

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line
and grade if nature of work requires
such information.

OTHER REQUIRED APPROVALS

Fire Dept. _____

Health	Dept.	

Appeal Board

Other _____

Department Name

Notification of inspection must be given and written permission procured before this building or part thereof is lathed or otherwise closed-in. 24 HOUR NOTICE IS REQUIRED.

Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Ma	aine - Building or Use I	Permit Application	Permit N	0:	Issue Date:		CBL:	
v ,	4101 Tel: (207) 874-8703			-0506			425 102	28001
Location of Construction:	ocation of Construction: Owner Name: O			'ess:			Phone:	
123 E Kidder St	Lowery Jeffrey	Lowery Jeffrey J			123 E Kidder St			
Business Name:	Contractor Name	* *	Contractor A	Address:	*****		Phone	
	Star Homes		P.O. Box	2351 Sc	outh Portlan	d	2074096	755
Lessee/Buyer's Name	Phone:		Permit Type	:				Zone:
			Duplex					1/2
Past Use:	Proposed Use:		Permit Fee:		Cost of Wor	k:	CEO District:	
Vacant Land	Duplex/ build	a 2288 sq ft duplex	\$1,2	66.00	\$130,00	00.00	4	
			FIRE DEP	r:	Approved	INSPE	CTION:	
		<i>"</i> #		Γ	Denied	Use G	roup:	Туре:
				•••••				
			1991 Acres Construction			Setter and setter and		
Proposed Project Description								
Build a 2288 sq ft duple:			Signature: Signatu					
			PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)					
			Action:] Appro	ved 🗌 App	proved w	//Conditions	Denied
			Signature:				Date:	
Permit Taken By:	Date Applied For:	1		7 •		1		
ldobson	05/02/2005		2	Loning	g Approva	11	,	
		Special Zone or Revie	ews	Zoni	ng Appeal		Historic Pre	eservation
	ion does not preclude the			_				
Federal Rules.	neeting applicable State and	Shoreland N		Varianc	e		Not in Disti	rict or Landmark
] .			Door Not B	equire Review
	not include plumbing,	Wetland	1] Miscell	aneous			lequire Review
septic or electrical v		Flood Zone PAnel	∠'/ □ Conditional Use ∠ ↓			Requires Review		
	e void if work is not started as of the date of issuance.	I Flood Zolle Ane						
	ay invalidate a building	Subdivision	/ `			Approved		
permit and stop all work.								
		Site Plan	l r	Approv	red		Approved v	v/Conditions
		\$\$ 2005-00	93 -	PP. 0 (rr	
			-	Denied			Denied	\bigcirc
				-				\leq
		Date:	Date	. .			Date:	/
		Date	[Dut				Date	/

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT

ADDRESS

From:	Jay Reynolds
То:	port-web:loweryportland@[hotmail.com]
Date:	Wed, Jun 1, 2005 8:27 AM
Subject:	East Kidder Application

Hello Mr. and Mrs. Lowery,

After speaking with my superiors and reviewing your submittal, we determined that your application can proceed. I will be sending you formal comments by the day's end. Thank you for your patience. The discussion was that your proposal meets the zoning and site plan standards, however, this scheme of development is not encouraged. Thus, the City will be amending its' ordinance to address future proposals of this nature.

Jay Reynolds Development Review Coordinator City of Portland Planning and Development (207) 874-8632 jayjr@portlandmaine.gov

>>> "Jeffrey and Ellen Lowery" <loweryportland@hotmail.com> 05/29/2005 1:49:03 PM >>> (hard copy to follow)

May 28, 2005

Mr. Jay Reynolds Development Review Coordinator City of Portland Planning Division 389 Congress Street Portland, Maine 04101

Re: Application No. 050-506 Request for Building Permit on Property located between 119 and 123 E. Kidder Street, Portland, submitted on May 2, 2005 by Star Homes, Inc.

Dear Jay:

Thanks again for hearing me out in person and thank you also for getting back to me so quickly last week. I am writing to outline a summary of my position on this matter: the development of a buildable parcel with frontage on East Kidder Street.

Because I have invested a lot of time and money to ensure that the parcel has the required setbacks and frontage as defined in the ordinance, and because our recent conversation left me with the understanding that your department might be inclined to reject the permit request, I wanted to put in writing the particular events and circumstances affecting this request, and ask that these circumstances be taken into account by the Planning Board in their revision of this matter.

My wife and I purchased our home at 123 East Kidder Street in the spring of 2003, and have lived in it since then. Our property is bordered by residential homes to the South, Kidder Street to the West, a wooded, grassy paper street (Grafton Street) to the North, and by a previously wooded R-5 lot to the East. Before purchasing our home we conferred with the Portland

Zoning Office to inquire about the potential uses of the wooded R-5 lot, and were assured that it was extremely unlikely that anything could be placed there other than homes. Unfortunately, we were not aware, and were not informed by the City upon inquiry, of a developer's plans, which were at that time under review by the City, to take advantage of a variance in the R-5 ordinance that permits use as a parking lot. The developer had requested permission to take down the woods and construct a parking lot adjacent to a proposed new warehouse on neighboring Presumpscot Street. The developer's request for a variance was granted by the City within weeks of us purchasing our home, and the developer carried out his plans, drastically changing the character of our yard and reducing the value of our home. It goes without saying that we were devastated. The woods had provided a much-needed buffer from Presumpscot Street for us, and for many other residents of East Kidder Street.

