

# PORTLAND MAINE

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Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator

September 25, 2012

Nadeau Land Surveys  
918 Brighton Avenue  
Portland, Maine 04102  
Attn: James D. Nadeau PLS

RE: 42-54 Summit Street - 377-E-30 & 378-C-42 – (the “Property”) – R-2 Zone

Dear Mr. Nadeau,

*Jim,*

I am in receipt of your request for a determination on a proposed lot division concerning the Property. The Property is located entirely within the R-2 residential zone. My determination is based upon a land survey performed by James D. Nadeau of Nadeau Land Surveys, dated 08/28/2012 along with a cover letter explaining the dispensation of the apparent gore.

The division of land as shown results in both proposed lots (one with an existing dwelling along with the newly proposed vacant lot) meeting the underlying R-2 zone requirements, including but not limited to lot size, lot width and street frontage. However, the ability to legally transfer the proposed vacant lot is predicated on the requirement to remove the pool and concrete pad along with the fence and the removal of the shed.

Once the structure and pool are removed and the land title is transferred, separate permit applications are required for a new single family dwelling. This determination letter is not permission to proceed with construction. At that time an updated survey showing a proposed dwelling and it's setbacks to the property lines shall be required.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 84-8695.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

# Nadeau Land Surveys

Professional Land Surveyors  
Certified Floodplain Managers

September 7, 2012

Marge Schmuckal, Zoning Administrator  
City of Portland  
389 Congress Street  
Portland, Maine 04101

377-E-30  
378-C-42

R-2

**RE: Proposed Lot Division, 52 Summit Street, Portland, Maine (2121315L1)**

42-54

Dear Marge,

For your review, please accept this letter and our attached boundary survey plan for your formal zoning determination. Our client desire's to purchase a portion of the Locus Parcel along Bramblewood Drive to construct a single family residence. The Locus Parcel is comprised of Lot 30, Block E, per City of Portland Assessor's Map 377 and Lot 42, Block C, per City of Portland Assessor's Map 378. Further reference is made to the "Proposed Conveyance" as depicted on a plan entitled "*Plan Depicting The Results Of A Boundary Survey & Proposed Lot Division Made For Momy Hang Southwesterly Sideline Of Summit Street & Southeasterly Sideline Of Bramblewood Drive, Portland, Maine*", dated August 28, 2012, revised September 4, 2012, by Nadeau Land Surveys Professional Land Surveyors, Portland, Maine, and attached hereto.

The Locus Parcel is located in the R-2 Zoning District and benefited by frontage on both Summit Street and Bramblewood Drive. Upon completion of our boundary survey, a narrow strip of land was found to exist between the Locus Parcel and the limits Bramblewood Drive as depicted on a plan entitled "*Recording Plat Bramblewood Allen Avenue / Summit Street Portland, Maine*", date last revised April 7, 1987, by Survey, Inc., and recorded April 15, 1987 in CCRD Plan Book 161, Page 65. This apparent gore along Bramblewood Drive has been recently resolved with a 411 square foot conveyance dated August 28, 2012, from Kasprzak Landbank, Inc. to Andrew S. Dunham & Shirley M. Dunham, and recorded in CCRD Book 29895, Page 275, giving the Locus Parcel frontage along Bramblewood Drive.

A small rectangular piece of land

The configuration of the "Proposed Conveyance" was developed with the intention to build a modest 24x36 w/18x24 attached garage located at the back of the lot, furthest away from Bramblewood Drive. This created the bottle-like shaped lot limiting the visual infringement of the new house to the existing deck which will remain. The lot width of the "Proposed Conveyance" at its narrowest point, is 50.0 feet and has a total frontage of 50.48 feet along Bramblewood Drive. The total area of the proposed conveyance is 12,880 square feet including a portion of the gore. The remaining land continues to maintain frontage along Summit Street with a total remaining area of 26,729 square feet, including a portion of the gore. Both lots conform to the required 10,000 square foot minimum lot size requirement. This office does not believe that any other Space and Bulk requirements have been altered, but please verify. As noted, the in-ground pool, concrete patio, and shed are to be removed.

