



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov*

*Greg Mitchell - Acting Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

March 13, 2012

Benchmark Residential & Investment Real Estate  
100 Congress Street  
Portland, Maine 04101  
Attn: Tom Landry

RE: 417 Auburn Street, 12 Kenneth Street, 22 Kenneth Street – 382-A-5, 6, 7, 8, 9  
R-3 Zone

Dear Mr. Landry,

I am in receipt of your request to determine whether the properties located at 417 Auburn Street, 12 Kenneth Street and 22 Kenneth Street are exempt from the City of Portland's subdivision regulations.

My determination is based upon an April, 1933 plan labeled, "Plan of Property in Portland, Maine made for Deering Loan & Building Association" prepared by E.C. Jordan & Company, civil engineers. This plan was accepted on June 5, 1933 by the municipal officers of the City of Portland who certified their approval of the plan as required by sec. 1 and 2 of chapter 161 of the public laws of the State of Maine 1929. This same plan was also recorded at the Cumberland County Registry of Deeds on June 9, 1933 in plan book 21 page 37. My determination is also based upon a hand drawn outline on the above-referenced 1933 plan outlining the intended sale and division of land.

Maine law specifies that the subdivision requirements do not apply to "previously existing subdivisions." See 30-A M.R.S.A. section 4402. Similarly, section 14-508 of the City Code provides that, "[t]his article does not apply to subdivisions approved prior to June 6, 1979, nor to subdivisions that have been legally recorded in the Registry of Deeds prior to June 6, 1979." The Law Court has held that "[w]here land had been divided into lots and lots have been surveyed, marked and numbered before September 23, 1971, [the] subdivision was [therefore] in existence on September 23, 1971, and thus not subject to municipal subdivision law which was not applicable to subdivisions in actual existence on September 23, 1971." Brennan v. R.D Realty Corp., 349 A. 2d 201 (Me 1975).

Therefore, based on the facts and evidence presented to me thus far, the property at 417 Auburn Street, 12 Kenneth Street and 22 Kenneth Street is not subject to subdivision review at this time.

Please note that there are other reviews and requirements that must be met prior to development on any of the vacant lots.

You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. See City Code section 14-472. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal. If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marge Schmuckal  
Zoning Administrator

Cc: Danielle West-Chuta, Corporation Counsel  
Barbara Barhydt, Development Review Services Manager

**Marge Schmuckal - Re: Check in - Andrews**

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**From:** Marge Schmuckal  
**To:** Tom Landry  
**Date:** 3/13/2012 10:19 AM  
**Subject:** Re: Check in - Andrews  
**CC:** Doug And Elizabeth Andrews  
**Attachments:** determination letter.pdf

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Tom,  
I have completed and attached my determination letter. I will send the original to you in the mail.  
Marge

>>> Tom Landry <tomlandry@benchmarkmaine.com> 3/12/2012 7:30 PM >>>  
Hey Marge, just wanted to follow up on the Determination Letter for Elizabeth and Doug Andrews. We're anxiously awaiting and want to be sure I didn't miss an email.

Thanks again for your efforts!

Tom Landry  
Broker/Owner  
BENCHMARK Real Estate  
- sent by iPhone

## Marge Schmuckal - Subdivision Question

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**From:** Danielle West-Chuhta  
**To:** Schmuckal, Marge  
**Date:** 3/2/2012 3:07 PM  
**Subject:** Subdivision Question

---

Marge:

Maine law specifies that the subdivision requirements do not apply to "previously existing subdivisions." Similarly, section 14-508 provides that "[t]his article does not apply to subdivisions approved prior to June 6, 1979, nor to subdivisions in existence prior to June 6, 1979, nor to subdivisions that have been legally recorded in the registry of deeds prior to June 6, 1979." The Law Court has held that "[w]here land had been divided into lots and lots have been surveyed, marked and numbered before September 23, 1971, subdivision was in existence on September 23, 1971 and thus not subject to municipal subdivision law which was not applicable to subdivision in actual existence on September 23, 1971." See State ex rel. Brennan v. R.D. Realty Corp., 349 A.2d 201 (Me. 1975).

So, it looks like the situation we are dealing with most likely falls within this exception since the lots in question were part of an approved subdivision plat within the specified dates. The case does not discuss the issue regarding setbacks, but I think that since it is grandfathered we have to live with the existing setback issues on the lot with the existing house.

Thanks,

Danielle

Danielle P. West-Chuhta  
Associate Corporation Counsel  
City of Portland, Maine  
(207) 874-8480



**BENCHMARK**  
Residential & Investment Real Estate

February 27, 2012

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

Re: 417 Auburn Street, 12 Kenneth Street, 22 Kenneth Street


Dear Ms. Schmuckal:

Further to our conversations regarding the above-referenced properties, and to try and gain a better understanding of the use and exceptions of the term "subdivision" in both the Portland Zoning Ordinance (Chapter 14, Land Use, Article IV) and the Maine State Code (§30A-4401), on February 23, 2012, my client, Elizabeth Andrews, and I met with Associate Corporation Counsel, Danielle P. West-Chuhta.

At that meeting, we suggested that the 417 Auburn Street, 12 Kenneth Street, and 22 Kenneth Street constitute a subdivision that has been in existence since prior to September 23, 1971, and therefore, exempt from subdivision regulations pursuant to 30-A M.R.S.A. § 4402 "Exceptions," of the State Code (attached) and Sec. 14-508(a), "Exemptions," of the City Code (attached). Ms. West-Chuhta suggested that to establish the existence of an exception, we first obtain a subdivision plan which had been legally recorded in the registry of deeds before September 23, 1971, and/or June 6, 1979, and, if one existed, present it to you for consideration.

Such a subdivision plan does exist (enclosed), and it reveals that on June 5, 1933, the City of Portland certified, approved and recorded a subdivision plan submitted by the then owner, Deering Loan & Building Association, that includes the separate lots currently identified as 417 Auburn Street, 12 Kenneth Street, 22 Kenneth Street. Thus, it appears that these properties are exempt from both City and State subdivision regulations.

Based on the above, and the attached documentation, and in light of the pending sale of 417 Auburn Street, we respectfully request a written determination from you that 417 Auburn Street, 12 Kenneth Street, 22 Kenneth Street, are part of an existing subdivision plan legally approved and recorded prior to June 6, 1979, and/or September 23, 1971, and therefore, are exempt from the City's subdivision regulations.

Sincerely,  
  
Tom Landry, Broker/Owner

cc: Elizabeth Andrews

*Local - Savvy - Responsive*

100 Congress Street, Portland, Maine 04101 Office: (207) 775-0248 Fax: (207) 775-6688

[www.BenchmarkMaine.com](http://www.BenchmarkMaine.com)

## Chapter 14 LAND USE\*

### ARTICLE IV. SUBDIVISIONS\*

#### Sec. 14-493. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

**Lot** shall mean a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision of record or survey map or by metes and bounds, for the purpose of sale or lease to another.

**Subdivision** shall mean the division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 4401. The term subdivision shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph. A dwelling unit shall include any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing condominiums, time-share units and apartments.

#### Sec. 14-508. Exemptions.

(a) This article does not apply to subdivisions approved prior to June 6, 1979, nor to subdivisions in existence prior to June 6, 1979, nor to subdivisions which have been legally recorded in the registry of deeds prior to June 6, 1979.

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 )  
Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)  
Subpart 6-A: PLANNING AND LAND USE REGULATION HEADING: PL 1989, C. 104, PT.  
A, §45  
Chapter 187: PLANNING AND LAND USE REGULATION HEADING: PL 1989, C. 104, PT.  
A, §45  
Subchapter 4: SUBDIVISIONS HEADING: PL 1989, C. 104, PT. A, §45 (NEW)

#### **§4401. Definitions**

4. Subdivision. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.  
[2001, c. 359, §1 (AMD).]

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. A lot of 40 or more acres must be counted as a lot, except:

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance. [2001, c. 651, §1 (AMD).]