After construction of the maximum-sized warehouse and parking lot which functions as a turn-around for loading trucks was completed, we decided that the extra lot/yard no longer held value to us as part of our home. We conferred with our neighbors and learned that they would welcome the building of another home which would serve to block out the noise and lights of the Presumpscot Street industries. We began to pursue the possibility of dividing and selling our large yard to a home builder. We met several times with the Zoning Office and drew up, and frequently revised, the required plans, taking direction from the City and making all reasonable assurances that a building permit would be approved. We employed the services of a surveyor and an attorney to further ensure that we were acting within the law. On the issue of road frontage, Marge Schmuckal in the Zoning Office opined that, because the zoning ordinance does not specify or require a depth amount, the frontage we provided was within the ordinance. She suggested to our attorney that the setback on the frontage could technically be as small as one inch With these reasonable assurances from the City Zoning Office as to the viability of our plan, we tore down our two car garage and greenhouse, constructed a fence delineating the new buildable lot, and put the property on the market. Star Homes, Inc. offered to purchase the lot to construct a two-family home. The buyer put the property under contract and submitted the permit request now before you at the beginning of May.

We felt very lucky that we were able to secure a buyer who would build a home on the parcel given the newly industrial appearance of the land. We, as well as our neighbors, anticipated the building of a new home as an attractive alternative to looking out upon the warehouse operation.

The cost of the development of the parcel, combined with a devaluation of our home resulting from the unsightly and often noisy warehouse operating next door, has left us anxious to sell the parcel. The sale of that land will buffer our home from the industrial zone and allow us to make improvements to the exterior of our home in an attempt to recoup its lost value and status. We would never have carried out the expensive and time consuming development of the parcel if we had had reason to believe that the Planning Board would take a more restrictive reading of the ordinance than the Zoning Department had taken.

Furthermore, we would never have altered our back yard to begin with if the Planning Board had not approved the development of the warehouse and parking lot (which entailed the destruction of a large wooded buffer) adjacent to the homes of our neighborhood. The City granted the developer a variance to construct the warehouse and parking lot despite the foreseeable consequences, namely the drastic changing of the landscape in an industrial direction, and the reduction of the home values and the residential character of this section of East Deering. The developer took advantage of the fact that many of the residential neighbors to the project are renters (with absentee landlords) or are elderly, and were not sufficiently aware of, or invested in, the situation to take a stand against the development. I do not make these points to express anger at the City for approving the project, as it is in the past and was approved, I believe, in the name of positive growth and development for Portland. However, it must be recognized that a consequence of the decision to approve the variance is that the land abutting the industrial lot is no longer suitable as a family yard for raising kids. Today the highest and best use of the lot is as a two-family rental home.

As an alternative to providing frontage on East Kidder Street, you suggested developing the paper South Grafton Street to provide frontage and access to the home. South Grafton Street is currently a grassy lot, dotted with trees and shrubs. It provides the last remaining buffer between our street and the industrial development on Presumpscot Street. It is used by families in this neighborhood for dog-walking and playing ball. It would be extremely costly, both monetarily and in terms of preserving the residential nature of East Deering, to tear down and pave this lovely, natural buffer in order to provide access to one home when there is a viable alternative available within the ordinance.

Finally, as you know, Portland needs additional rental housing. The proposed project would bring in more tax revenue for our city and would provide much-needed housing for two families in a neighborhood that's convenient to downtown Portland.

For these reasons, I respectfully urge you to approve this lot as acceptable and buildable. I would be grateful for any help you can give me in this process and I truly appreciate your time and attention in considering this matter. Please do not hesitate to call if you have any questions or suggestions of how I can help. Thank you.

Best regards,

Jeffery J. Lowery

cc: Sarah Hopkins, Planning Department

City of Portland **INSPECTION SERVICES**

Room 315 389 Congress Street Portland, Maine 04101

Telephone: 207-874-8703 or 207-874-8693 Facsimile: 207-874-8716



FACSIMILE TRANSMISSION COVER SHEET

MArg TO: JOE Frustacy FROM: FAX NUMBER: 767-2490 NUMBER OF PAGES, WITH COVER: 119 E. RE: TELEPHONE: 05 DATE: his Comments:



Applicant: Jeff Lowery (owner) Date: 5/12/05 C-B-L: 425-1-28-31=32 Address: 117-119 EAST adda St ORDINANCE # 05-0506 Date - Splity of A lot Zone Location - R-5 26×44 2 Small rear decks Interior fr corner lot -Proposed User Work - Constract A New Z family on A lot split front Servage Disposal - City Loi Street Frontage - 50 min - has 50, 10 on E. Kidden & 69,49 on · Grafton Front Yard-20 mm - 22' Scalad Rear Yard - 20'min - 20'4 partob deck'e Stanson reav rokuder Side Yard - - 12'on side Adjour SANaryAbor - 32.5's called 3 2 Story 15'on side Adjoury Girstiffon 87 - 23'SCALD 7 Projections - 2 reav dicks & Stans - 2 front entries - 3x 4 2 front entres - 3×4 Width of Lot - 60 ft min - 100' show Height - 35 max - 29'Scaled to ridge Lot Area - 6,000 \$ h = 9660.22 \$ given MY CONT 1144 Lot Coverage Impervious Surface - 40 Jun AX (13864.1) 26×44 = 2(5×10)= 100 Area per Family - 3,000 th per Du or 6,000 th 2(314)= 1268,4 Not show Off-street Parking - Zpkg Spaces EA on Apkg Spaces reg mplan Loading Bays - NH perpenning-yes This is A subdry. Site Plan - mmor # 2005-0093 Shoreland Zoning/Stream Protection - NA Flood Plains - PAnel 7 - Zae X > FEATSpirstrim Deck Shall be Shownon site plan

