

4/15/07 8989

City of Portland, Maine - Building or Use Permit Application
389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

PERMIT ISSUED
Permit No: 02-0558
CBL: -0076008
347 B004001

Location of Construction: 0 Pennell Ave	Owner Name: Maggie Lane Development Lic	Permit No: 02-0558	CEBL: -0076008
Business Name: Dwight Brackett	Contractor Name: Dwight Brackett	Owner Address: Po Box 10127	Phone: 347 B004001
Lessee/Buyer's Name:	Phone:	Contractor Address: 84 Country Lane Portland	Phone: 2077728629
Past Use: Vacant Lot	Proposed Use: Single Family with garage and deck	Permit Type: Single Family	Zone: R-3

Permit Fee: \$741.00	Cost of Work: \$94,978.00	CEO District: 2
FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied		
INSPECTION: Use Group: R3 Type: SB		
Signature: [Signature]		

Signature: [Signature]
Date: [Date]

Action: Approved Approved w/Conditions Denied

Signature: [Signature]
Date: [Date]

Zoning Approval

Special Zone or Reviews	Zoning Appeal	Historic Preservation
<input type="checkbox"/> Shoreland	<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Not in District or Landmark
<input type="checkbox"/> Wetland	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Does Not Require Review
<input type="checkbox"/> Flood Zone	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Requires Review
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Approved
<input checked="" type="checkbox"/> Site Plan	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Conditions
Site Plan: 2002-0130	<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
Major: <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM	Date: [Signature] 7/11/07	

Permit Taken By: jodinea
Date Applied For: 05/23/2002

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..

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 _____

ELECTRICAL PERMIT

City of Portland, Me.



To the Chief Electrical Inspector, Portland Maine:
 The undersigned hereby applies for a permit to make electrical installations
 in accordance with the laws of Maine, the City of Portland Electrical Ordinance,
 National Electrical Code and the following specifications:

LOCATION: 937 Pennel

CMP ACCOUNT # _____

TENANT _____

METER MAKE & # _____

OWNER Wright Barrett

PHONE # _____

Date 9/25/02
 Permit # 2002-1803
 CBL# 347 B 007

OUTLETS	Receptacles	15	Switches	6	Smoke Detector	TOTAL EACH FEE
FIXTURES	Incandescent		Fluorescent		Strips	54 .20 10.80
SERVICES	Overhead	X	Underground		TTL AMPS <800	12 .20 2.40
	Overhead		Underground		TTL AMPS >800	15.00 25.00
Temporary Service	Overhead		Underground		TTL AMPS	25.00 25.00
METERS	(number of)					1 1.00 1.00
MOTORS	(number of)					2 2.00 4.00
RESID/COM	Electric units					3 2.00 6.00
HEATING	oil/gas units		Interior		Exterior	1 2.00 2.00
APPLIANCES	Ranges		Cook Tops		Wall Ovens	1 2.00 2.00
	Insta-Hot		Water heaters	2	Fans	2 2.00 4.00
	Dryers	1	Disposals	1	Dishwasher	3 2.00 6.00
	Compactors		Spa	1	Washing Machine	1 2.00 2.00
	Others (denote)					1 2.00 2.00
MISC. (number of)	Air Cond/win					3.00 3.00
	Air Cond/cent					10.00 10.00
	HVAC		EMS		Thermostat	5.00 5.00
	Signs					10.00 10.00
	Alarms/res					5.00 5.00
	Alarms/com					15.00 15.00
	Heavy Duty(CRKT)					2.00 2.00
	Circus/Carnv					25.00 25.00
	Alterations					5.00 5.00
	Fire Repairs					15.00 15.00
	E Lights					1.00 1.00
	E Generators					20.00 20.00
PANELS	Service		Remote	1	Main	4.00 4.00
TRANSFORMER	0-25 Kva					5.00 5.00
	25-200 Kva					8.00 8.00
	Over 200 Kva					10.00 10.00
					TOTAL AMOUNT DUE	46.60
					MINIMUM FEE	35.00