### 30-A M.R.S.A. § 4402 Exceptions

This subchapter does not apply to:

1. **Previously approved subdivisions.** Proposed subdivisions approved by the planning board or the municipal officials before September 23, 1971 in accordance with laws then in effect;
2. **Previously existing subdivisions.** Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law;
3. **Previously recorded subdivisions.** A subdivision, a plan of which had been legally recorded in the proper registry of deeds before September 23, 1971;
4. **Airports with an approved airport layout plan.** Any airport with an airport layout plan that has received final approval from the airport sponsor, the Department of Transportation and the Federal Aviation Administration; or
5. **Subdivisions in existence for at least 20 years.** A subdivision in violation of this subchapter that has been in existence for 20 years or more, except a subdivision:
  - A. That has been enjoined pursuant to section 4406;
  - B. For which approval was expressly denied by the municipal reviewing authority, and record of the denial was recorded in the appropriate registry of deeds;
  - C. For which a lot owner was denied a building permit under section 4406, a and record of the denial was recorded in the appropriate registry of deeds; or
  - D. That has been the subject of an enforcement action or order, and record of the action or order was recorded in the appropriate registry of deeds.



**Marge Schmuckal - Re: Zoning - "merger of lots"**

---

**From:** Danielle West-Chuhta (Danielle West-Chuhta)  
**To:** Michael Denney; eandrews47@maine.rr.com  
**Date:** 2/24/2012 11:07 AM  
**Subject:** Re: Zoning - "merger of lots"  
**CC:** Schmuckal, Marge

---

Michael/Ms. Andrews:

Here is the information I found with regard to our meeting yesterday:

1) The merger provisions come from the City Code section 14-422 (which indicates that there can be no non-conforming lots in the City) and from the City Code/State statute - 30-A M.R.S.A. section 4401(6) which specifies that a "tract or parcel of land" is defined (when determining whether a subdivision is occurring) as "all contiguous land in the same ownership . . ."

2) The cases that may be applicable to the question about whether or not the exceptions found in 30-A M.R.S.A. section 4402 may apply to your situation are as follows: Planning Board of Town of Naples v. Michaud, 444 A.2d 40 (Me. 1982), and State ex rel. Brennan v. R.D. Realty Corp., 349 A.2d 201 (Me. 1975).

As I indicated, I am not your lawyer and I would strongly recommend that you obtain a lawyer and have him/her review these materials for you (and others) and present your materials to Marge, the City Zoning Administrator.

Thank you for your time,

Danielle

Danielle P. West-Chuhta  
Associate Corporation Counsel  
City of Portland, Maine  
(207) 874-8480

>>> "Michael Denney" <mtddenney@maine.rr.com> 2/23/2012 1:20 PM >>>

Dear Ms. West-Chuhta:

Thank you for meeting with us this morning regarding 417 Auburn St. and 12 and 22 Kenneth St., and I look forward to receiving the appropriate reference so I can review the "merger of lots" provision in the City code.

Also, I have been unable to find any definition or court case regarding "Subdivisions in actual existence on September 23, 1971," and/or, the difference between that exception and "A subdivision plan legally recorded in the proper registry of deeds prior to September 23, 1971." Again, any help or direction is greatly appreciated.

Lastly, I have not to date received any follow-up correspondence regarding the sewer issue in our neighborhood. Thanks again,

Sincerely,

Mike Denney  
8 Arlington St.



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Greg Mitchell, Acting Director of Planning and Development  
Marge Schmuckal, Zoning Administrator

## Meeting Information

DATE: 2/27/12 ZONE: R-3

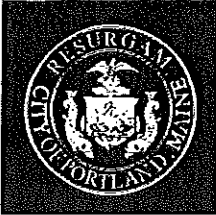
LOCATION: 417 Auburn St

PEOPLE PRESENT: Michael Demming - Tom Landry  
Marge Schmuckal

### DISCUSSION:

Presented A cover letter with attachments iA  
recorded? Need BK & PG, dated June 5, 1933  
- Requested The → from registry of Deeds  
I made a copy of The 1933 subdivision plans

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at [www.portlandmaine.gov](http://www.portlandmaine.gov).



# PORTLAND MAINE

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Greg Mitchell, Acting Director of Planning and Development  
Marge Schmuckal, Zoning Administrator

## Meeting Information

DATE: 1/31/12 ZONE: R-3

LOCATION: 417 Auburn

PEOPLE PRESENT: Elizabeth Andrews - Tom Landry

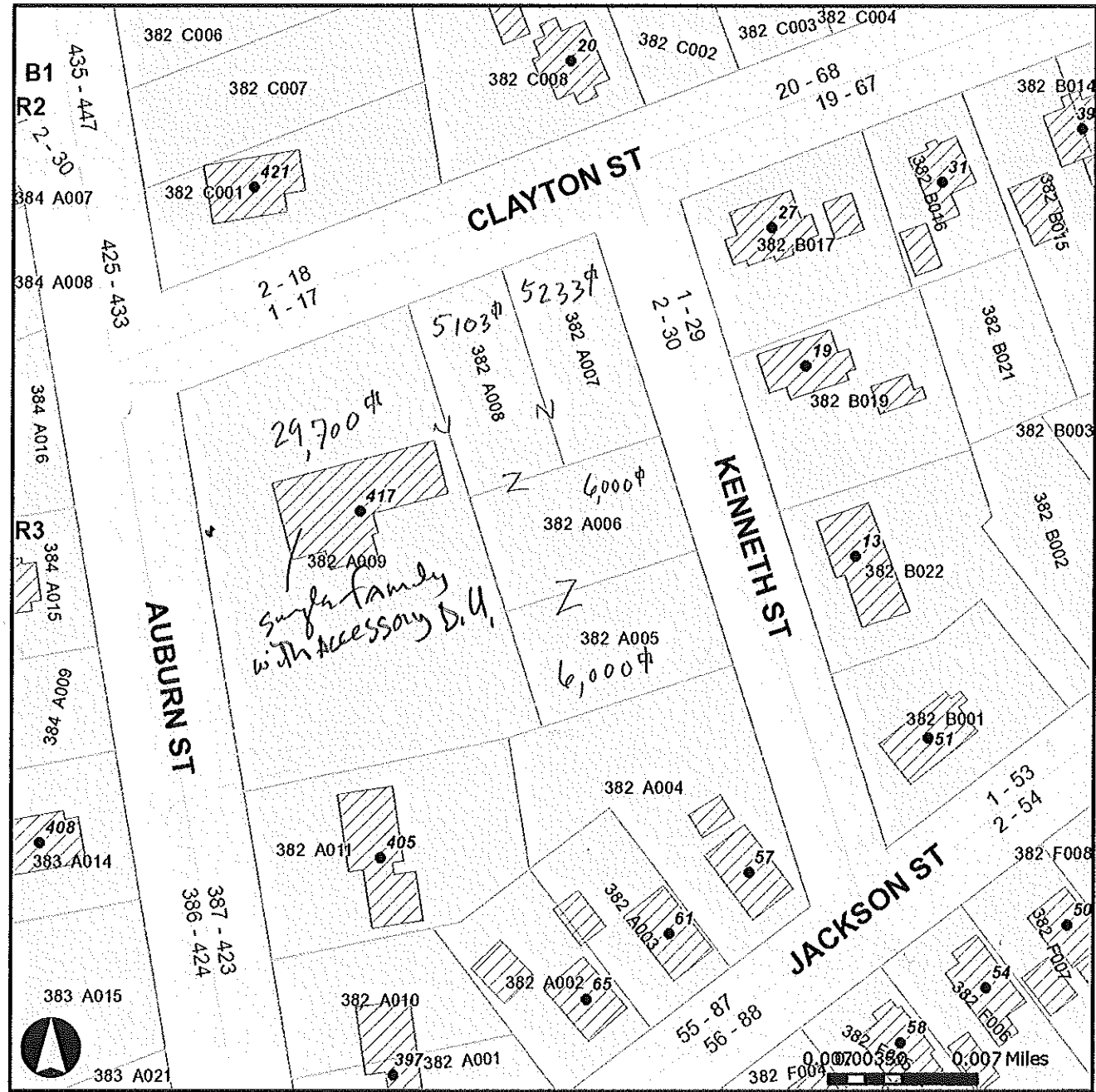
BARBARA & MARGE

### DISCUSSION:

- Discussed R-3 Dimensional Reg. & The middle lot ~~HAS~~ some misleading envelope issues -
- Would need subdivision -
- ONLY doing a concept at this time - to sell the concept,
- 2 → 3 months to go thru the subdivision process
- Stormwater Not shown - supposedly sandy soils
- Discussed sidewalks & other public improvements
- 30% tree retention rule

**Please note:** this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at [www.portlandmaine.gov](http://www.portlandmaine.gov).