All Purpose Building Permit Application If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

123 EAST KIDDRE SP

Jr FAF

PURCHASE AND SALE AGREEMENT

MARCH 5 . 2005	Effective Date The use of days in this agreement refers to calendar days from the effective date
TORTLAND Countrol CLIMA	THOU SANDrice of the following described real estate, situated in municipality of $3Eeland$ State of Maine located atA PPLO YIMATEBeing (all D part of D) the property at the above address owned $5T$ (hereinafter called "Seller") and described at
HXTURES: The parties agree that all fixtures, including but no shutters, curtain rods and electrical fixtures are included with the M	t limited to existing storm and screen windows, shades and/or blinds, sale except for the following:
	roperty are included with the state in a find and in as is
	6474 THOUSIAND POLLARS DUSIT AND THE REMAINDER AT CLOSING.
The purchase price balance shall be paid in cash, certified funds	or bank check at closing.
This Purchase and Sale Agreement is subject to the following co	nditions:
1. EARNEST MONEY/ACCEPTANCE: JEFF LOW as escrow agent until closing; this offer shall be valid until <u>F</u> AM/PM; and, in the event of Seller's non-acceptance, this earnes	or bank check at closing. Inditions: $R_P Y = wed 3 9/65 $ Shall hold said earnest money and act 10709 47 = 0.5'00 PM (date) $3-2-05at money shall be returned promptly to Buyer. See Above$
2. TITLE & CLOSING: That a deed, conveying good and m Bar Association shall be delivered to Buyer and this transaction necessary papers on $\underline{Mny}6, 2005$ (clos	erchantable title in accordance with standards adopted by the Maine shall be closed and Buyer shall pay the balance due and execute all ing date) or before if agreed in writing by both parties. If Seller is raph, then Seller shall have a reasonable time period, not to exceed 30 vise agreed to by both parties, to remedy the title, after which time, if Buyer may, at Buyer's option, withdraw said earnest money and be defaith effort to cure any title defect during such period.
3. DEED: That the property shall be conveyed by a MAAA	ternet + INSURABLE deed, and shall be free and clear of all deed, and shall be free and clear of all ictions of record which do not . Iversely affect the continued current
4. POSSESSION/OCCUPANCY: Possession/occupancy of otherwise agreed in writing.	premises shall be given to Buyer immediately at closing unless
premises shall then be broom clean and in substantially the same	ge to said premises by fire or otherwise, is assumed by Seller. Said condition as at present, excepting reasonable use and wear. Buyer to closing for the purpose of determining that the premises are in

6. PRORATIONS: The following items, where applicable shall be prorated as of the date of closing: fuel (cash price as of date of closing), rent, real estate taxes (based on municipality's fiscal year), association free.

Agent makes no warranties regarding the condition, permitted use or value of Sellers' real or personal property. This contract a subject to the following inspections, with results being satisfactory to Buyer.

TYPE OF INSPECTION	YES	NO	RESULTS REPORTED TO SELLER	TYPE OF INSPECTION	YES	Ю	RESULTS REPORTED TO SELLER
 a. General Building b. Sewage Disposal c. Water Quality d. Water Quantity e. Radon Water Quality 	$\dot{\left\{ \right. \right\}}$		WithindaysWithindaysWithindaysWithindaysWithindaysWithindays	 f. Asbestos Air Quality g. Lead Paint h. Pests i. Radon Air Quality j 	$\left\langle \right\rangle$		WithindaysWithindaysWithindaysWithindaysWithindaysWithindays

All inspections will be done by inspectors chosen and paid for by Buyer. If the result of any inspection or other condition specified herein is unsatisfactory to Buyer, Buyer may declare the contract null and void by notifying Seller in writing within the specified number of days, and any earnest money shall be returned to Buyer. If Buyer does not notify Seller that an inspection is unsatisfactory within the time period set forth above, this contingency is waived by Buyer. In the absence of inspection(s) mentioned above, Buyer is relying completely upon Buyer's own opinion as to the condition of the property.

8. FINANCING: This contract is subject to Buyer obtaining an approved ______ M_A____ mortgage of _____ % of the purchase price, at an interest rate not to exceed ______ % and amortized over a period of ______ years.

- a. This contract is subject to a written statement from the lender, within ______ (_____) days of the Effective Date, that Buyer has made application.
- b. This contract is subject to loan approval within _____ days of the Effective Date.
- c. If either of these conditions is not met within said time periods, Seller may declare this contract null and void, and the earnest money shall be returned to Buyer.
- d. Buyer is under a good-faith obligation to seek and accept financing on the above-described terms. Buyer acknowledges that a breach of this good-faith obligation will be a breach of this contract.
- e. Buyer agrees to pay no more than _____ points. Seller agrees to pay \$_____ toward points and/or Buyer's closing costs.

9. AGENCY DISCLOSURE: Buyer and Seller acknowledge they have been advised of the following agency relationships:

The		of		represents
	Listing Agent		Agency	
The		of		represents
ang produktion (kan berefinder and hand	Selling Agent		Agency	

When the transaction involves Disclosed Dual Agency, the parties acknowledge the limited fiduciary duties of the agents and hereby consent to this arrangement. In addition, the parties acknowledge prior receipt and signing of a Disclosed Dual Agency Consent Agreement.