CONTRACTORS NAME AMES ELECTRIC Co MASTER LIC. # 2336
 ADDRESS P.O. BOX 633
 TELEPHONE PORTLAND, ME 04104 LIMITED LIC. # _____

SIGNATURE OF CONTRACTOR [Signature]

TO: Inspections

FROM: Jay Reynolds, Development Review Coordinator

DATE: November 21, 2002

RE: C. of O. for # 131 Pennell Ave.
Lead CBL (347-B-004) ID# (2002-0130)

After visiting # 131 Pennell Ave., I have the following comments:

1. Loam and Seed Incomplete.
2. Landscaping Incomplete.

Due to the time of year, these items cannot be completed. I anticipate these items can be completed by **June 1, 2003**.

At this time, **I recommend issuing a Temporary Certificate of Occupancy.**

Please contact me if you have any questions or comments.
Thank You.

Cc: Sarah Hopkins, Development Review Services Manager
Mike Nugent, Inspection Services Manager
file

File: O:\drc\131pennell1.doc

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
DRC Copy**

2002-0130
Application I. D. Number

05/23/2002
Application Date

Pennell Avenue
Project Name/Description

Maggie Lane Development Lic
Applicant
Po Box 10127, Portland, ME 04104
Applicant's Mailing Address

Consultant/Agent
Agent Ph: _____ Agent Fax: _____
Applicant or Agent Daytime Telephone, Fax

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot
960 sq ft

Proposed Building square Feet or # of Units 7,500 Acreage of Site _____ Zoning _____

Pennell Ave, Portland, Maine
Address of Proposed Site
347-B00400T 347-B-7/8
Assessor's Reference: Chart-Block-Lot

Check Review Required:

- Site Plan (major/minor) Subdivision # of lots PAD Review 14-403 Streets Review
- Flood Hazard Shoreland Historic Preservation DEP Local Certification
- Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Plan \$50.00 Subdivision \$50.00 Engineer Review \$250.00 Date 05/23/2002

DRC Approval Status:

Approved Approved w/Conditions See Attached Denied

Reviewer Jay Reynolds *REVISED CONDITIONS HAND ATTACHED*

Approval Date 08/16/2002 Approval Expiration 08/16/2003 Extension to _____

Condition Compliance Jay Reynolds signature 08/16/2002 date

Additional Sheets Attached

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

- Performance Guarantee Accepted _____ date _____ expiration date
- Inspection Fee Paid _____ date _____
- Building Permit Issue _____ date _____
- Performance Guarantee Reduced _____ date _____
- Temporary Certificate of Occupancy _____ date _____
- Final Inspection _____ date _____
- Certificate Of Occupancy _____ date _____
- Performance Guarantee Released _____ date _____
- Defect Guarantee Submitted _____ submitted date _____ amount _____ signature _____
- Defect Guarantee Released _____ date _____ expiration date

*Check the Part
Print, the contract
today!*

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM

Maggie Lane Development Lic
Applicant
Po Box 10127, Portland, ME 04104
Applicant's Mailing Address

Consultant/Agent
Agent Ph: _____ Agent Fax: _____
Applicant or Agent Daytime Telephone, Fax

2002-0130
Application I. D. Number
05/23/2002
Application Date
Pennell Avenue
Project Name/Description
Pennell Ave, Portland, Maine
Address of Proposed Site
347 B004001
Assessor's Reference: Chart-Block-Lot

Approval Conditions of DRRC

- 1 All damage to sidewalk, curb, street, or public utilities shall be repaired to City of Portland standards prior to issuance of a Certificate of Occupancy.
- 2 Two (2) City of Portland approved species and size trees must be planted on your street frontage prior to issuance of a Certificate of Occupancy.
- 3 Your new street address is now 131 PENNELL AVENUE, the number must be displayed on the street frontage of your house prior to issuance of a Certificate of Occupancy.
- 4 The Development Review Coordinator (874-8632) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.
- 5 A sewer permit is required for you project. Please contact Carol Merritt at 874-8300, ext . 8822. The Wastewater and Drainage section of Public Works must be notified five (5) working days prior to sewer connection to schedule an inspector for your site.
- 6 As-built record information for sewer and stormwater service connections must be submitted to Public Works Engineering Section (55 Portland Street) and approved prior to issuance of a Certificate of Occupancy.
- 7 The site contractor shall establish finish grades at the foundation, bulkhead and basement windows to be in conformance with the first floor elevation (FFE) and sill elevation (SE) set by the building contractor to provide for positive drainage away from entire footprint of building.
- 8 The Development Review Coordinator reserves the right to require additional lot grading or other drainage improvements as necessary due to field conditions.