# Map



Address Candidates

- Address Candidates
- Interstate
- Streets
- Buildings

Stream Overlay Zone

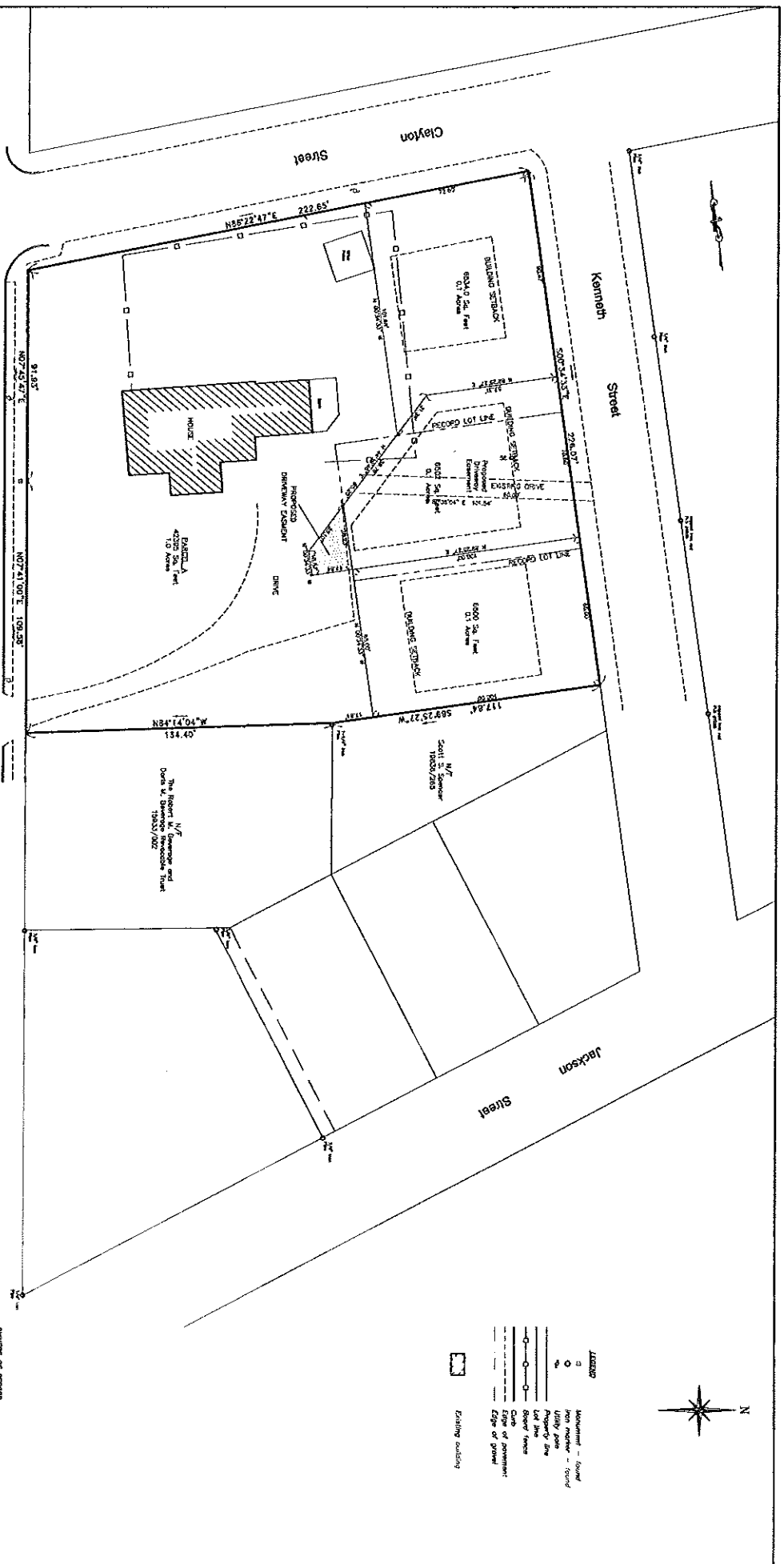
- Stream\_protection
- Island Zoning**
- C43
- I-B
- I-TS
- I-R1
- I-R2

Zoning (continued)

- R2 Residential
- R3 Residential
- R4 Residential
- R5 Residential
- R6 Residential
- ROS Recreation Open Space

Zoning (continued)

- C25
- C26
- C27
- C28
- C29
- C30
- C31



- LEGEND**
- Measurement - Survey
  - Iron marker - Survey
  - Utility pole
  - Property line
  - Right of way
  - Right of way
  - Edge of pavement
  - Edge of ground
  - Existing building

**RECORD OF RECORD**  
 Reference to the Survey of Clayton A. Anderson  
 Book 14, Page 21 of 2000, Vol. 14  
 and  
 Reference to the Survey of Clayton A. Anderson  
 Book 14, Page 21 of 2000, Vol. 14  
 are hereby  
 made.

**DATE**  
 11/11/2011

**SCALE IN FEET**  
 1" = 20'

**BOUNDARY SURVEY AND LOT DIVISION**

PLAN OF

**Elizabeth Andrews**  
 Surveyor

DATE SURVEYED: 11/11/2011

SCALE: 1" = 20'

**Tilcomb Associates**  
 Surveyors  
 1000 West 10th Street  
 Tallahassee, Florida 32302

**RECORDS**

(1) Plan of Survey, as defined above, made for Clayton A. Anderson, and as defined above, is recorded in the Comprehensive County Registry of Deeds in Tallahassee, Florida, Book 14, Page 21 of 2000, Vol. 14.

(2) City of Tallahassee Civil Engineering Department record copy of map made according to Ordinance 22, 1992.

**NOTES**

(1) All bearings and distances are to the Comprehensive County Registry of Deeds.

(2) Bearings are referenced to magnetic north as defined from the Standard Meridian Survey of Tallahassee Street and County Street made by Thomas Anderson dated June 11, 1926.

**CERTIFICATION**

I, Elizabeth Andrews, Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the owner.

Elizabeth Andrews  
 Surveyor

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8186

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**

**CBL** 382 A009001  
**Land Use Type** TWO FAMILY  
**Property Location** 417 AUBURN ST  
**Owner Information** ANDREWS DOUGLAS C & ELIZABETH A ANDREWS

**Applications**

**Doing Business** 417 AUBURN ST  
 PORTLAND ME 04103

**Maps** **Book and Page** 23858/143  
**Legal Description** 382-A-9  
 AUBURN ST 417

**Tax Relief** CLAYTON ST  
 29700 SF

**Tax Roll** **Acres** 0.682

R-3

**Q & A**

**Current Assessed Valuation:**

**TAX ACCT NO.** 39338 **OWNER OF RECORD AS OF APRIL 2011**  
 ANDREWS DOUGLAS C &  
 ELIZABETH A ANDREWS  
 417 AUBURN ST  
 PORTLAND ME 04103

**LAND VALUE** \$102,800.00  
**BUILDING VALUE** \$351,800.00  
**HOHESTEAD EXEMPTION** (\$10,000.00)  
**NET TAXABLE - REAL ESTATE** \$444,600.00

**TAX AMOUNT** \$8,127.30

browse facts and links a-z



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** 1780  
**Style/Structure Type** COLONIAL  
**# Stories** 2  
**Bedrooms** 6  
**Full Baths** 6  
**Half Baths** 1  
**Total Rooms** 14  
**Attic** NONE  
**Basement** FULL  
**Square Feet** 4246