10. MEDIATION: Any dispute or claim arising out of or relating to this contract or the property addressed in this contract shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the American Arbitration Association. This clause shall survive the closing of the transaction.

11. DEFAULT: In the event of default by the Buyer, Seller may employ all legal and equitable remedies, including withou limitation, termination of this contract and forfeiture by Buyer of the earnest money. In the event of a default by Seller, Buyer may employ all legal and equitable remedies, including without limitation, termination of this contract and return to Buyer of the earnest money. The escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to eithe Buyer or Seller.

12. PRIOR STATEMENTS: Any representations, statements and agreements are not valid unless contained herein. This agreement completely expresses the obligations of the parties.

13. HEIRS/ASSIGNS: This agreement shall extend to and be obligatory upon heirs, personal representatives, successors, and assign of the respective parties.

14. COUNTERPARTS: This agreement may be signed on any number of identical counterparts, such as a faxed copy, with the sam binding effect as if the signatures were on one instrument. Original or faxed signatures are binding.

Page 2 of 3 Buyer(s) Initials THE Seller(s) Initials

Total Addenda Pages:

16. EFFECTIVE DATE: This contract is a binding contract when signed by both Buyer and Seller and when that fact has been communicated to all parties or to their Agents.

17. AGENCY CONFIDENTIALITY: Buyer and Seller understand that the terms of this contract are confidential but authorize the agent(s) to disclose information to the parties' attorneys, lenders, appraisers, inspectors and others necessary for the purpose of closing this transaction. Parties authorize agents to receive copy of entire closing statements.

18. OTHER CONDITIONS: THIS SALE SUBJECT TO BUYER OBTAINING APPROVAL AND PERMITS TO BUILD & THUFAMILY ON THIS PARCEL.

14. SUBJELT N BUERA BEING ABLEID CONNECT TO WATER AND SELVER IN SU GRAFTON PAPER ST. 20 SUBJELT TO THIS PARCEL BEING SEPARATOD FROM EXISTING LOTNOW BEING OWNED BY SELLER.

See addendum to Purchaber 52) < agreement, inverporated herein by reference. A copy of this contract is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.

Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Bureau of Taxation.

Startfores Inc. by hN/III BUYER

003-42-072 SS# OR TAXPAYER ID#

SS# OR TAXPAYER ID#

BUYER

35 C 40 -

€9. □None

Buyer's Mailing address is ____

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth an agrees to pay agency a commission for services as specified in the listing agreement. If the earnest money is forfeited by Buyer, shall be distributed as follows:

Signed this mith	Seve	the day of	MARCH	2005	1
A				05-80-682	2 2
SELLER MA			And the second state of	SS# OR TAXPAY	
SELLER				SS# OR TAXPAY	'ER ID#
Seller's Mailing address is		n ana an a	ar alaan ofaan of alaan of alaan alaan ahaa ahaa ahaa ahaa ahaa ah		
Offer reviewed and refused on				SELLER	
				SELLER	and the second
EXTENSION: The time for the performance of	this contract	is extended until	June	9rt 2005	
12 - 4	29-05			DATE	
BUYER	DATE	SELLER			DATE
INTER	DATE	SELLER			DATE
Maine Association of REALTORS®/Rev. 1999)				
All Rights Reserved					E States and



ADDENDUM TO PURCHASE AND SALE AGREEMENT BY AND BETWEEN STAR HOMES, INC., BUYER and JEFFREY LOWERY, SELLER

This Addendum forms a part of and modifies the Purchase and Sale Agreement (hereinafter "Contract") between the parties relating to the purchase and sale of property at "approximately 119 East Kidder Street, Portland, Maine (hereinafter sometimes "the Property"), dated March 5, 2005. This Addendum controls in the event of any inconsistency between the Contract and the Addendum. All references to Paragraph #_ refer to that Paragraph in the Contract.

1. Paragraph 3 of the Contract is amended to delete "marketable and insurable" and to insert in its place "quitclaim deed with covenant."

2. A new paragraph 21 is added as follows:

The Property to be conveyed hereunder is that property shown as "Proposed Lot 2" on "Proposed Lot Split at 123 East Kidder Street, Portland, Maine for Jeffrey J. Lowery" prepared by Back Bay Boundary, Inc., dated July 29, 2004, as revised through 11/30/04, a copy of which has been provided to Buyer. Seller will retain an easement for exclusive use and possession of the one foot wide strip of land which is a portion of said Property and which is between "Proposed Lot 1" and East Kidder Street. The easement language to be reserved will be substantially as attached hereto, subject to modification for a reservation in a deed rather than a partial release of mortgage.

3. A new paragraph 22 is added as follows:

Buyer understands and accepts that the deed of conveyance will restrict the use of the Property to a one- or two-family dwelling unit, and will state that the driveway from East Kidder Street may only be used for purposes of ingress and egress to that one- or two-family dwelling unit, and not for purposes of access to any other full property.

Except as expressly modified herein, the Purchase and Sale Agreement between the parties shall remain in full force and effect.

Signed by each party as of the date indiqated below:

Bille Sell≹ j.