RECEIVED

SEP 10 2012

cd: mark Caperton  
878-7870

Dept. of Building Inspections  
City of Portland Maine



www.nadeaulandsurveys.com

918 Brighton Avenue  
Portland, Maine 04102

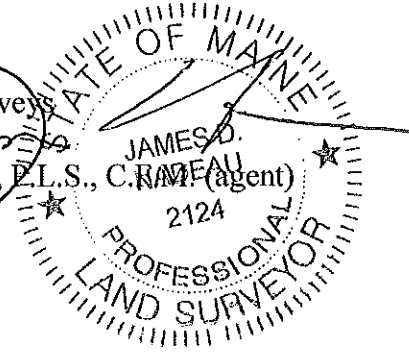
Phone (207) 878-7870  
Fax (207) 878-7871

Please find enclosed a check in the amount of \$150 to review the proposed land division at 52 Summit Street, Portland, Maine. It is our desire that your formal determination be in writing confirming that the Locus parcel is located in an R-2 zone and that our boundary survey plan represents a proposed lot division that would be in compliance to the City of Portland Zoning Ordinance. Upon completion of this process, a formal Site Plan shall be prepared for review and construction permitting. Our client understands that this request does not secure a building permit. Thank you for your time and please do not hesitate to call if you have any questions.

Sincerely,  
Nadeau Land Surveys

James D. Nadeau, P.L.S., C.R.M. (agent)

CC: Mory Hang



Assessor's Office | 369 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8185

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:**

<p><b>Services</b></p> <p>Applications</p> <p>Doing Business</p> <p>Maps</p> <p>Tax Relief</p> <p>Tax Roll</p> <p>Q &amp; A</p>	<p><b>C81</b> 377 E030001</p> <p><b>Land Use Type</b> SINGLE FAMILY</p> <p><b>Property Location</b> 52 SUMMIT ST</p> <p><b>Owner Information</b> DUNHAM ANDREW S &amp; SHIRLEY M JTS 52 SUMMIT ST PORTLAND ME 04103</p> <p><b>Book and Page</b> 12690/218</p> <p><b>Legal Description</b> 377-E-30 378-C-42 SUMMIT ST 42-54</p> <p><b>Acres</b> 38810 SF 0.891</p>
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**Current Assessed Valuation:**

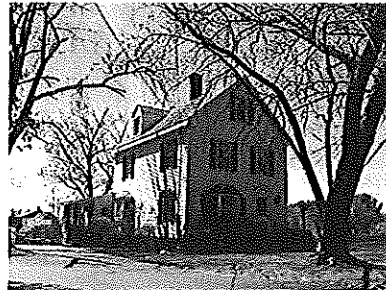
<p>browse city services a-z</p> <p>browse facts and links a-z</p>	<p><b>TAX ACCT NO.</b> 38706 <b>OWNER OF RECORD AS OF APRIL 2012</b> DUNHAM ANDREW S &amp; SHIRLEY M JTS 52 SUMMIT ST PORTLAND ME 04103</p> <p><b>LAND VALUE</b> \$110,500.00</p> <p><b>BUILDING VALUE</b> \$259,800.00</p> <p><b>HOMESTEAD EXEMPTION</b> (\$10,000.00)</p> <p><b>NET TAXABLE - REAL ESTATE</b> \$360,300.00</p> <p><b>TAX AMOUNT</b> \$6,780.86</p>
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Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.



**Building Information:**

<b>Building 1</b>	
<b>Year Built</b>	1890
<b>Style/Structure Type</b>	OLD STYLE
<b># Stories</b>	2
<b># Units</b>	1
<b>Bedrooms</b>	6
<b>Full Baths</b>	2
<b>Half Baths</b>	1
<b>Total Rooms</b>	11
<b>Attic</b>	FULL FINSH
<b>Basement</b>	FULL
<b>Square Feet</b>	3167



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

**Outbuildings/Yard Improvements:**

<b>Building 1</b>	
<b>Year Built</b>	1985
<b>Structure</b>	POOL-PREFAB PLASTIC LINER
<b>Size</b>	20X40
<b>Units</b>	1
<b>Grade</b>	C
<b>Condition</b>	A