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

**Sales Information:**

Sale Date	Type	Price	Book/Page
4/18/2006	LAND + BUILDING	\$548,600.00	23858/143

[New Search!](#)

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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**Current Owner Information:**

**Services**

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[Maps](#)

[Tax Relief](#)

[Tax Roll](#)

[Q & A](#)

[browse city services a-z](#)

[browse facts and links a-z](#)

**CBL** 382 A007001  
**Land Use Type** VACANT LAND  
**Property Location** 22 KENNETH ST  
**Owner Information** ANDREWS DOUGLAS C & ELIZABETH A ANDREWS

417 AUBURN ST  
 PORTLAND ME 04103

**Book and Page** 23858/143  
**Legal Description** 382-A-7-8  
 CLAYTON ST 11-17  
 KENNETH ST 22-28  
 10336 SF

**Acres** 0.237

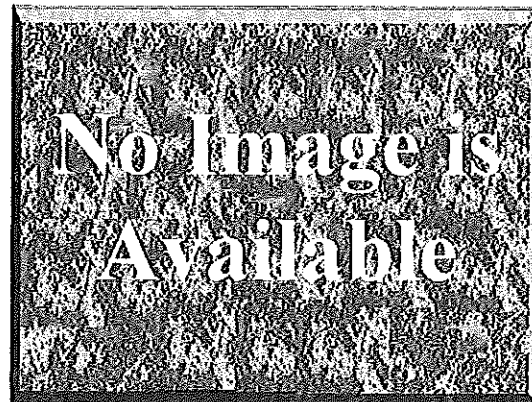
**Current Assessed Valuation:**

<b>TAX ACCT NO.</b>	39336	<b>OWNER OF RECORD AS OF APRIL 2011</b>
		ANDREWS DOUGLAS C &
		ELIZABETH A ANDREWS
		417 AUBURN ST
		PORTLAND ME 04103
<b>LAND VALUE</b>	\$8,800.00	
<b>BUILDING VALUE</b>	\$0.00	
<b>NET TAXABLE - REAL ESTATE</b>	\$8,800.00	
<b>TAX AMOUNT</b>	\$160.86	

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



Best viewed at 800x600, with Internet Explorer



[View Map](#)

**Sales Information:**

Sale Date	Type	Price	Book/Page
4/18/2006	LAND + BUILDING	\$0.00	23858/143

[New Search!](#)

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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**Current Owner Information:**

**Services**

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[Tax Roll](#)

[Q & A](#)

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[browse facts and links a-z](#)

<b>CBL</b>	382 A005001
<b>Land Use Type</b>	VACANT LAND
<b>Property Location</b>	12 KENNETH ST
<b>Owner Information</b>	ANDREWS DOUGLAS C & ELIZABETH A ANDREWS
	417 AUBURN ST
	PORTLAND ME 04103
<b>Book and Page</b>	23858/143
<b>Legal Description</b>	382-A-5-6
	KENNETH ST 12-20
	12000 SF
<b>Acres</b>	0.275

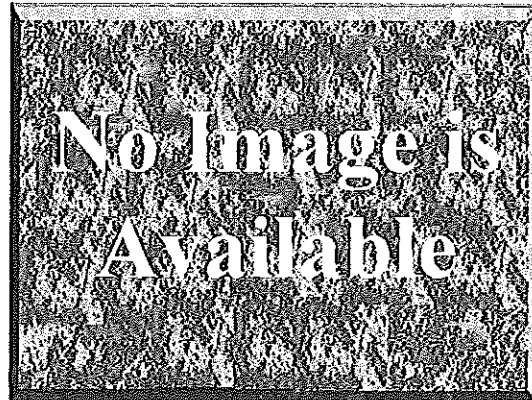
**Current Assessed Valuation:**

<b>TAX ACCT NO.</b>	39334	<b>OWNER OF RECORD AS OF APRIL 2011</b>
		ANDREWS DOUGLAS C &
		ELIZABETH A ANDREWS
<b>LAND VALUE</b>	\$10,200.00	417 AUBURN ST
<b>BUILDING VALUE</b>	\$0.00	PORTLAND ME 04103
<b>NET TAXABLE - REAL ESTATE</b>	\$10,200.00	
<b>TAX AMOUNT</b>	\$186.46	

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



Best viewed at 800x600, with Internet Explorer



[View Map](#)

**Sales Information:**

Sale Date	Type	Price	Book/Page
4/18/2006	LAND + BUILDING	\$0.00	23858/143
9/2/1987	LAND + BUILDING	\$0.00	8044/340

[New Search!](#)



**Marge Schmuckal - Fwd: property division PDF- Kenneth Street**

**From:** Marge Schmuckal  
**To:** Barbara Barhydt  
**Date:** 1/26/2012 9:56 AM  
**Subject:** Fwd: property division PDF- Kenneth Street  
**Attachments:** Fwd: property division PDF- Kenneth Street

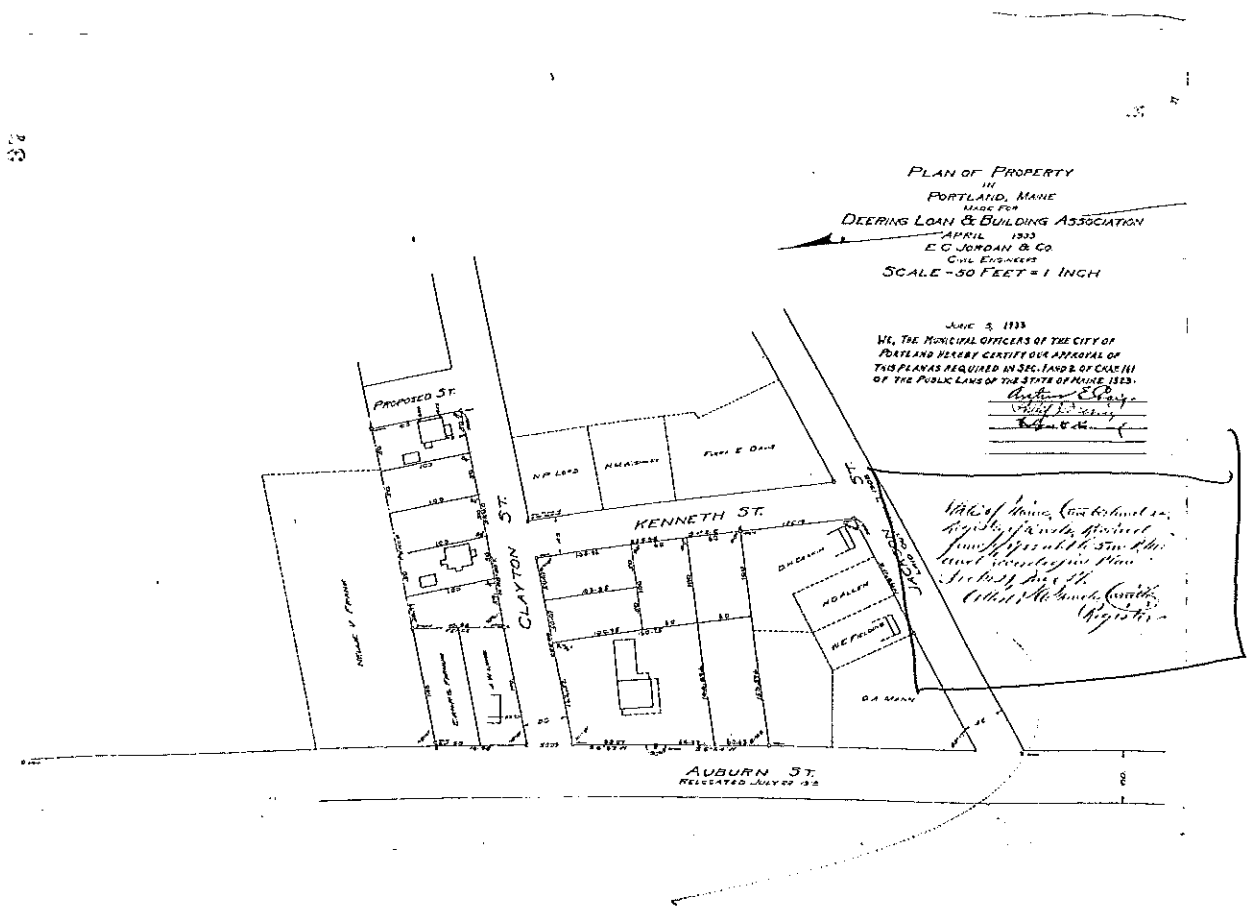
Elizabeth Andrews  
831-8135 (c) /  
797-9157

Hi Barbara,  
This woman, Elizabeth Andrews, is interested in doing a small subdivision. She wanted to meet prior to doing any more work on her plans. She is very open next Tuesday. Do you have any time open next Tuesday?  
thank you,  
Marge

Tues

Set up time

11:00 - Tues  
in 315



State of Maine Cumberland Registry of Deeds  
 received June 9th 1933 (hour/minutes)  
 and recorded in Plan book 21  
 page 37.