Lowery Easement: (use this in the actual conveyance)

The portion of the parcel which is hereby released from the mortgage is to be conveyed **subject to an easement** to be reserved by Jeffrey J. Lowery for the benefit the portion retained by him, reserving to the retained portion exclusive use and possession of the below-described easement area, with said easement to include, but not to be limited to the right to pass and repass by foot, vehicles, and utilities over the portion now crossed by an existing paved bituminous driveway servicing the residence occupying the remaining land of Jeffrey J. Lowery, known as 123 East Kidder Street, Portland, Maine, together with the right to occupy, plant, mow, erect fences upon, park vehicles upon, and otherwise utilize the easement area in an exclusive fashion:

Beginning at a PK Nail with Washer #2303 which is set in the southerly sideline of East Kidder Street North 53°-26'-33" East a distance of 50.10 feet from the 5/8-inch drill hole set in the top of a concrete wall on the aforementioned southerly sideline of East Kidder Street, which drill hole was the point of beginning for the above-described parcel which is being released from this mortgage;

Thence, South 39°-35'-41" East, a distance of 1.00 feet to a point marked by a PK Nail with Washer #2303;

Thence, South 53°-26'-33" West, a distance of 24.04 feet to a capped 5/8 rebar set with registration #2303;

Thence, North 40°-09'-59" West, a distance of 1.00 foot to the southerly sideline of East Kidder Street;

Thence, by and along the aforementioned southerly sideline of East Kidder Street, North 53°-26'-33" East, a distance of 24.04 feet, more or less, to the point of beginning of this easement area description.

IN ALL BENROOMS ZXIO FLOGE JUISTS 16 OC STAIRS PER CODE 1X4 STRAPPING 16 OC 1/2" SHEETROCK WALLS CULINE VINYL SIDING TYVEK HOUSEWRAP 7/16" OSB SHEATHING 6" INSULATION 2X6 EXT WALL STUDS 16 5 34"TEG OSB FLOOR ZXID FLOOR JOISTS. 16'02 2 XG SILL W/ SIEL SEAL " ANCHORS @ CMAX C-C ~ - 3-2X12 LAM. EIRDER E TYP 312" & STEEL LALLY COLUMNIS VYALL 1 - 4 SNAPTIES PLUG! ¢. FOUNDATION COATING/WATDEPRUCT 4" CONCRETE FLOGA Codting SAND COVER FILTER FABIL 4" CRUSHED ROCK PERIM. DRAIN 10 TO JUMP WELL, OF TO NATURAL DRAW OUTS, 01-20-1 SE FOUNDATION. HOUTED TO STORM BRAIN AT. STACET









IN ALL BEIDROOMS 2×10 FLOOR JOISTS IG OC STAIRS PER CODE 1X4 STRAPPING 16" OC 1/2" SHEETROCK WALLS CULINE VINYL SIDING TYVEK HOUSEWRAP 7/16" OSIS SHEATHING 6"INSULATION 2×6 EXT. WALL STUDS 16 0 34" FEG OSB FLOOR ZXID FLOOR JOISTS. 16'00 2xc SILL W/ SILL SEAL " ANCHORS @ GMAX C-E - 3-2X12 LAM. GIRDER TYP 312" & STEEL 4 . VYALL 2 SNAPTIES PLUG: ¢. FOUNDATION COATING / WATER PRUCT 4" CONCRETE FLOOR Codting SAND COVER FILTER FABIC 4" CRUSHED ROCK PERIM. DRAIN 10 TO JUMP WELL, OF TO NATURAL DEALY OUTS, DE 20-1 OF FOUNDATION. HOUTED TO STORM BRAIN AT STREET









60:80

MAY-24-2002

CITY OF PORTLAND, MAINE DEVELOPMENT REVIEW APPLICATION PLANNING DEPARTMENT PROCESSING FORM 2005-0093

Zoning C

Application L.D. Numb

		Zoning Copy	Application I. D. Number
Star Homes		Marge Schmuckal	5/2/2005
Applicant			Application Date
P.O. Box 2351, South Portland, ME	04116		Duplex
Applicant's Mailing Address			Project Name/Description
0		123 - 123 E Kidder St,	
Consultant/Agent		Address of Proposed S	
Applicant Ph: (207) 409-6755 A Applicant or Agent Daytime Telephone	gent Fax:	425 1028001	
		Assessor's Reference:	
Proposed Development (check all that		ng 🔄 Building Addition 📋 Change Of	Use 🖌 Residential 🗌 Office 🔲 Ret
Manufacturing Warehouse/	Distribution 🗌 Parking	and the second	Other (specify)
2288 sq ft		9660.22	
Proposed Building square Feet or # of	Units	Acreage of Site	Zoning
Check Review Required:			
Site Plan	Subdivision		
(major/minor)	# of lots	PAD Review	14-403 Streets Review
Flood Hazard	Shoreland	HistoricPreservation	DEP Local Certification
Zoning Conditional	Zoning Variance		
Use (ZBA/PB)			U Other
Fees Pald: Site Pla \$50	.00 Subdivision		
		Engineer Review	\$250.00 Date 5/2/2005
Zoning Approval Status:		Reviewer	
Approved	Approved w/Cond		
	See Attached	litions Denie	a
Approval Date	Approval Expiration	Extension to	Additional Shaata
Condition Compliance			Additional Sheets Attached
	signature	data	,
		date	
Performance Guarantee	Required*	Not Required	
No building permit may be issued unti	l a performance guarante	ee has been submitted as indicated below	
Performance Guarantee Accepted			
	date	amount	
Inspection Fee Paid		anount	expiration date
· · · · · · ·	date	amaust	
Building Permit Issue	Guið	amount	
	date		
Performance Guarantee Reduced	Gaið		
	date	romaining to Luc	
] Temporary Certificate of Occupancy		remaining balance	9
Jean South Continuate of Coouparicy	date	Conditions (See Attac	
Final Inspection	uale		expiration date
	date		
Certificate Of Occupancy	uale	signature	
Continue of Occupancy	atab		
Performanoo Querente- Datasa	date		
Performance Guarantee Released	_t_s.		
Defect Querentes Output	date	signature	
Defect Guarantee Submitted	B (a		
Defect Guerente - Del	submitted da	ate amount	expiration date
Defect Guarantee Released			
	date	signature	