Titcomb Associates

Land Surveying
Land Planning

133 Gray Road
Fairbouth, Maine 04105-2029
(207) 797-9199
Fax (207) 878-3142

Bath (207) 442-7799
New Gloucester (207) 926-4899

347-B-788

VIA FAX: (207) 874-8716

August 20, 2002

Kevin Carroll
Code Enforcement Officer
City of Portland
389 Congress Street
Portland, ME 04101

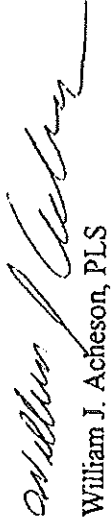
re: **Lot 5, Pennell Avenue**

Dear Mr. Carroll:

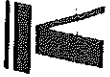
This letter will confirm that Titcomb Associates has located the concrete foundation for the building on Lot 5 in the Pennell Avenue Subdivision and found the building does meet setback criteria for a 1 story building.

Please call if you have any further questions.

Sincerely,


William J. Acheson, PLS

cc: Dwight Brackett



Titcomb Associates

Land Surveying
Land Planning

133 Gray Road
Falmouth, Maine 04105-2029
(207) 797-9199
Fax (207) 878-3142

Bath (207) 442-7799
New Gloucester (207) 926-4699

August 15, 2002

Kevin Carroll
Code Enforcement Officer
City of Portland
389 Congress Street
Portland, ME 04101

o Pennell Av

re: Lot 5, Pennell Avenue

Dear Mr. Carroll:

This letter will confirm that Titcomb Associates has staked the wall locations on the footing for the building on Lot 5 on Pennell Avenue in accordance with the location shown on the development plan prepared by Gorrill-Palmer Consulting Engineers.

Please call if you have any further questions.

Sincerely,

David E. Titcomb, PLS
President, Titcomb Associates

cc: Dwight Brackett

*Dwight Call
756-0687*

VIA FAX: (207) 874-8716

*John Gorrill
Gorrill-Palmer Consulting Engineers
152 Main Street
Portland, ME 04101
Tel: (207) 874-8716
Fax: (207) 874-8716*

Application ID Number: 2-0558

Department: Zoning

Status: Approved with Conditions

Reviewer: Marge Schmuckel

Comments: Pennell Ave -

Approval Date: 07/11/2002

Given On Date: 05/24/2002

OK to Issue Permit Name: Marge Schmuckel Date: 07/11/2002

Conditions Section:

This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Separate permits shall be required for future decks, sheds, pools, and/or garages. - Presently an attached garage and a rear 8' x 12' deck is being approved as part of this permit.

This street is considered to be a 14-403 street and shall be brought up to City Standards from the end of the closest pavement to the farther end of this property PRIOR to a temporary or permanent occupancy permit.

Create Date: 05/23/2002 By: Jodinea Update Date: 07/11/2002 By: mes

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read
Application And
Notes, if Any,
Attached

BUILDING DEPARTMENT PERMIT

Permit Number: 020558

This is to certify that Maggie Lane Development Inc Dwight
has permission to Single Family w/garage and
AT 0 Pennell Ave 347 B004004 2nd floor; NW 1000

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.