Attested by \_\_\_\_\_ Corville  
 Registrar

RECEIVED  
 FEB 27 2012  
 Dept. of Building Inspections  
 City of Portland Maine

**Marge Schmuckal - Check in - Andrews**

---

**From:** "Tom Landry" <tomlandry@benchmarkmaine.com>  
**To:** <mes@portlandmaine.gov>  
**Date:** 3/5/2012 11:23 AM  
**Subject:** Check in - Andrews  
**CC:** "Elizabeth Andrews" <eandrews47@maine.rr.com>

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Hey Marge, hope you had a nice weekend! Thanks again for your time last week. I know it's only been about a week since our meeting on the Andrews's properties at Auburn and Kenneth but wanted to check in. If possible, can send me and the owners (I have cc'ed Elizabeth Andrews) the determination letter via email? This will help expedite things as we and the buyers are anxiously waiting.

Thanks!  
TL

Tom Landry  
Broker/Owner  
Direct: 207-939-0185

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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:**

<b>Services</b>	<b>CBL</b>	382 A009001
	<b>Land Use Type</b>	TWO FAMILY
	<b>Property Location</b>	417 AUBURN ST
<b>Applications</b>	<b>Owner Information</b>	ANDREWS DOUGLAS C & ELIZABETH A ANDREWS
<b>Doing Business</b>		417 AUBURN ST PORTLAND ME 04103
	<b>Book and Page</b>	23858/143
<b>Haps</b>	<b>Legal Description</b>	382-A-9 AUBURN ST 417
<b>Tax Relief</b>		CLAYTON ST 29700 SF
<b>Tax Roll</b>	<b>Acres</b>	0.682

**Q & A**

**Current Assessed Valuation:**

browse city services a-z	<b>TAX ACCT NO.</b>	39338	<b>OWNER OF RECORD AS OF APRIL 2011</b>
	<b>LAND VALUE</b>	\$102,800.00	ANDREWS DOUGLAS C & ELIZABETH A ANDREWS
	<b>BUILDING VALUE</b>	\$351,800.00	417 AUBURN ST PORTLAND ME 04103
browse facts and links a-z	<b>HOMESTEAD EXEMPTION</b>	(\$10,000.00)	
	<b>NET TAXABLE - REAL ESTATE</b>	\$444,600.00	
	<b>TAX AMOUNT</b>	\$8,127.30	



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>	1780	
<b>Style/Structure Type</b>	COLONIAL	
<b># Stories</b>	2	
<b>Bedrooms</b>	6	
<b>Full Baths</b>	6	
<b>Half Baths</b>	1	
<b>Total Rooms</b>	14	
<b>Attic</b>	NONE	
<b>Basement</b>	FULL	
<b>Square Feet</b>	4246	



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

**Sales Information:**

<b>Sale Date</b>	<b>Type</b>	<b>Price</b>	<b>Book/Page</b>
4/18/2006	LAND + BUILDING	\$548,600.00	23858/143

[New Search!](#)

Best viewed at 800x600, with Internet Explorer

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[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** 382 A005001  
**Land Use Type** VACANT LAND  
**Property Location** 12 KENNETH ST  
**Owner Information** ANDREWS DOUGLAS C & ELIZABETH A ANDREWS  
  
 417 AUBURN ST  
 PORTLAND ME 04103  
**Book and Page** 23858/143  
**Legal Description** 382-A-5-6  
 KENNETH ST 12-20  
  
 12000 SF  
**Acres** 0.275

**Current Assessed Valuation:**

[browse city services a-z](#)

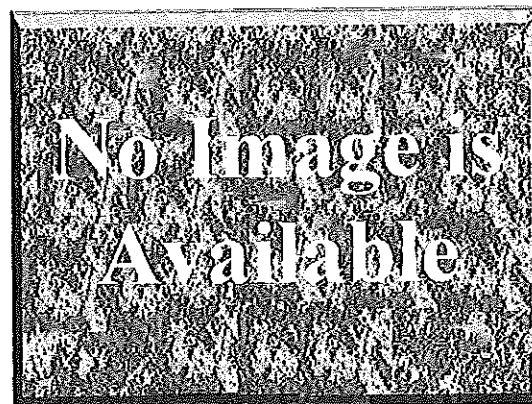
[browse facts and links a-z](#)

**TAX ACCT NO.** 39334 **OWNER OF RECORD AS OF APRIL 2011**  
 ANDREWS DOUGLAS C &  
 ELIZABETH A ANDREWS  
 417 AUBURN ST  
 PORTLAND ME 04103  
**LAND VALUE** \$10,200.00  
**BUILDING VALUE** \$0.00  
**NET TAXABLE - REAL ESTATE** \$10,200.00  
**TAX AMOUNT** \$186.46

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



Best viewed at 800x600, with Internet Explorer



[View Map](#)

**Sales Information:**

Sale Date	Type	Price	Book/Page
4/18/2006	LAND + BUILDING	\$0.00	23858/143
9/2/1987	LAND + BUILDING	\$0.00	8044/340

[New Search!](#)

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[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](#)

[browse city services a-z](#)

[browse facts and links a-z](#)



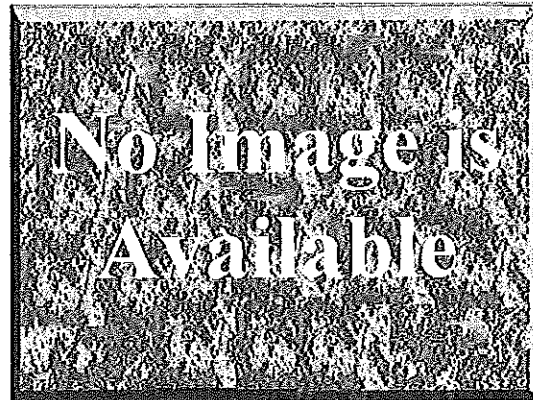
Best viewed at 800x600, with Internet Explorer

<b>CBL</b>	382 A007001
<b>Land Use Type</b>	VACANT LAND
<b>Property Location</b>	22 KENNETH ST
<b>Owner Information</b>	ANDREWS DOUGLAS C & ELIZABETH A ANDREWS
	417 AUBURN ST
	PORTLAND ME 04103
<b>Book and Page</b>	23858/143
<b>Legal Description</b>	382-A-7-8
	CLAYTON ST 11-17
	KENNETH ST 22-28
	10336 SF
<b>Acres</b>	0.237

**Current Assessed Valuation:**

<b>TAX ACCT NO.</b>	39336	<b>OWNER OF RECORD AS OF APRIL 2011</b>
		ANDREWS DOUGLAS C &
		ELIZABETH A ANDREWS
<b>LAND VALUE</b>	\$8,800.00	417 AUBURN ST
<b>BUILDING VALUE</b>	\$0.00	PORTLAND ME 04103
<b>NET TAXABLE - REAL ESTATE</b>	\$8,800.00	
<b>TAX AMOUNT</b>	\$160.86	

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



[View Map](#)

**Sales Information:**

Sale Date	Type	Price	Book/Page
4/18/2006	LAND + BUILDING	\$0.00	23858/143

[New Search!](#)

Sec. 14-428. Corner lots.

