

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 2013-00188	Issue Date:	CBL: 437 E001001
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Location of Construction: 56 BERNARD RD	Owner Name: NAPOLITANO ANTHONY J & DARLENE J NAPOLITANO	Owner Address: 56 BERNARD RD PORTLAND, ME 04103	Phone: (207) 797-7542
Business Name:	Contractor Name: n/a	Contractor Address:	Phone
Lessee/Buyer's Name	Phone:	Permit Type: Legalization of Non-Conforming Units	Zone: R3
Past Use: Single Family	Proposed Use: Two Family	Permit Fee: \$375.00	Cost of Work: \$0.00
Proposed Project Description: Legalization of 1 unit to make it a legal 2 unit.		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A	INSPECTION: Use Group: Type:
		Signature: Signature:	
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: Date:	

Permit Taken By: bjs	Date Applied For: 01/29/2013	Zoning Approval		
1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..		Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
		Date:	Date:	Date: <i>ARU</i>

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	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

CBL: 437 E00100 **Permit ID:** 2013-00188

Additional Comments:

2/5/2013-AMACHADO/Zoning:

I spoke to Darlene Napolitano. The house was built in 1983 (#83-0769). The application description said "To construct a single family home". The certificate of occupancy listed the approved occupancy as "single family dwelling". It appears that an apartment was included in the 24' x 26' single story section of the house when it was built. The owners are trying to legalize the apartment. They applied for a permit to legalize the nonconforming dwelling unit. Since they built the apartment, they do not meet the criteria for this application, because one condition is that "the applicant neither constructed nor established the non-conforming dwelling unit". I suggested that they withdraw their application and put the \$375 fee towards a Conditional Use appeal to add an accessory dwelling unit. I emailed the Napolitanos the appeal application and process.

2/7/2013-AMACHADO/Zoning:

Received written request to withdraw permit.

WITHDRAW

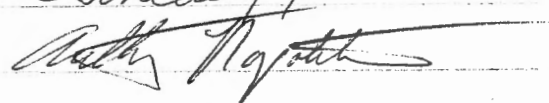
2/7/13

WITHDRAW

To the City of Portland,

We are withdrawing our application
for legalization of Non Conforming Units.
Please make our refund check out to &
mail it to.

Anthony Napolitano
56 Bernard Rd
Portland, ME 04103

Sincerely,


Ann Machado - Conditional Use Appeal for accessory dwelling unit at 56 Bernard St

From: Ann Machado
To: anthonymap@myfairpoint.net
Date: 2/5/2013 4:19 PM
Subject: Conditional Use Appeal for accessory dwelling unit at 56 Bernard St
Attachments: Application Conditional Use.pdf; Application PROCESS for Zoning Bd of Appeals.pdf; R-3 Conditions for Accessory Dwelling Unit.pdf

Anthony & Darlene,

As I told Darlene on the phone, one of the criteria to legalize an illegal dwelling unit is that the "applicant neither constructed nor established the non-conforming dwelling unit" [section 14-391(c)(2)]. Since you were the owner when the house was built, yupu do not meet the criteria for this application.

You can withdraw the application (#2013-00188) to legalize the nonconforming dwelling unit and the \$375 fee will be returned to you or put towards the Conditional Use Appeal application. I have to find out how the accounting works on this. You need to submit a request in writing to formally withdraw the application.

To legalize the accessory dwelling unit, you need to apply for a Conditional Use Appeal Application. I have attached the Conditional Use Appeal Application, the Application Process for the appeal and the conditions that need to be met to add an accessory dwelling unit in the R-3 Residential zone. In your cover letter, you should show how each of these conditions are being met. The deadline to get on the appeal agenda for the March 7, 2013 meeting is Tuesday, February 19, 2013 by noon.

Once your appeal has been heard and hopefully granted, you would need to apply for a change of use permit with Building Inspections to change the use of the property from a single family to a single family with an accessory dwelling unit.

Please feel free to call me if you have any questions.