DEED DEPT. OF BUILS DONNA 123 B. Kindon ST 2005 JM TY OF PORTLAND, MAINE CI RECEIVED Department of Building Inspections 2005 Received from ast 123 Kidder Location of Work C g W 1191 - Site plan 300. - Cg O 75 \$ 130,000 Cost of Construction \$ 1566,00 Permit Fee Building (IL) X Plumbing (I5) Electrical (I2) Site Plan (U2) Other ____ CBL: 425 I 028 Check #: 1422 Total Collected \$ 1566.00 THIS IS NOT A PERMIT No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$10.00 or 10% which yes pontland, me

Jonna

VITE - Applicant's Copy OW - Office Copy

MAY - 2 2005

To whom they concern. At this time I request the with Quawal of my Bulding Rennet application dated may 2, 2005. because the site plan was rejected and the Proposed Building will not fit on the Buildy lotto spectfully . Frustaci Joseph Friuslaud for Star Homes, Inc. PI Box 2351 So Pontiano Me. 04116 Phone # 409-6755 DEPT. OF BUILDING INSPECTION CITY OF PORTLAND, ME JUL 1 2005 RECEIVED



Strengthening a Remarkable City, Building a Community for Life . www.pmiiandmdinc.gov

Lee Urban-Director & Planning and Development Marge Schmuckal, Zoning Administrator

May 18,2005

Jeff Lowery 123 E. Kidder Street Portland, ME 04103

RE: 119 E. Kidder Street – 425-I-part of 28, 31, & 32 – R-5 Zone – application #050-506

Dear Jeff,

I **am** in receipt of your application to split the current lots that you **own** into two separate lots and to then build a new two unit building on the newly created lot. Your permit has been denied because your submittals are incomplete at this time in order to determine compliance with the City's ordinances.

Your submittal has not shown the required four (4) parking spaces on your plans. You need to provide four 9'x19' parking spaces. These parking spaces shall not be places within your required front yard setback.

Your site plan does not entirely match your building plans. Your building plans show two 5' \mathbf{x} 10' rear decks with stairs extending toward the rear setback line. Your site plan does not show those extended stairs. It is important to show the exact dimension of the stairs. Your allowance to project into a required yard is limited to no more than 50 square feet, with a projection of no more than six (6) feet (section 14-425). Your proposal may be violating that allowance.

It has also been determined that your development **falls** under a subdivision review before the Planning Board. You must submit a subdivision packet to the planning department and receive approvals prior to the issuance of your new building permit.

Very truly yours,

Marge Schmuckal

Zoning Administrator

Cc: Sarah Hopkins, Planning Jay Reynolds, Planning File



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

Lee Urban-Director & Planning and Development Marge Schmuckal, Zoning Administrator

May 18,2005

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Zoning Administrator

Cc: Sarah Hopkins, Planning Jay Reynolds, Planning File

Penny Littlet mound earl spice is Now Shy S That This is Not That This is Not Considered to be A Subdivision,



Planning and Development Department Lee D. Urban, Director

Planning Division Alexander Jaegerman. Director

> Jeffery and Ellen Lowery 123 East Kidder Street Portland, ME 04**103**

June 1,2005

Dear Mr. and Mrs. Lowery:

RE: Application for Minor Site Plan, 117-119 East Kidder Street (CBL #4251028) (ID#2005-0093)

Thank you for your application for the 117-119 East Kidder Street Duplex. Upon review, the City has the following comments:

- 1. The application was errantly accepted as a single-family development. The duplex proposal must be applied for as a 'minor site plan'. Please re-apply through the planning office. Enclosed is a packet, which specifies the submission requirements for minor site plan.
- 2. After further review, the proposal does not appear to be a subdivision.
- 3. Pertaining to the lot configuration, it appears that the 1-foot strip of land along East Kidder Street is not required for street frontage, as per section 14-403 of the land use code. Please remove this lot line.

**It is important to note that this application has prompted the City to amend the ordinance to address this design/lot configuration in the future.

- 4. Please provide a 20-scale site plan to provide better definition of the site.
- 5. Along with the parking requirements stated in Marge Schmuckal's letter, you will have to show the required parking for the existing **2** unit (**4**spaces at 9'x19') on the site plan. Please shade in the parking/paved areas so that it is clear on the site plan.
- 6. Curbing and Sidewalk installation is a requirement for minor site plan. Please add to the plan, or if you wish to request a waiver of the standard, you must request a waiver and meet the criteria set forth in the enclosed standards.
- 7. Engineering review/Public Works comments will be forthcoming.
- 8. Two street trees per unit are required along your street frontage. Please revise. Also, the landscaping legend is unclear as to what designates a spruce and what designates ground cover (asterisk *). Please clarify.
- 9. A narrative addressing the following design standards will need to be submitted.
 - i. Orientation: The City's design standards require that new two-family buildings be oriented toward the street (Sec. 14-526,15, a, 2).