In case a dwelling house has its front yard upon the long side of a corner lot, the rear yard may be reduced to a depth not less than the width required for a side yard on the lot, provided the aggregate of the widths of both sides and depths of front and rear yards is not less than the similar aggregate of required dimensions of all yards required if the front yard were faced on the short side of the lot.

(Code 1968, § 602.19.G)

R-3 Zone

what if

IS

Existing facing long side- aggregate of yards		Required setbacks if facing on short side	
Front yard (Arbun)	34 feet	Front yard	25 feet
Rear yard	8 feet	Rear yard	25 feet
Side yard -rt	116 feet	Side yard -rt	20 feet
Side yard -lft (Clayton)	61 feet	Side yard -lft	14 feet <sup>2 stories</sup>

TOTALS 219 feet is greater than 84 feet

Can reduce the rear yard setback to 8' present

Scaling of 1933 survey shows approx. 8'

# 17 Auburn St / Kenneth St

32-A-5, 6, 7, 8, 9



Copyright 2011 Esri. All rights reserved. Fri Mar 9 2012 02:04:09 PM.





**CITY OF PORTLAND, MAINE**  
 Department of Building Inspections

**Original Receipt**

2/27 2012

Received from Tom Lending

Location of Work 417 Auburn St

Cost of Construction \$ \_\_\_\_\_ Building Fee: \_\_\_\_\_

Permit Fee \$ \_\_\_\_\_ Site Fee: \_\_\_\_\_

Certificate of Occupancy Fee: \_\_\_\_\_  
Determination Fee Total: 150.00

Building (IL) \_\_\_\_\_ Plumbing (15) \_\_\_\_\_ Electrical (I2) \_\_\_\_\_ Site Plan (U2) \_\_\_\_\_

Other \_\_\_\_\_

CBL: \_\_\_\_\_

Check #: \_\_\_\_\_ Total Collected \$ 150

**No work is to be started until permit issued.  
 Please keep original receipt for your records.**

Taken by: (CBS)