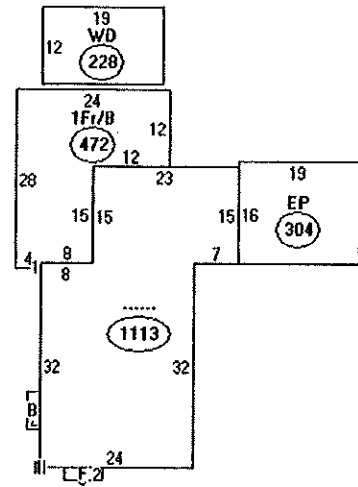
<b>Building 1</b>	
<b>Year Built</b>	1985
<b>Structure</b>	SHED-FRAME
<b>Size</b>	8X20
<b>Units</b>	1
<b>Grade</b>	C
<b>Condition</b>	A

<b>Building 1</b>	
<b>Year Built</b>	1985
<b>Structure</b>	GARAGE-WD/CB
<b>Size</b>	16X36
<b>Units</b>	1
<b>Grade</b>	C
<b>Condition</b>	A

**Sales Information:**

<b>Sale Date</b>	<b>Type</b>	<b>Price</b>	<b>Book/Page</b>
8/27/1996	LAND + BUILDING	\$176,000.00	12690/218

[New Search](#)



Descriptor/Area	Area
A:.....	1113 sqft
B:FBAY	12
C:1Fr/B	472
D:WD	228
E:EP	304
F:FBAY	12
G:RG1	576
H:RP2	800
I:RS1	160
	<u>3677</u>

Applicant: <sup>current</sup> Owner - Andrew & Shirley Dimham  
 Date: 9/25/12  
 Address: 42-54 Summit St  
 C-B-L: 377-E-30  
 378-C-42

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone/Location - R-2

Interior of corner lot -

Proposed Use/Work - TO Divide An existing lot built 189

Sewage Disposal - City

existing built lot

New lot - VACANT

Lot Street Frontage - 50' min Reg

181.96' Bramblewood  
174.95'

50.48'  
CAN meet front setback

Front Yard - 25' min

42.5' scaled

CAN meet

Rear Yard - 25' min

27.3' AT Angle

CAN meet

Side Yard - 1st story = 12'

16 min  
Exist 19' on Bramblewood side (No change)  
24' from garage

CAN meet

Projections - 2.5 story = 14'

Width of Lot - 90' min

181.96'

has the 80' in rear - ok

Height - 35' max

? existing

CAN meet

Lot Area - 10,000 sq ft min

26,729 sq ft with cave

12,880 sq ft with cave

Lot Coverage/Impervious Surface - 20% max

5345.8 sq ft max allow  
HAS showing 3,677 sq ft

20% = 2576 sq ft

Area per Family - 10,000 sq ft min

26,729 sq ft

12,880 sq ft

Off-street Parking - 2 Reg

~~5345.8 sq ft~~  
HAS PARKING

CAN meet

Loading Bays - N/A

Site Plan - N/A AT THIS TIME

OK

OK

Shoreland Zoning/Stream Protection - N/A

OK

OK ->

Flood Plains - Panel 2 - Zone X



# PORTLAND MAINE

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Receipts Details:

**Tender Information:** Check , BusinessName: James D. Nadeau, LLC, Check Number: 6626

**Tender Amount:** 150.00

Receipt Header:

**Cashier Id:** gguertin

**Receipt Date:** 9/10/2012

**Receipt Number:** 48007

Receipt Details:

Referance ID:	496	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00
Job ID: Miscellaneous charges			
Additional Comments: 52 Summit St., James D. Nadeau			

Thank You for your Payment!