Ann Machado

Ann Machado
Zoning Specialist
Planning & Urban Development
Portland City Hall
(207) 874-8709

Marge Schmuckal
Zoning Administrator

Department of Planning & Urban Development

Jeff Levine
Director, Planning & Urban Development



WITHDRAWN

CITY OF PORTLAND

Application for Legalization of Nonconforming Dwelling Units

Section 14-391 - In effect March 24, 2004

Location/Address of Legalization: <u>56 52 BERNARD RD</u>	
Tax Assessor's Chart/Block/Lot: <u>437/E-001/001</u>	
Owner: <u>Anthony Napolitano</u>	Telephone: <u>207-797-7542</u>
Contact Name, address & telephone (if different than above):	
Cost of Work: \$	
Fee: <u>\$300.00</u> <u>\$75.00</u>	
(\$300 per legalized unit & \$75 per C of O)	
Requested # of Units to be legalized: <u>one</u>	Total bldg. units: <u>one</u>
Current # of Legal D.U.: <u>one</u>	
Attach evidence that each requested unit to be legalized existed as of 04/01/95.	
LIST evidence that you are submitting: <u>CENTRAL MAINE POWER CO. ACCOUNT SUMMARY START DATE</u> <u>(5/15/84) MAIL DELIVERY TO 52 BERNARD RD NOV. 1990,</u> <u>JAN. 1991/ RENTERS INSURANCE SINCE 1990. PRO HALEY AGE</u>	
Attach evidence that the current owner/applicant neither constructed NOR established the non-conforming dwelling units to be legalized.	
LIST evidence that you are submitting: <u>ORIGINAL PLANS OF HOUSE &</u> <u>APARTMENT</u>	
I hereby certify that I am the Owner of Record of the above property, or that the Owner of Record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.	
Signature of Applicant: <u>Anthony J. Napolitano</u> Date: <u>JAN 25, 2013</u>	
This is NOT a permit; you may NOT commence ANY work until the permit is issued.	

City of Portland
Marge Smuckel

Jan. 28, 2013

This letter is to list the information that the apartment on our home has been there before 1995. It has actually been there since it was built in 1983.

House plans with the apartment layout. (LC Andrews/Customs Homes of Maine.

Central Maine Power Account Summary in tenants name; start Date 5/15/84 thru current read date.

Map sketch addendum for Day Care approval in 1989 with detailed floor plan for both units.

Mail delivery to 52 Bernard Rd to tenant prior 1990

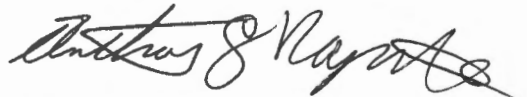
State of Maine Land Survey that shows the two egresses and driveway on apt. side dated 2/24/1988

Letter from Dan Haley Ins. Stating Tenants insurance prior 1995 to current.

We are requesting with our application for Legalization of Nonconforming Dwelling Unit. At 52/56 Bernard Road.

WITHDRAW

Anthony J Napolitano



56 Bernard Rd
Portland, Maine 04103

899-5357

Account Summary Cycle: 13 441-1073956-012 Patricia McGovern RSC: 441

Customer Identification

Billing Name: Patricia McGovern

Service Location: 52 Bernard Rd
Portland, ME 04101-0000

Premise Phone: 797-8092

Mailing Address: 52 Bernard Rd
Portland, Me 04103-3611

Status: Active

Start /End Dates: 05/15/24

Update/Detail

Receivables / Standard Offer

01/21/13	12/20/12	11/20/12	10/22/12	Total
003	035	065	094 + Over	
\$129.34				\$129.34

Past Due:

Plan Amt Broken:

By:

DNP Cut Date:

Current Plan Amt Due:

By:

Monthly Plan Amt:

Total Plan Amt Due:

Deposit ☐Contract ☐

NSF Chks:

1

ME:

0

Last Payment:

\$199.78

Rec'd:

01/14/2013

Payment Plans

Receivable Detail

Calendar

Credit History

Billing/Payment History

Most Recent Contact Logs

01/24/13 10:39	Dadene/Unauth	Unauth	Text
	Phone Call	Cust Init	Active Acct Col

01/24/13 10:36	Patricia McGovern	Not Auth	Text
	Phone Call	Cust Init	Active Acct Col

01/11/13 18:10	McGovern Patricia	No/797-8092/no Ans	No Text
	Attempted Call	Melita	Active Acct Col

Next Read: 02/19/13 CMP Rate: Residential W/water & House

Usage History

Meter Detail

Close

At a Glance...