GENERAL NOTES:

PAGE 97, AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS (CCRD).

OF THIS SURVEY, UTILIZING THE FOLLOWING EQUIPMENT: LIETZ SOKKISHA SET 4 TOTAL STATION, LIETZ SDR 33 DATA COLLECTOR.

3. AREA OF SUBJECT PARCELS: ORIGINAL LOTS: 16,834.98 SQ. FT., 0.38 ACRES PROPOSED LOT 1: 7,174.76 SQ. FT., 0.16 ACRES PROPOSED LOT 2: 9,660.22 SQ. FT., 0.22 ACRES

4. REFERENCE IS MADE TO THE FOLLOWING PLANS:

PLAN BOOK 14 PAGE 46. c.) CITY OF PORTLAND ASSESSORS PLAN NO. 425

BENEFITING SUBJECT PROPERTY AT THE TIME OF OF THIS SURVEY. NEW PROPOSED ACCESS EASEMENT INCLUDED ON THIS PLAN.

6. ZONING: R-5 RESIDENTIAL SETBACKS: FRONT - 20 FT REAR - 20 FT MINIMUM LOT SIZE: 6,000 SQ FT MINIMUM LOT FRONTAGE: 50 FT MAXIMUM BUILDING HEIGHT: 35 FT

LEGEND

∖ CF	rs 💿	Capped 5/8" Rebar Set with registration No. 2303
CF	rf 🎯	Capped 5/8" Rebar Found
WSH	IR 🔻	PK Nail with Washer #2303
IP	FO	Iron Pipe Found
DI	40	Drill Hole in Conc. Wall
	(50.00')	Distance from reference plan
		Now Or Formerly
	—	Indicates Ownership in Commo
12	34/567	Book and Page of local Regis

SURVEYORS STATEMENT:

2001 WITH THE FOLLOWING EXCEPTIONS:

a) NO WRITTEN REPORT **b) NO NEW DESCRIPTION**

ROBERT T. GREENLAW P.L.S., #2303 V. PRESIDENT BACK BAY BOUNDARY, INC.

REVISED:	11/30/2004 -	CORRECTED BEARINGS
REVISED:	10/28/2004 -	REVISED BEARINGS TO
REVISED:	10/13/2004 -	UPDATED PINS SET IN
REVISED:	09/23/2004 -	- UPDATED STATUS OF
REVISED:	09/15/2004 -	MOVED DIVIDING P/L
	REVISED: REVISED: REVISED:	REVISED: 11/30/2004 - REVISED: 10/28/2004 - REVISED: 10/13/2004 - REVISED: 09/23/2004 - REVISED: 09/15/2004 -







TYPICAL DRIVEWAY DETAIL





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GENERAL NOTES:

1. RECORD OWNER OF PARCEL: JEFFREY PAGE 97, AS RECORDED IN THE CUMBER (CCRD).

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THE CUMBERLAND COUNTY REGISTRY OF b.) WASHINGTON AVENUE GARDENS, O MAINE, BY ERNEST W. BRANCH, C.E., SE

PLAN BOOK 14 PAGE 46.

c.) CITY OF PORTLAND ASSESSORS P

5. THERE WERE NO APPARENT EASEMEN BENEFITING SUBJECT PROPERTY AT THE PROPOSED ACCESS EASEMENT INCLUDED

6. ZONING: R–5 RESIDENTIAL SETBACKS: FRONT – 20 FT REAR – 20 FT

SIDE - 1-1/2 STO

ON SIDE S

MINIMUM LOT SIZE: 6,000 SQ FT MINIMUM LOT FRONTAGE: 50 FT MAXIMUM BUILDING HEIGHT: 35 F MAXIMUM LOT COVERAGE: 40% (1

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	CRF ©	Capped 5/8" Rebar Found
w/	SHR 🔻	PK Nail with Washer #2303
	IPF O	Iron Pipe Found
	DH 🖸	Drill Hole in Conc. Wall
ે	(50.00')	Distance from reference plan Now Or Formerly
Ζ.	N/F	Now Or Formerly
	Ź	Indicates Ownership in Comm
	1234/567	Book and Page of local Regis
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J LOWERY, BOOK 19208 PAGE 95 AND RLAND COUNTY REGISTRY OF DEEDS), MAINE
ETIC OBSERVATION TAKEN AT THE TIME ING EQUIPMENT: IN, LIETZ SDR 33 DATA COLLECTOR.	ED LOT SPLIT STREET, PORTLAND, MAINE J. LOWERY
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VING PLANS: NNEX, OWNED BY EVERETT C. WELLS, CH, C.E., OCTOBER 1920, RECORDED IN DEEDS PLAN BOOK 14 PAGE 49. OWNED BY EVERETT C. WELLS, PORTLAND, EPTEMBER 1920, RECORDED IN THE CCRD	PROPOSED 1 123 EAST KIDDER STREI JEFFREY J.
PLAN NO. 425 ITS OR RESTRICTIONS BURDENING OR TIME OF OF THIS SURVEY. NEW O ON THIS PLAN.	123 EAS
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RY: 8 FT; 2 STORIES: 12 FT TREET: 15 FT	07/29/2004
T CURRENT NEW LOT COVERAGE = 34.4%)	58 8
<u> </u>	RAWN BY: HECKED E SCALE: 1" AATE OF SU 2004093 SHEET: 1
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DATE: NOVEMBER 30, 2004	BACK PROFI
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OF GRAFTON STREET /L 1 FT SW TO CLEAR FENCE, UPDATED SQ FT	DRAWER: 2004 NO: 093
/L T T TO ULLAN TENOL, OF DATED OUT	