N/F  
**Kasprzak Landbank, Inc.**  
Book 7573, Page 334

N/F  
**Glassock**  
Book 10158, Page 338  
Lot 34

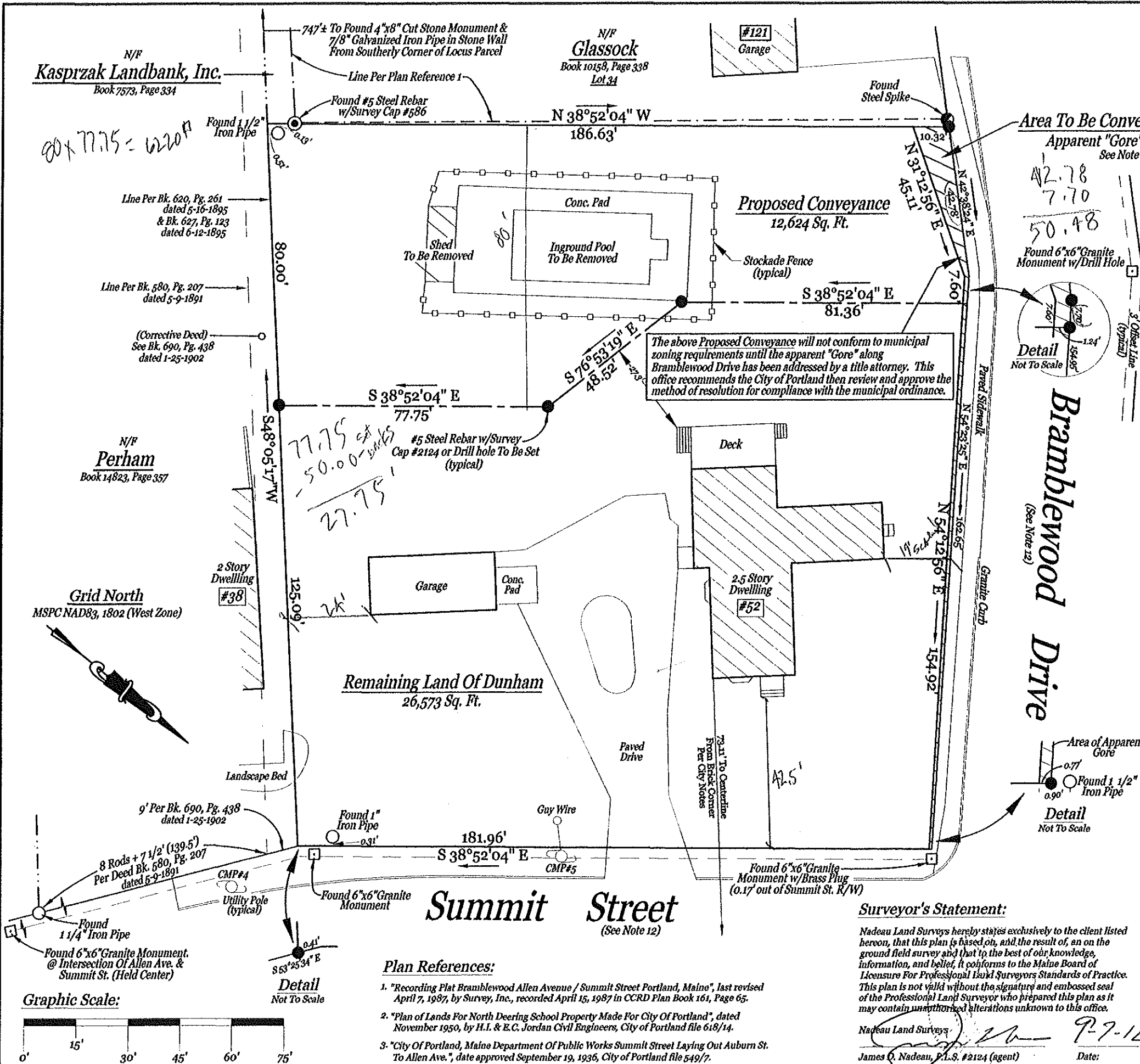
**Locus Deed Reference:**

**Leroy E. Applebee & Roberta M. Applebee**  
To  
**Andrew S. Dunham & Shirley M. Dunham**  
dated August 31, 2011 and recorded September 2, 2011 at the  
Cumberland County Registry of Deeds in Book 28937, Page 294.