Est Lat Yr 1 Mo KWH
Remote Capable Meter

INSPECTION OF PREMISES

56 BELKNAP ROAD
PORTLAND, MAINE

Job number: 100-62

Date of inspection: 2-29-88

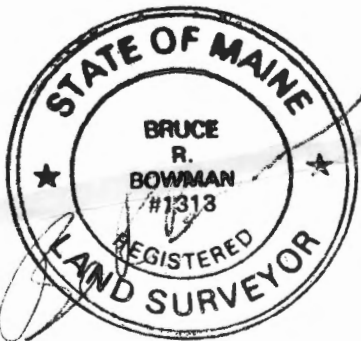
Scale: 1" = 30'

I HEREBY CERTIFY TO HAVE EXAMINED THE TITLE OF
CITY BANK (MAINE) N.A.The monumentation is in harmony
with current deed description.The building setbacks are in conformity
with town zoning requirements.The land and the dwelling
do not appear to fall within
the special flood hazard zone
as delineated by the

Federal Emergency Management Agency.

OWNER: ANTHONY J. & DARLENE NAPOLITANO

REPORT ()

Tom Markely
CBL 437-E-001

This property is subject to all
rights and easements of record.
Those that are evident are shown.
This plan might not reveal
conflicts within abutting deeds.
THIS PLAN IS NOT FOR RECORDING.

BRUCE R. BOWMAN R.L.S.
20 Forest Avenue
Cumberland,
Maine 04021
Phone: (207)829-3959

PLAN BOOK _____ PAGE _____ LOT _____

DEED BOOK 6151 PAGE 9 COUNTY CUMBERLAND

Drawn By BR4

↑
WASHINGTON
AVENUE350' 0"
(350' 0")

50'

38'

R.F.F.
4470
165Gravel
drivewayOUT
SALC2
STORY
WOOD
HOUSE
ON
CONCRETE
FOUNDATION

DECK

SWED

INGROUND
POOL

100'

110'

105'

55'

PB 10/123



January 28, 2013

City of Portland
Congress Street
Portland, Maine 04101

To whom it may concern,

Patricia McGovern has an active Tenants Insurance policy for the property located at 52 Bernard Road, Portland. The policy issued through Concord Group Insurance Company has been active since June 18, 1990.

Please feel free to give me a call with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Liza Libby". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Liza Libby
Office Manager

United Insurance
Agencies:

Bradish-Young
Falmouth

Davis
Monmouth

Ezzy
Madawaska
Van Buren

Foss & Came
Rochester, NH

Haley
Portland

Hayden/Perry
Presque Isle

H.O. Perry
Fort Fairfield

Kieffer
Caribou

Lehr
Pittsfield

O'Hearn
Portland

Parent
Lewiston

Thibodeau
Fort Kent

Tilton
Augusta
Jefferson

Western Maine
Rumford

Whitehouse
Bangor

tntclean@myfairpoint.net

From: "McNally, Deborah" <Deborah.McNally@healthsouth.com>
To: <anthonymap@myfairpoint.net>
Sent: Monday, January 28, 2013 3:32 PM
Attach: image.pdf
Subject: FW: McGovern

From: Libby, Liza [LizaLibby@unitedinsurance.net]
Sent: Monday, January 28, 2013 2:28 PM
To: McNally, Deborah
Subject: FW: McGovern

Deb,

Please be advised that Patricia McGovern had a tenants Insurance Policy for the location of 52 Bernard Road Portland Maine 04103 written with out agency thru Concord Group Insurance Company Since June 18, 1990. This policy was issued thru Concord Group Insurance Company. Please feel free to give me a call with any questions.

Liza Libby, CISR
Office Manager
UNITED INSURANCE
HALEY AGENCY
21 1/2 Eastern Promenade
Portland, ME 04101
(207) 774-2617 (office)
(207)619-9033 (direct)
(800) 774-2617 (toll free)
(207) 774-2869 (fax)
LizaLibby@UnitedInsurance.Net
www.UnitedInsurance.Net

PLEASE BE ADVISED that no coverage can be bound or modified via email without express confirmation from one of our licensed agents.