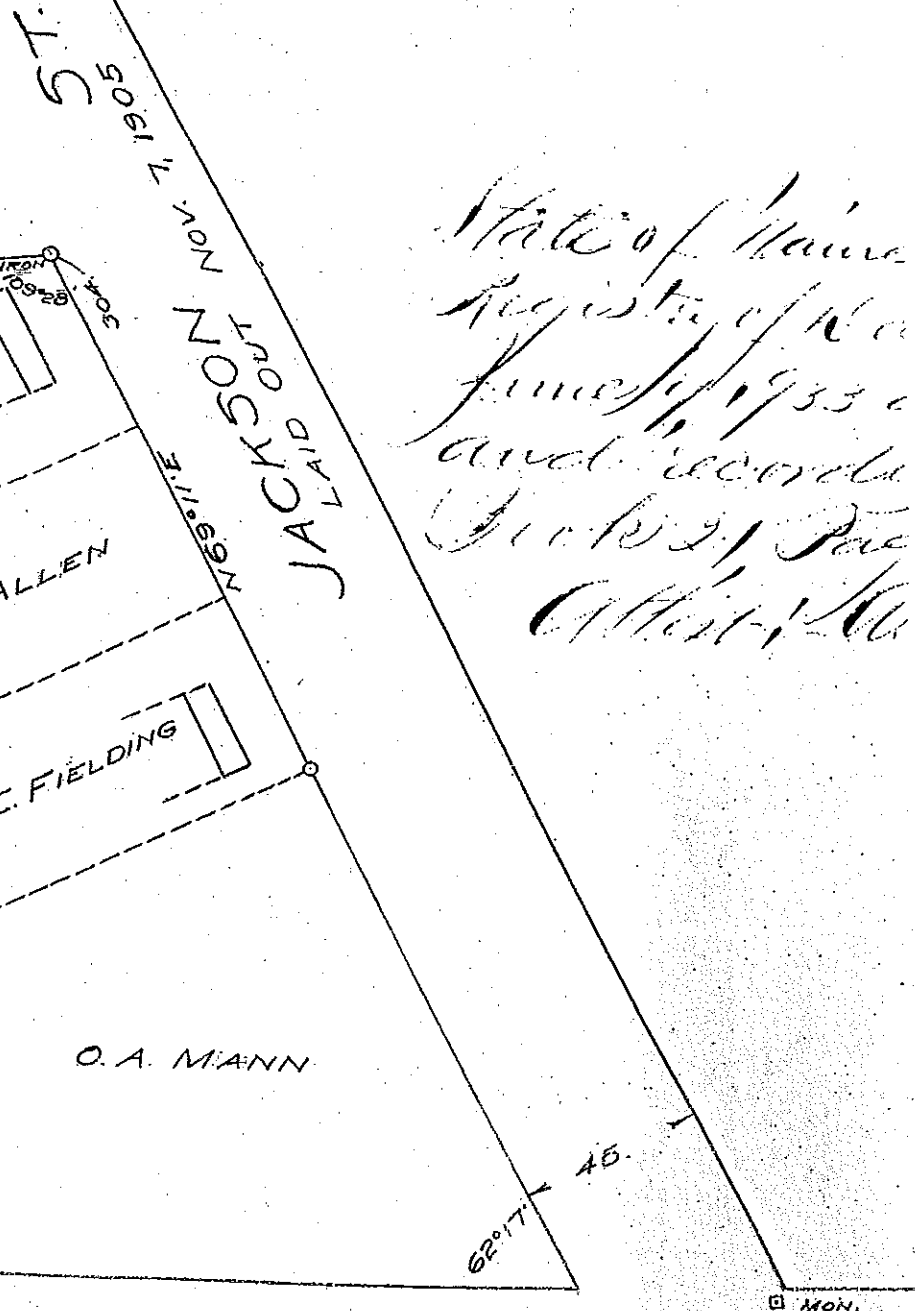
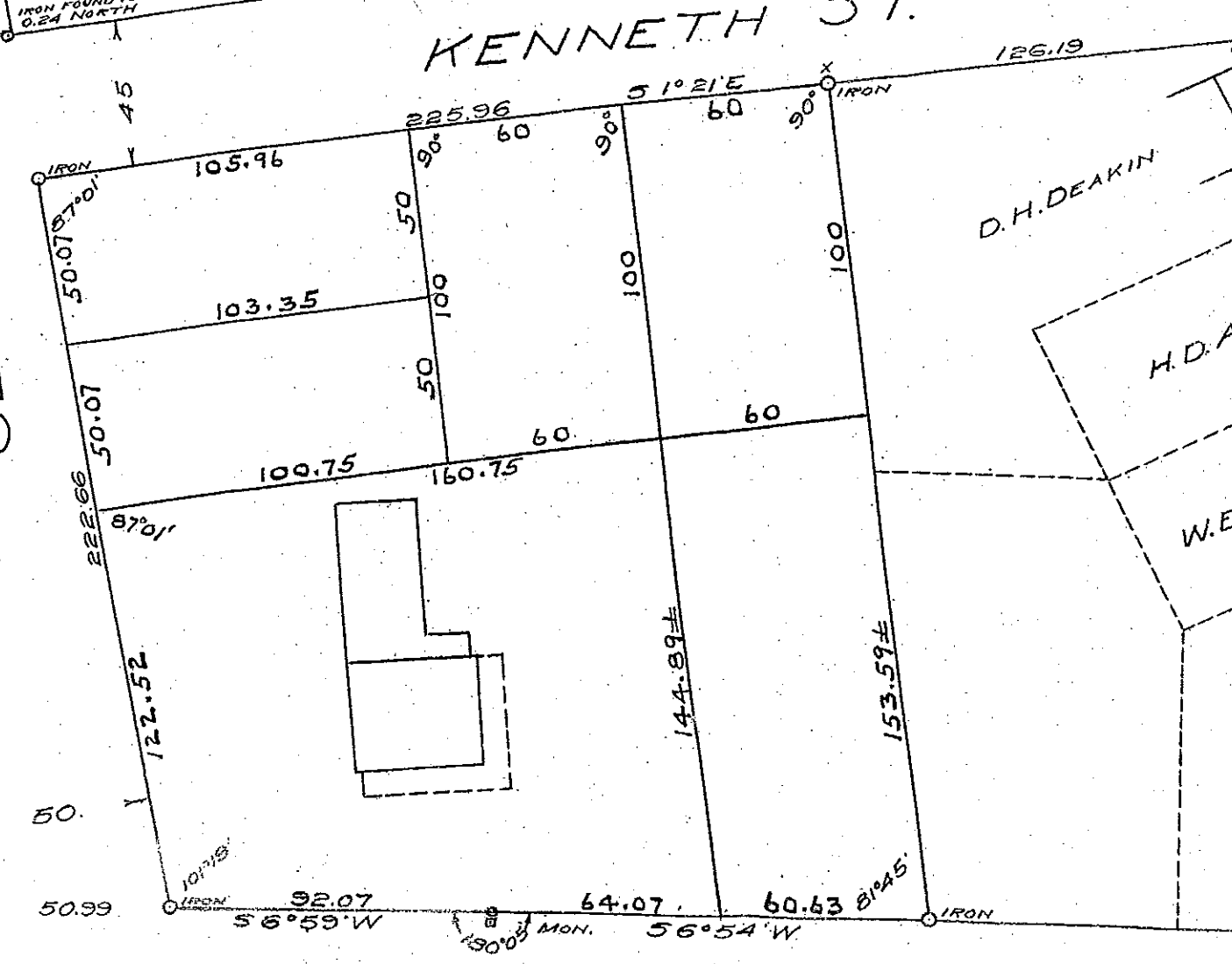
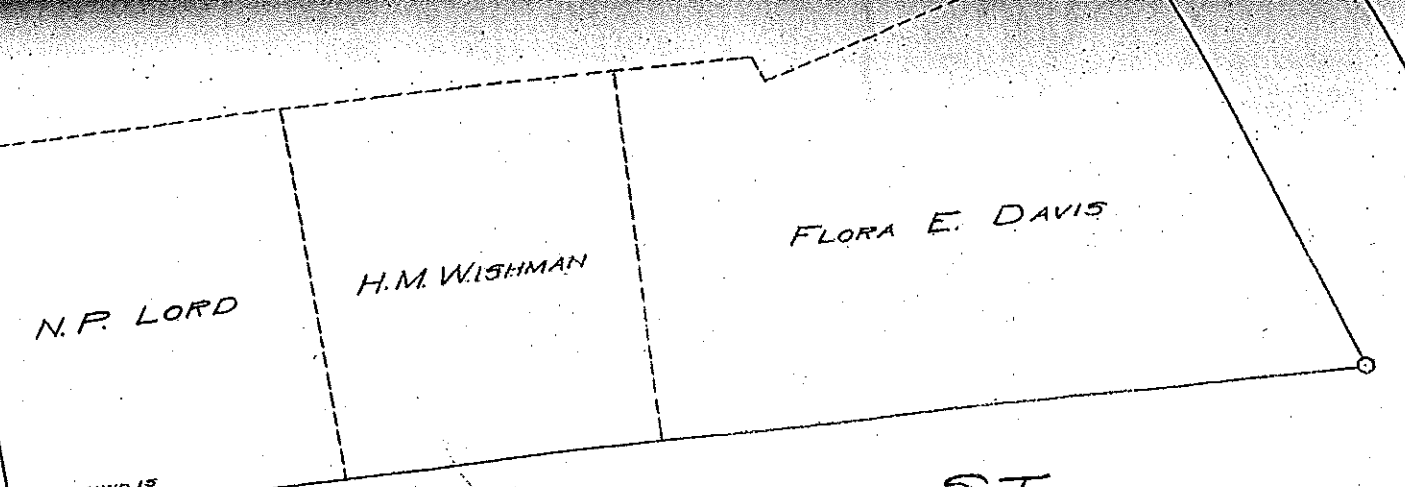
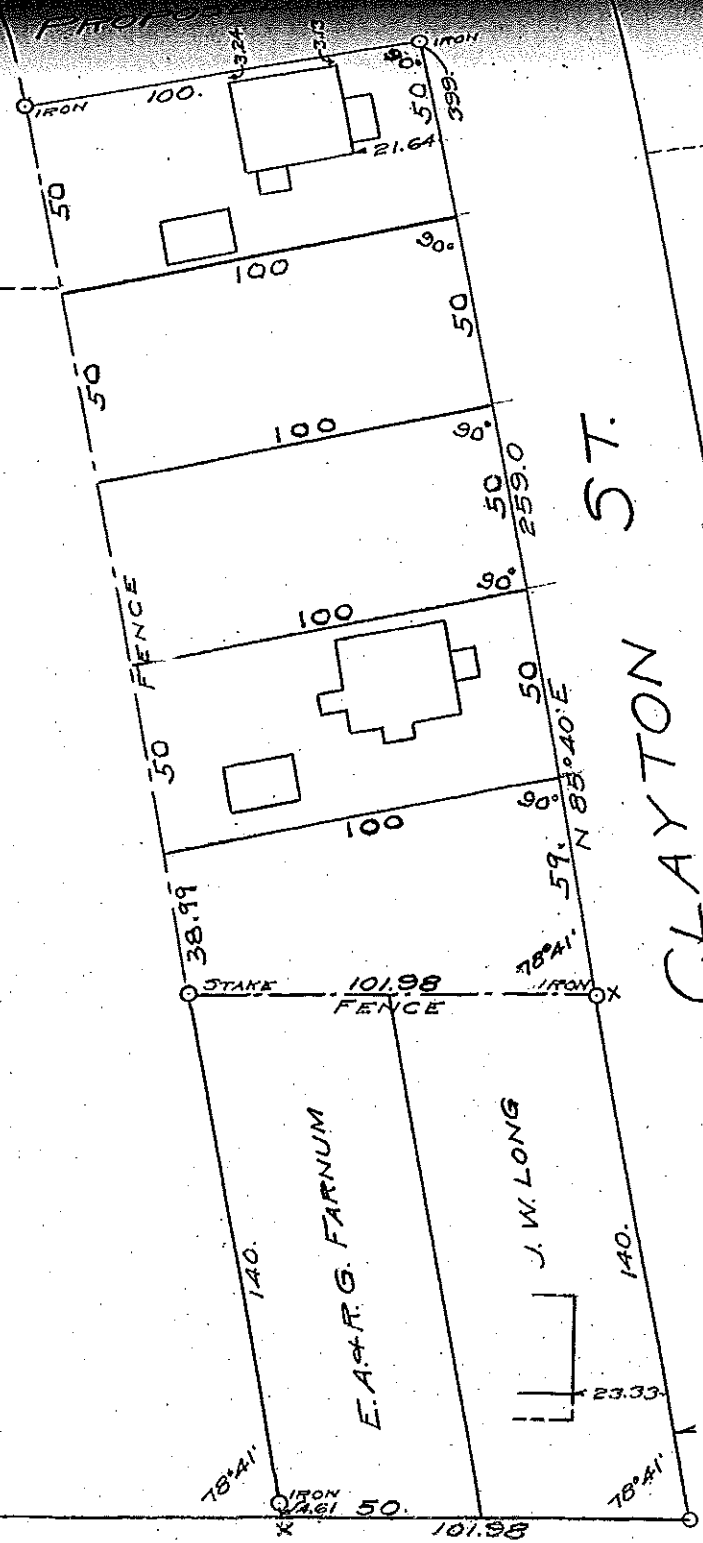
WHITE - Applicant's Copy  
 YELLOW - Office Copy  
 PINK - Permit Copy

RECEIVED  
 FEB 27 2012  
 TO  
 Lending  
 Dept. of Building Inspections  
 City of Portland Maine

PLANS OF THE STA  
 Ant  
 Phil  
 [Signature]

State of Maine  
 Registry of Deeds  
 June 19, 1933  
 and records  
 Book 21, Page  
 111-112

