
Portland, ME 04101

Re: 238 Auburn Street, Portland, Maine R-5  
CBL - 373 B005001

Dear Marge:

We represent Brookfield Property Management, LLC which plans to purchase the above noted property. We kindly request that you prepare a zoning determination letter to address any land use or zoning issues which may exist.

Specifically, we would like to verify the use as a twenty-one plus family apartment building is lawful and that there are no outstanding zoning, building or life safety code violations. Please also provide copies of any certificates, permits, approvals or violations which pertain to the property.

I am enclosing a firm check in the amount of \$150.00 for your services. Thank you for your assistance in this matter.

Sincerely,



Kimberly Sweatt  
Paralegal

Enclosure

RECEIVED  
MAR 28 2013  
City of Building Inspections  
City of Portland, Maine

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
 Portland, Maine 04101

**RECEIPT OF FEES**

<b>Application No:</b> 0000-1675	<b>Applicant:</b> BROOKFIELD APARTMENTS LL
<b>Project Name:</b> 238 AUBURN ST	<b>Location:</b> 238 AUBURN ST
<b>CBL:</b> 373 B005001	<b>Application Type:</b> Determination Letter
<b>Invoice Date:</b> 03/28/2013	

<b>Previous Balance</b>	-	<b>Payment Received</b>	+	<b>Current Fees</b>	-	<b>Current Payment</b>	=	<b>Total Due</b>	<b>Payment Due Date</b>
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

**Previous Balance** **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		\$150.00
	<b>Total Current Fees:</b>	<b>+ \$150.00</b>
	<b>Total Current Payments:</b>	<b>- \$150.00</b>
	<b>Amount Due Now:</b>	<b>\$0.00</b>

**CBL** 373 B005001  
**Bill to:** BROOKFIELD APARTMENTS LLC  
 35 PENRITH RD  
 PORTLAND, ME 04102

**Application No:** 0000-1675  
**Invoice Date:** 03/28/2013  
**Invoice No:** 40572  
**Total Amt Due:** \$0.00  
**Payment Amount:** \$150.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

Assessor's Office | 350 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8166

City Home Departments City Council E-Services Calendar Jobs

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

**Current Owner Information:**

**Services**

- Applications
- Doing Business
- Maps
- Tax Relief
- Tax Roll
- Q & A

**CBL** 373 B005001  
**Land Use Type** TWENTY-ONE PLUS FAMILY  
Verify legal use with Inspections Division  
**Property Location** 238 AUBURN ST  
**Owner Information** BROOKFIELD APARTMENTS LLC  
 35 PENRITH RD  
 PORTLAND ME 04102  
**Book and Page** 13770/32  
**Legal Description** 373-B-5  
 AUBURN ST 238-238  
**Acres** 235546 SF  
 5.4074

*Handwritten:* PRWD  
 60 x 3,000 = 180,000

**Current Assessed Valuation:**

- browse city services a-z
- browse facts and links a-z

**TAX ACCT NO.** 38362 **OWNER OF RECORD AS OF APRIL 2012**  
 BROOKFIELD APARTMENTS LLC  
**LAND VALUE** \$605,400.00 **35 PENRITH RD**  
**BUILDING VALUE** \$3,415,400.00 **PORTLAND ME 04102**  
**NET TAXABLE - REAL ESTATE** \$4,020,800.00  
**TAX AMOUNT** \$75,671.46



Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

**Building Information:**

Best viewed at 800x600, with Internet Explorer

**Building 1**  
**Year Built** 1978  
**Style/Structure Type** APARTMENT - GARDEN  
**# Units** 10  
**Building Num/Name** 1 - BROOKFIELD APTS  
**Square Feet** 62208

[View Sketch](#) [View Map](#) [View Picture](#)



**Exterior/Interior Information:**

**Building 1**  
**Levels** B1/B1  
**Size** 768  
**Use** SUPPORT AREA  
**Height** 8  
**Heating** NONE  
**A/C** NONE

**Building 1**  
**Levels** B1/B1  
**Size** 2688  
**Use** APARTMENT  
**Height** 9  
**Heating** ELECTRIC  
**A/C** NONE

**Building 1**  
**Levels** 01/01  
**Size** 3456  
**Use** APARTMENT  
**Height** 9  
**Walls** FRAME  
**Heating** ELECTRIC  
**A/C** NONE

**Building 1**  
**Levels** 02/02  
**Size** 3456  
**Use** APARTMENT  
**Height** 9  
**Walls** FRAME

# 238 Auburn St



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