-----Original Message-----

From: Scanner@uig-me.com [mailto:Scanner@uig-me.com]
Sent: Monday, January 28, 2013 2:56 PM
To: Libby, Liza
Subject: A scanned image

Scanned Document Attached

Confidentiality Notice: This e-mail communication and any attachments may contain confidential and privileged information for the use of the designated recipients named above. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is prohibited. If you have received this communication in error, please notify me immediately by replying to this message and deleting it from your computer. Thank you.

1/28/2013

THE CONCORD GROUP INSURANCE COMPANIES

HOMEOWNERS/FIRE UNDERWRITING INFORMATION - ACTION PROGRAM

Policy #	St.	Agt.	Co.	Program	Name	Processed	Deposit
----------	-----	------	-----	---------	------	-----------	---------

- Have you made personal inspection of this risk? Yes ☐ No ☐
- Occupation of Named Insured? Mech Inspector - Temp Unemp M: 11
- Date and origin of losses in past five years None just closed
- Type of heating system Elec. Fuel Used Electric
- If there is a coal or woodburning stove, date installed _____
 Stove inspected by _____ Approved chimney Yes ☐ No ☐
 Has a Woodstove Questionnaire been completed? Yes ☐ No ☐
- MOBILE HOMES
 Year of Purchase _____ New or used _____ Purchase Price \$ _____
 Park Name _____
 Additions: Size(s) _____ x _____ Value(s) _____ Year(s) Built _____
 Tie Down? Yes ☐ No ☐ Continuous enclosed masonry foundation? ☐
 Open Foundation ☐ Skirted ☐ Other(Specify) _____
- Please list policy numbers of other coverages written in our company for this applicant _____ Other family members _____
- Was this risk previously written through your agency? Yes ☐ No ☐
 Prior Insurance Company _____ Previous Policy Number _____
 Reason for changing company Aetna - Price
- Estimated Replacement Cost \$ _____ Method Used _____

REMARKS:

IMPORTANT NOTICE
 IN COMPLIANCE WITH THE REQUIREMENTS OF THE FAIR CREDIT REPORTING ACT (PUBLIC LAW 91-508), WE ADVISE THAT AS PART OF OUR ROUTINE PROCEDURE IN REVIEWING APPLICATIONS FOR INSURANCE OR RENEWALS OF INSURANCE POLICIES, THIS INSURANCE COMPANY MAY PROCURE AN INVESTIGATIVE CONSUMER REPORT INCLUDING INFORMATION AS TO THE CONSUMER'S CHARACTER GENERAL REPUTATION, PERSONAL CHARACTERISTICS OR MODE OF LIVING, IF SUCH INSURANCE IS FOR AN INDIVIDUAL AND IS PRIMARILY FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES.
 UPON WRITTEN REQUEST TO THIS INSURANCE COMPANY, MADE WITHIN A REASONABLE PERIOD OF TIME AFTER RECEIPT OF THIS NOTICE, THIS COMPANY WILL PROVIDE IN WRITING A COMPLETE AND ACCURATE DISCLOSURE OF THE NATURE AND SCOPE OF THE INVESTIGATION REQUESTED, IF ONE WAS REQUESTED, OR ADVISE THAT NONE WAS REQUESTED.

[Signature] Date _____ Must be signed by the applicant [Signature] Date _____
 Signature of Agent Personal Signature of Applicant

HOME OFFICE USE ONLY
DISTRIBUTION NUMBER

Agent David T. Hartley Ogden No. 732 \$ 74.00
Amount of enclosed check

PATRICIA A. McGOVERN
52 BERNARD ROAD
PORTLAND, ME 04103

52-38/112

PAY TO THE
ORDER OF _____

Conrad General Ins.