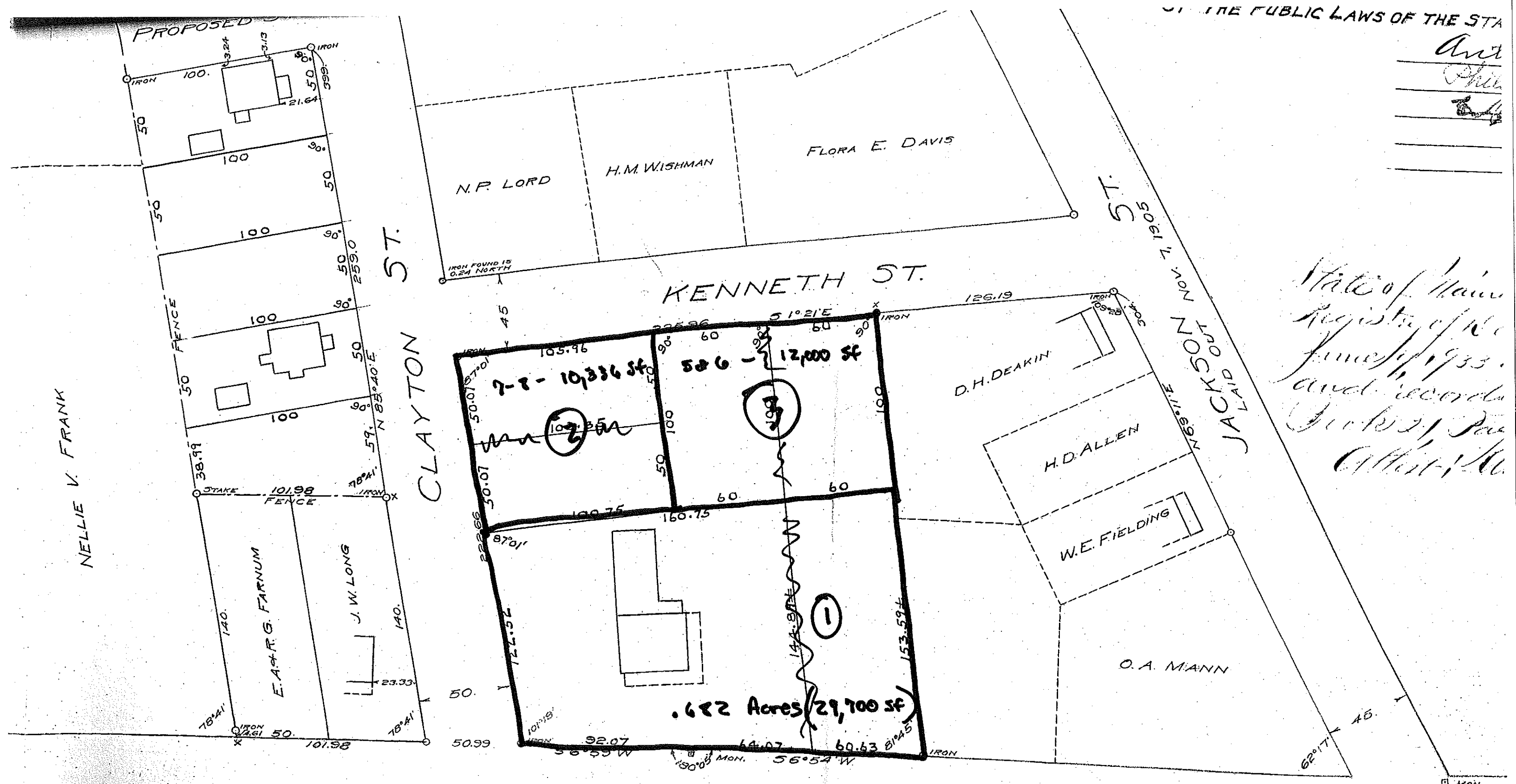
NELLIE V. FRANK



AUBURN ST.  
 RELOCATED JULY 22, 1915

Ant  
Phil  
[Signature]

State of Maine  
Registry of Deeds  
June 11, 1933.  
and records  
Book 21 Page  
111-116



AUBURN ST.  
RELOCATED JULY 22, 1915

2/27/12

PLAN OF PROPERTY

IN

PORTLAND, MAINE

MADE FOR

DEERING LOAN & BUILDING ASSOCIATION

APRIL 1933

E. C. JORDAN & CO.

CIVIL ENGINEERS

SCALE - 50 FEET = 1 INCH

JUNE 5, 1933

WE, THE MUNICIPAL OFFICERS OF THE CITY OF PORTLAND HEREBY CERTIFY OUR APPROVAL OF THIS PLAN AS REQUIRED IN SEC. 1 AND 2 OF CHAP. 161 OF THE PUBLIC LAWS OF THE STATE OF MAINE 1929.

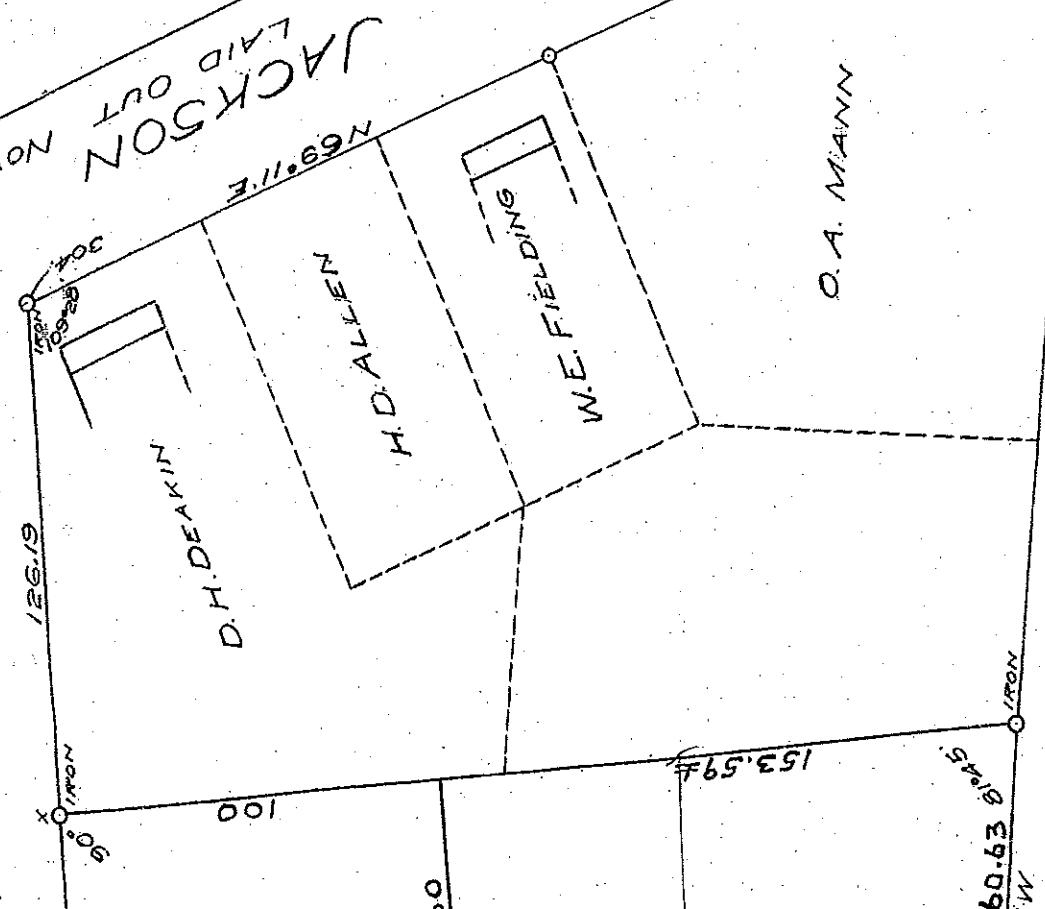
*Arthur E. Gray*

*Philip J. Adams*

*Edgar E. ...*

H ST.

ORA E. DAVIS



*State of Maine, (see book 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)*

UPRN ST.  
JULY 22, 1915