Inspection must be made in accordance with the provisions of the Building Code of the City of Portland. A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

Inspection must be made in accordance with the provisions of the Building Code of the City of Portland. A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. _____
Health Dept. _____
Appeal Board _____
Other _____

Department Name

[Handwritten Signature]
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

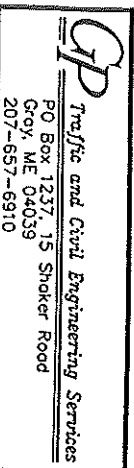
SPACE AND BULK REQUIREMENTS - R-3 ZONE

MINIMUM LOT SIZE:	6,500 S.F.
MINIMUM FRONTAGE:	50 FT.
MINIMUM SETBACKS:	
FRONT YARD	25 FT.
REAR YARD	25 FT.
SIDE YARD*	
1 STORY	8 FT.
1 1/2 STORY	8 FT.
2 STORY	14 FT.
2 1/2 STORY	16 FT.
MINIMUM LOT WIDTH:	75 FT.
OTHER USES:	

* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED, BUT NO SIDE YARD SHALL BE LESS THAN EIGHT (8) FEET IN WIDTH.

THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A 2 1/2 STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORES.

Design:	DER	Date:	MAY 2002
Draft:	SCB	Job No.:	482.5
Checked:	AMP	Scale:	NTS
File Name:	425_5-sp.dwg		



Drawing Name:	Space & Bulk Requirements
Project:	PENNELL AVENUE, PORTLAND

Figure No.	1
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**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**
Insp Copy

2002-0130
Application I. D. Number

05/23/2002
Application Date

Pennell Avenue
Project Name/Description

Maggie Lane Development Lic
Applicant
Po Box 10127, Portland, ME 04104
Applicant's Mailing Address

Consultant/Agent
Agent Ph:
Applicant or Agent Daytime Telephone, Fax

Pennell Ave, Portland, Maine
Address of Proposed Site
347 B004001

Assessor's Reference: Chart-Block-Lot
Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Other (specify) Garage w/Deck

960 sq ft
Proposed Building square Feet or # of Units 7,500
Acreage of Site 7,500
Zoning

Check Review Required:

- Site Plan (major/minor) Subdivision # of lots PAD Review 14-403 Streets Review
- Flood Hazard Shoreland Historic Preservation DEP Local Certification
- Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Plan \$50.00 Subdivision \$250.00 Engineer Review \$250.00 Date 05/23/2002

Insp Approval Status:

- Approved Approved w/Conditions See Attached Denied Not Required

Approval Date _____ Reviewer _____
 Condition Compliance _____ signature _____ date _____
 Approval Expiration _____ Extension to _____ Additional Sheets Attached

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

- Performance Guarantee Accepted _____ date _____ amount _____ expiration date _____
- Inspection Fee Paid _____ date _____ amount _____
- Building Permit Issue _____ date _____
- Performance Guarantee Reduced _____ date _____ remaining balance _____ signature _____
- Temporary Certificate of Occupancy _____ date _____ Conditions (See Attached) _____ expiration date _____
- Final Inspection _____ date _____ signature _____
- Certificate Of Occupancy _____ date _____ signature _____
- Performance Guarantee Released _____ date _____ amount _____ expiration date _____
- Defect Guarantee Submitted _____ submitted date _____ signature _____
- Defect Guarantee Released _____ date _____ signature _____

Applicant: Dwight Bucklett
Address: Pennel Ave

Date: 7/11/02
C-B-L: 347-B-7 & 8

CHECK-LIST AGAINST ZONING ORDINANCE

(add Dev. lot # part of 92
& whole of 93)

Date - NEW

Zone Location - R-3

Interior of corner lot - to construct new surface family with garage & Deck
24 x 40
8 x 12

Proposed Use/Work -

Severage Disposal - City

Lot Street Frontage - 50' min = 75' shown

Front Yard - 25' req - 33' shown

Rear Yard - 25' req - 27' shown

Side Yard - 14' req - 2 story

can reduce one side to no less than 8' (9' shown) with reduction amount added to other side (19' req - 26' shown)