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MAINE, BY ERNEST W. BRANCH, C.E., PLAN BOOK 14 PAGE 46. c.) CITY OF PORTLAND ASSESSORS

5. THERE WERE NO APPARENT EASEN BENEFITING SUBJECT PROPERTY AT TI PROPOSED ACCESS EASEMENT INCLU

6. ZONING: R-5 RESIDENTIAL SETBACKS: FRONT - 20 FT REAR - 20 FT SIDE - 1 - 1/2ON SIDE MINIMUM LOT SIZE: 6,000 SQ MINIMUM LOT FRONTAGE: 50 MAXIMUM BUILDING HEIGHT: 3 MAXIMUM LOT COVERAGE: 409 CURRENT LOT AREA = 9660

PROPOSED IMPERVIOUS AREA PROPOSED COVERAGE = 379

Capped 5/8" Rebar S registration No. 2303 CRS 🛞 Capped 5/8" Rebar Fo CRF 🎯 PK Nail with Washer # w/wshr 🔻 IPF O Iron Pipe Found Drill Hole in Conc. Wa рн 🗆 (50.00') Distance from referen N/F Now Or Formerly Indicates Ownership in 1234/567 Book and Page of loc ----- UGE ----- Proposed Underground

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EY J LOWERY, BOOK 19208 PAGE 95 AND VERLAND COUNTY REGISTRY OF DEEDS SNETIC OBSERVATION TAKEN AT THE TIME DWING EQUIPMENT: ON, LIETZ SDR 33 DATA COLLECTOR. 0.38 ACRES T., 0.16 ACRES T., 0.22 ACRES *SUBJECT OF PLAN* OWING PLANS: ANNEX, OWNED BY EVERETT C. WELLS, ANCH, C.E., OCTOBER 1920, RECORDED IN OF DEEDS PLAN BOOK 14 PAGE 49. , OWNED BY EVERETT C. WELLS, PORTLAND, SEPTEMBER 1920, RECORDED IN THE CCRD S PLAN NO. 425 MENTS OR RESTRICTIONS BURDENING OR	14	PROPOSED INC LANDER STREET, PORTLAND, MAINE			JOSEPH FRUSTAUI		
THE TIME OF OF THIS SURVEY. NEW DED ON THIS PLAN.		10	1				
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STORY: 8 FT; 2 STORIES: 12 FT E STREET: 15 FT FT 55 FT % (CURRENT NEW LOT COVERAGE =34.4%) 0.22 SQUARE FEET % = 3584.4 SQUARE FEET %	0.00	DRAWN BY: KIG CHECKED BY: RTG	-30'	DATE OF SURVEY: 07/29/2004	JOB NUMBER:	SHEET: 1 OF 2	
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DATE: APRIL 13, 2005		-	A 11	D. 1	2004	NO:	093
ζ, INC.		DR	AWE	R: 2			



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TYPICAL DRIVEWAY DETAIL





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MAXIMUM BUILDING HEIGHT: 35 FT CURRENT LOT AREA = 9660.22 SQUARE FEET PROPOSED IMPERVIOUS AREA = 3584.4 SQUARE FEET PROPOSED COVERAGE = 37%

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	CRF 🔘	Capped 5/B" Rebar Found
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ALL DRAWINGS, PLANS, SKETCHES ETC. ARE PROVIDED TO OUR CLIENTS BASED UPON INFORMATION PROVIDED BY THE CLIENT AND DRAWN IN ACCORDANCE WITH COMMON BUILDING PRACTICES. NONE OF THE EMPLOYEES OF MORIN DRAFTING ARE REGISTERED ARCHITECTS, NOWE OF THE EMPLOYEES OF MORIN DRAFTING ARE REGISTERED ARCHITECTS, STRUCTURAL ENGINEERS OR LAND SURVEYORS. ALL LOAD BEARING REQUIREMENTS AND CODES SHALL BE APPROVED BY APPROPRIATE REGISTERED PROFESSIONALS, IF NOT, SHALL BE RESPONSIBILITY OF CONTRACTOR. ALL DIMENSIONS, SPECIFICATIONS, CONSTRUCTION TECHNIQUES AND OMISSIONS SHALL BE REVEWED BY CLIENT/CONTR. IF THESE ARE NOT VENIFIED BY CLIENT AND/OR CONTRACTOR BEFORE CONSTRUCTION BEGINS MORIN ORAFTING SHALL BE HELD HARDIESE. MORIN DRAFTING SHALL BE HELD HARMLESS. MORIN DRAFTING ASSUMES NO LIABILITY FOR CONSTRUCTION DEFECTS OR CHANGES AND/OR REVISIONS TO PLANS BY CLIENT AND/OR CONTRACTOR. FIRE-RATED WALL SHALL APPROVED BY REGISTERED ARCHITECT BEFORE BEFORE CONSTRUCTION BEGINS.



GENERAL NOTES: 1. 2"X6" FIRE-RATED WALL 5/8" GYP. BD. TYPE "X" EA. SIDE W/RESILENT CHANNEL-ONE SIDE OVER STUDS & 6" FIBERGLASS INSULATION FROM FIN. FLR. TO ROOF DECK (OR REQUIRED CODE APPROVED CONSTRUCTION)

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