**Area To Be Conveyed to Dunham**  
Apparent "Gore" 411 Sq. Ft.  
See Note 16

**General Notes:**

- This plan is not intended to depict limits or extent of fee title ownership. An opinion of title should be rendered by a title attorney.
- This office reserves the right to be held harmless by all 3rd party claims.
- This survey does not purport to reflect any of the following:
  - easements other than those that are visible or specifically stated in the referenced documents.
  - building setback compliance or restrictive covenants.
  - zoning or other land use regulations.
  - the location of any underground utilities or structures.
- This office reserves the right to be held harmless for unknown or unobtainable private records which could affect the results of this survey.
- Reference is made to "Contract For Land Surveying Services" between Nadeau Land Surveys and the below listed client(s), which shall be considered an integral part of this survey.
- N/F is an abbreviation for Now or Formerly.
- All deeds referenced on this plan are recorded at the Cumberland County Registry of Deeds (CCRD).
- This office does not accept any liability for errors in the Plan References listed hereon.
- Locus Parcel is shown on the City of Portland Assessor's Map 377, Block E, as Lot 30 & Map 376, Block C, Lot 42, and is listed as 52 Summit Street.
- Area of Locus Parcel is 39,198 square feet (0.90 acre).
- The apparent right of way lines depicted on this plan are based on the Plan References listed hereon and monumentation found in the field, and City of Portland Engineering Street Notes.
- Summit Street was accepted as 3 rods (49.5') November 2, 1936 per City of Portland records Vol. 60, Page 501. Bramblewood Drive was accepted as 50 feet February 6, 1989 per City of Portland records Vol. 103, Page 563.
- All building corner offsets to boundary lines are from cornerboards and not building foundation, unless noted.
- Call 1-888-DIGSAFE at least three business days before performing ANY excavation.
- Locus Parcel falls in the R-2 Zoning District. See City of Portland Zoning Ordinance for regulations and restrictions.
- Apparent Area of "Gore" between the Locus Parcel and record lines per Plan Ref. 1.



The above Proposed Conveyance will not conform to municipal zoning requirements until the apparent "Gore" along Bramblewood Drive has been addressed by a title attorney. This office recommends the City of Portland then review and approve the method of resolution for compliance with the municipal ordinance.

**Bramblewood Drive**  
(See Note 12)

**Remaining Land Of Dunham**  
26,573 Sq. Ft.

**Proposed Conveyance**  
12,624 Sq. Ft.

74'± To Found 4"x8" Cut Stone Monument & 7/8" Galvanized Iron Pipe in Stone Wall From Southerly Corner of Locus Parcel

Line Per Bk. 620, Pg. 261 dated 5-16-1895 & Bk. 627, Pg. 123 dated 6-12-1895

Line Per Bk. 580, Pg. 207 dated 5-9-1891

(Corrective Deed) See Bk. 690, Pg. 438 dated 1-25-1902

N/F  
**Perham**  
Book 14823, Page 357

**Grid North**  
MSPC NAD83, 1802 (West Zone)

**Graphic Scale:**



**Plan References:**

- "Recording Plat Bramblewood Allen Avenue / Summit Street Portland, Maine", last revised April 7, 1987, by Survey, Inc., recorded April 15, 1987 in CCRD Plan Book 161, Page 65.
- "Plan of Lands For North Deering School Property Made For City of Portland", dated November 1950, by H.I. & E.C. Jordan Civil Engineers, City of Portland file 618/14.
- "City Of Portland, Maine Department Of Public Works Summit Street Laying Out Auburn St. To Allen Ave.", date approved September 19, 1936, City of Portland file 549/7.

**Surveyor's Statement:**

Nadeau Land Surveys hereby states exclusively to the client listed hereon, that this plan is based on, and the result of, an on the ground field survey and that to the best of our knowledge, information, and belief, it conforms to the Maine Board of Licensure For Professional Land Surveyors Standards of Practice. This plan is not valid without the signature and embossed seal of the Professional Land Surveyor who prepared this plan as it may contain unauthorized alterations unknown to this office.

Nadeau Land Surveys  
James D. Nadeau, P.L.S. #2124 (agent) Date: 9-7-12

09/04/2012 - Revised Title Block

Plan Depicting The Results Of A Boundary Survey & Proposed Lot Division Made For  
**Mony Hang**  
Southwesterly Sideline Of Summit Street & Southeasterly Sideline Of Bramblewood Drive  
Portland, Maine

MADE BY:  
**Nadeau Land Surveys**  
Professional Land Surveyors  
Certified Floodplain Managers  
918 BRIGHTON AVE. PORTLAND, ME. PH. (207)878-7870

DATE: 08/28/2012 DRAWN BY: MLC  
SCALE: 1" = 30' FILE#: 212135BR1