\$ 74⁰⁰/_{xx}

seventy four

00
~~XX~~ DOLLARS



Fleet Bank
MEMBER FLEET / NORSTAR FINANCIAL GROUP
WESTBROOK, MAINE 04092 312

MEMO

FINANCIAL GROUP
1/2 in full

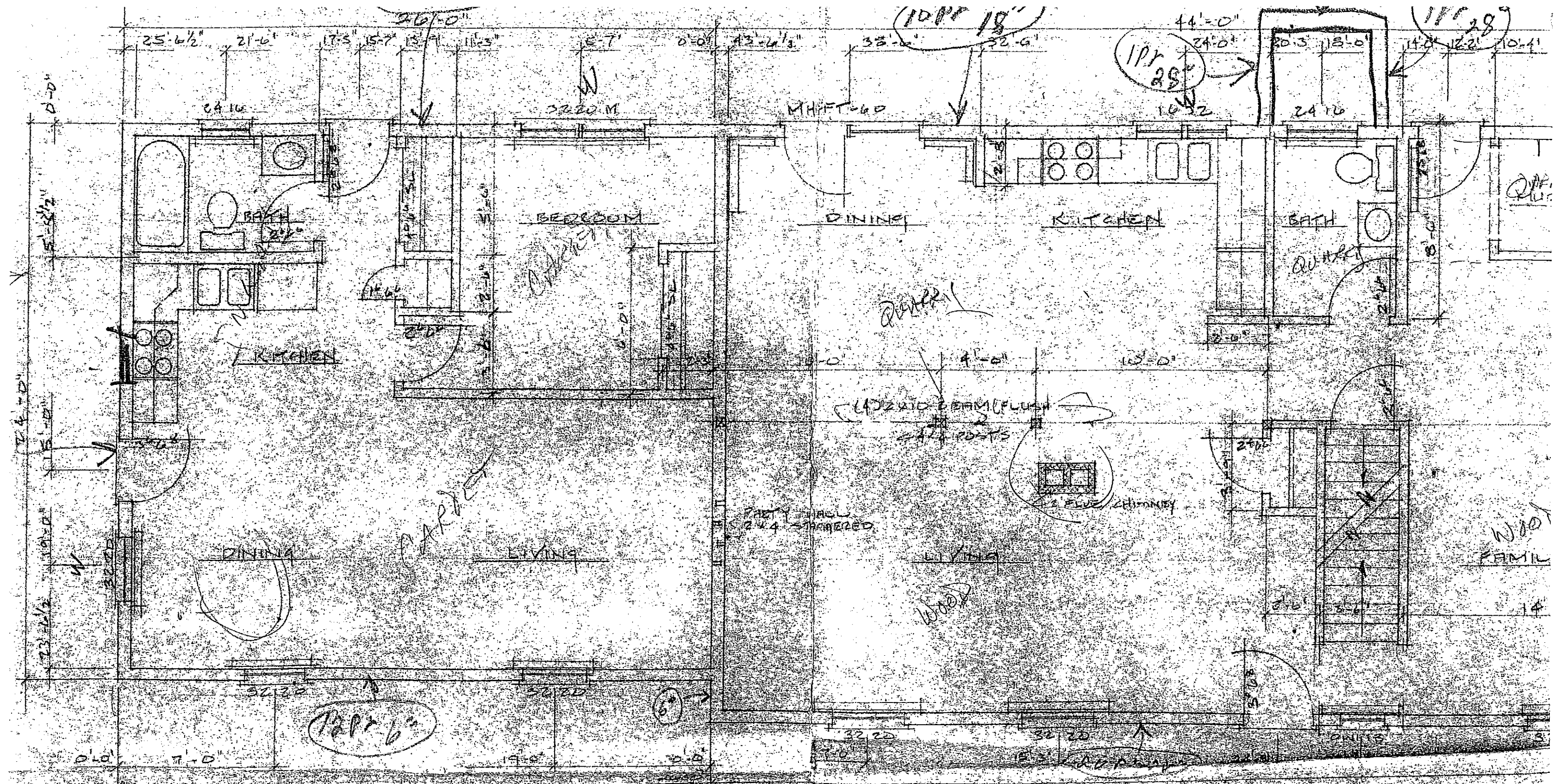
Patricia A. M. Goulden

1198

EARNED PREMIUM ONLY - REWRITTEN POLICIES

TOTAL