Projections - front steps & stairs - rear Deck

Width of Lot - 75' req - 75' shown

Height - 35' MAX - less is shown

Lot Area - 6,500 sq ft MIN - 7,500 sq ft shown

Lot Coverage/Impervious Surface - 25% MAX = 1,625 sq ft MAX

Area per Family - 6,500 sq ft

Off-street Parking - 2 req - 2 shown

Loading Bays - N/A

Site Plan - mm of # 2002-0130

Shoreland Zoning/Stream Protection - N/A

Flood Plains - Panel 2 - Zone 1

No Drawings submitted to Right of Publicly can not be built upon

24 x 40 = 960 sq ft
8 x 12 = 96 sq ft
6 x 8 = 48 sq ft
1104 sq ft

0073611

RK16779PG098

Buying a Portion of lot 92 & all of lot 93

DEED OF SALE BY PERSONAL REPRESENTATIVE (TESTATE)

- Accurate
Deed for Pennell

KNOW ALL MEN BY THESE PRESENTS

THAT DONA G. HANSON, with a mailing address of 169A North Gorham Road, Gorham, Maine 04038, duly appointed and acting personal representative of the Estate of Peter J. Hanson, deceased, (testate), as shown by the probate records of the County of Cumberland, Maine, Docket No. 92-837, and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, for consideration paid, grants to DIVERSIFIED PROPERTIES, INC., a Maine corporation with a mailing address of P.O. Box 10127, Portland, Maine 04104, the real property in Portland, County of Cumberland, State of Maine, described as follows:

A certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine, being Lot Nos. 90, 92 and 93 as shown on Plan entitled "The Holmsteads", dated September 1921, recorded in Plan Book 14, Page 70, to which reference may be had for a more particular description.

This conveyance is SUBJECT to rights and easements granted to Cumberland County Power & Light Company by instrument dated January 18, 1922 and recorded at the Cumberland County Registry of Deeds in Book 1094, Page 75.

Lots 92 and 93 being described in a deed from Henry Fontaine to Mary T. Cass, et al., Trustees of the City and Suburban Land Trust dated July 6, 1922 and recorded at the Cumberland County Registry of Deeds in Book 1095, Page 366. The said Trustees having subsequently conveyed the premises to C.H. Hanson and Company, which deed was not recorded at the Registry of Deeds. Lot 90 being conveyed to Frank C. Rodway by deed from Agnes M. Stevens dated May 16, 1958 and recorded at said Registry of Deeds in Book 2411, Page 40. The said Frank C. Rodway having subsequently conveyed the premises herein to C.H. Hanson and Company, which deed was not recorded at the Registry of Deeds. Reference is further made to a deed from Frank C. Rodway to Diversified Properties, Inc. dated August 22, 2001 and recorded at said Registry of Deeds in Book 16659, Page 251. Reference is made to a deed from C.H. Hanson and Company to Charles H. Hanson dated July 27, 1971 and recorded at said

Registry of Deeds in Book 3183, Page 578 and a corrective deed recorded at said Registry of Deeds in Book 3191, Page 237. The said Charles H. Hanson having died on June 9, 1975 testate, Cumberland County Probate Docket No. 74500, devising said premises herein described to Doris M. Hanson. The said Doris M. Hanson having died on March 9, 1991 testate, Cumberland County Probate Docket No. 91-630, devising said real estate to decedent Peter J. Hanson.

WITNESS my hand and seal this 19 day of September 2001.

Signed, Sealed and Delivered
in presence of:

ESTATE OF PETER J. HANSON

Joyce M. Yates

By: *Dona G. Hanson*
Dona G. Hanson, Personal
Representative

STATE OF MAINE
CUMBERLAND, SS.

SEPTEMBER 19, 2001

The personally appeared the above-named DONA G. HANSON in her said capacity and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Joyce M. Yates
~~Attorney at Law/Notary Public~~

SEAL

JOYCE M. YATES
NOTARY PUBLIC MAINE
MY COMMISSION EXPIRES SEPTEMBER 16, 2003

RECEIVED
RECORDED REGISTRY OF DEEDS

2001 SEP 27 AM 10:35

CUMBERLAND COUNTY

John B. O'Brien

02-0558

2002-0730

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.