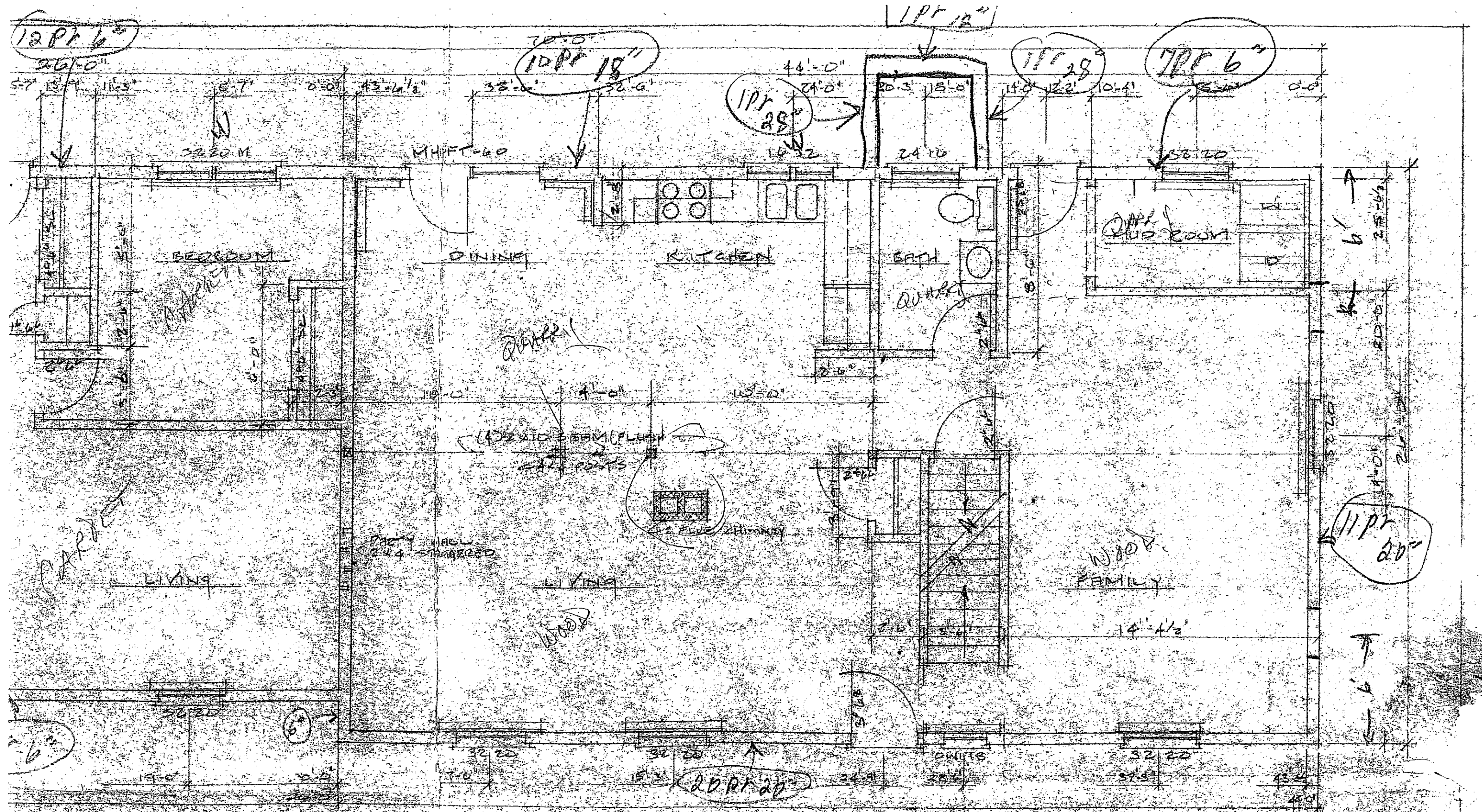
EXCEPTIONS TO "45 DAY REINSTATEMENT"
 IN FACILITY, GENERAL LIABILITY, MOTOR-
 CYCLE MANUALLY PREPARED POLICIES



35 BOYS
5 WINDOWS

FIRST FLOOR PLAN

TYPE	QTY	LENGTH
1		12'-8"
2		11'-8"
3		3'-1 1/2"
4		9'-2 1/2"



FIRST FLOOR PLAN

TYPE	QTY	LENGTH	TYPE	QTY	LENGTH
2x4	1	12'-8"			