Location/Address of Construction: <u>LOT 5 PENNELL AVE</u>		Square Footage of Lot <u>7500</u>	
Total Square Footage of Proposed Structure <u>960</u>		Owner: <u>DWIGHT BRACKETT</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>347</u> Block# <u>B</u> Lot# <u>004</u>	Applicant name, address & telephone: <u>DWIGHT BRACKETT</u> <u>84 COUNTRY LANE</u> <u>PORTLAND ME 04103</u>		
Lessee/Buyer's Name (if Applicable)	Cost Of Work: \$ <u>95000.00</u> Fee: \$ <u>94,978.00</u>		
Current use: <u>SINGLE FAMILY</u>	Telephone: <u>772-8629</u>		
If the location is currently vacant, what was prior use: <u>VACANT LOT</u>			
Approximately how long has it been vacant: _____			
Proposed use: _____			
Project description: <u>24' x 40' w/ Garage enclosed</u> <u>20x12 deck</u>			
Contractor's name, address & telephone: <u>Call</u>			
Who should we contact when the permit is ready: <u>Dwight Brackett</u>			
Mailing address: <u>84 COUNTRY LANE</u> <u>PORTLAND ME 04103</u> <u>750-0687</u>			
We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. PHONE: <u>772-8629</u>			

IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

I hereby certify that I am the Owner of record of the named 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: Dwight Brackett Date: 5/25/02

This is NOT a permit, you may not commence ANY work until the permit is issued.
If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4th floor of City Hall

NEW SINGLE FAMILY HOMES

Your submissions must include the following to be accepted as a complete application:

- 1 Copy of the deed and purchase and sales agreement
- 4 Copies of the site/plot plan to scale, this must be prepared and sealed by a registered land surveyor
- 1 Copy of the building/construction plan
- 1 Copy of the site/plot plan and construction/building plan on 11" x 17" paper, we cannot accept the application without the reduced submissions. Electronic plans may be submitted in place of the 11" x 17" copies

PLOT PLAN INCLUDES THE FOLLOWING:

- The shape and dimension of the lot, footprint of the proposed structure and the distance from the actual property lines. Structures include decks porches; a bow windows cantilever sections and roof overhangs, sheds, pools, garages and any other accessory structures must be shown and to scale. **A photocopy of the plat with hand drawn footprints of buildings if it is not to scale, it will not be accepted**
- Boundary survey to scale showing north arrow; zoning district & setbacks
- First Floor sill elevation (based on mean sea level datum);
- Location and dimensions of parking areas and driveways;
- Location and size of both existing utilities in the street and the proposed utilities serving the building;
- Location of areas on the site that will be used to dispose of surface water.
- Existing and proposed grade contours
- Silt fence locations
- Location of two proposed trees by Ordinance
- **THE SURVEYORS MONUMENTS MUST BE IN PLACE AND THE LOT STAKED FOR A SETBACK INSPECTION PRIOR TO ISSUANCE OF A BUILDING PERMIT.**

A COMPLETE SET OF CONSTRUCTION DRAWINGS INCLUDES THE FOLLOWING

- Cross Sections w/Framing details (including porches, decks w/ railings, and accessory structures)
- Floor Plans & Elevations
- Window and door schedules
- Foundation plans with required drainage and damp proofing
- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

SEPARATE PERMITS ARE REQUIRED FOR INTERNAL & EXTERNAL PLUMBING, HVAC AND ELECTRICAL INSTALLATIONS

- All construction must be conducted in compliance with the 1999 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All electrical installation must comply with the 1999 National Electrical Code as amended by Section 6-Art III.
- HVAC (Heating, Ventilation and Air Conditioning) installation must comply with the 1993 BOCA Mechanical Code.

AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THE PERMIT

ABSOLUTELY NO SITE WORK MAY BE DONE UNTIL THE PERMIT HAS BEEN ISSUED. THIS WILL INCLUDE:

BLASTING
CLEARING OF TREES
BRING ANY TYPES OF FILL TO THE SITE FOR STORAGE
DIGGING FOR UTILITY LINES OF ANY KIND
CUTTING IN DRIVEWAYS
ANY TYPE OF GRADING
DEMOLISHION

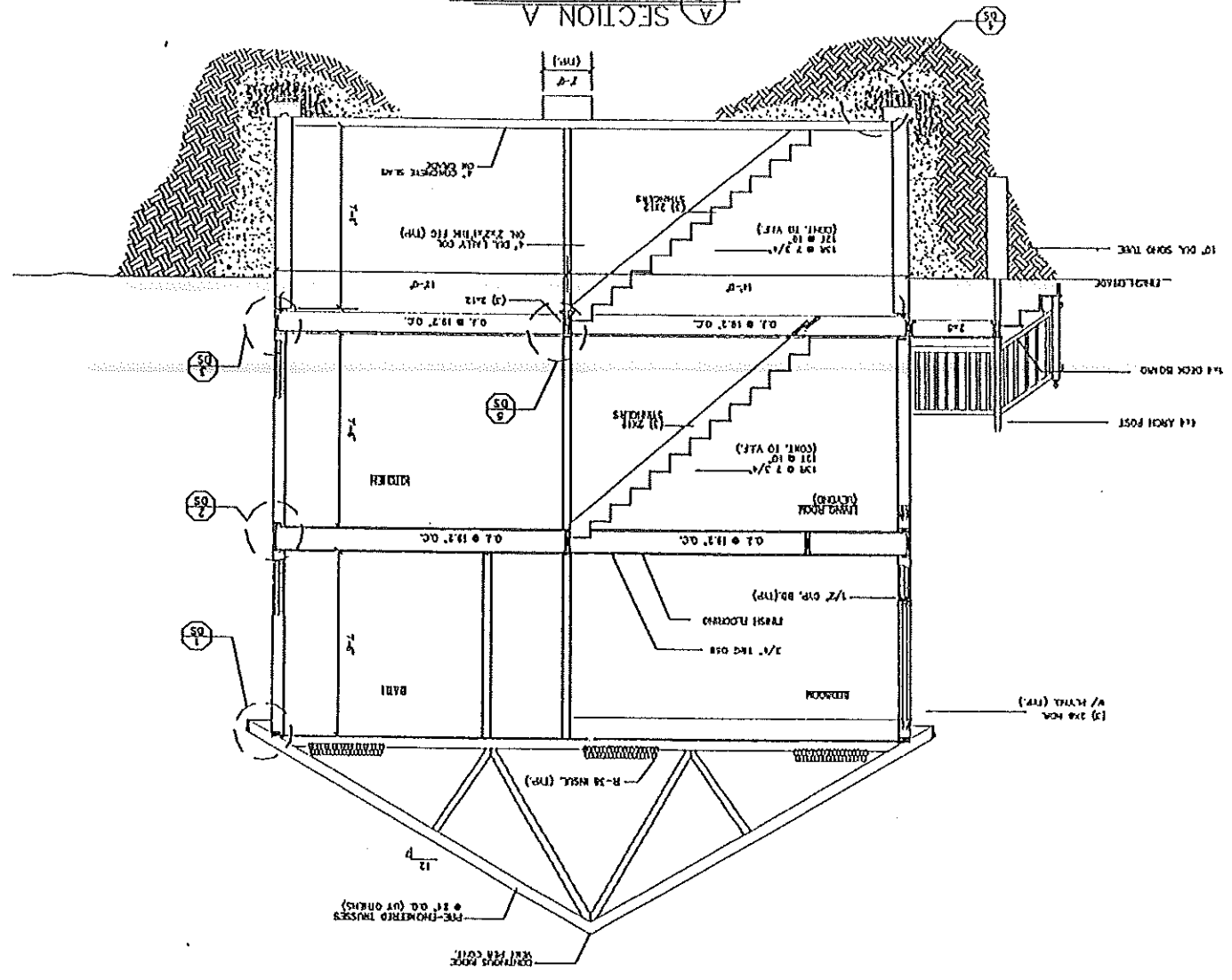
IF THE REQUIRED INFORMATION AS STATED ABOVE IS NOT SUBMITTED WITH THE APPLICATION, THE APPLICATION WILL BE AUTOMATICALLY DENIED

The cost of the permit is as follows:

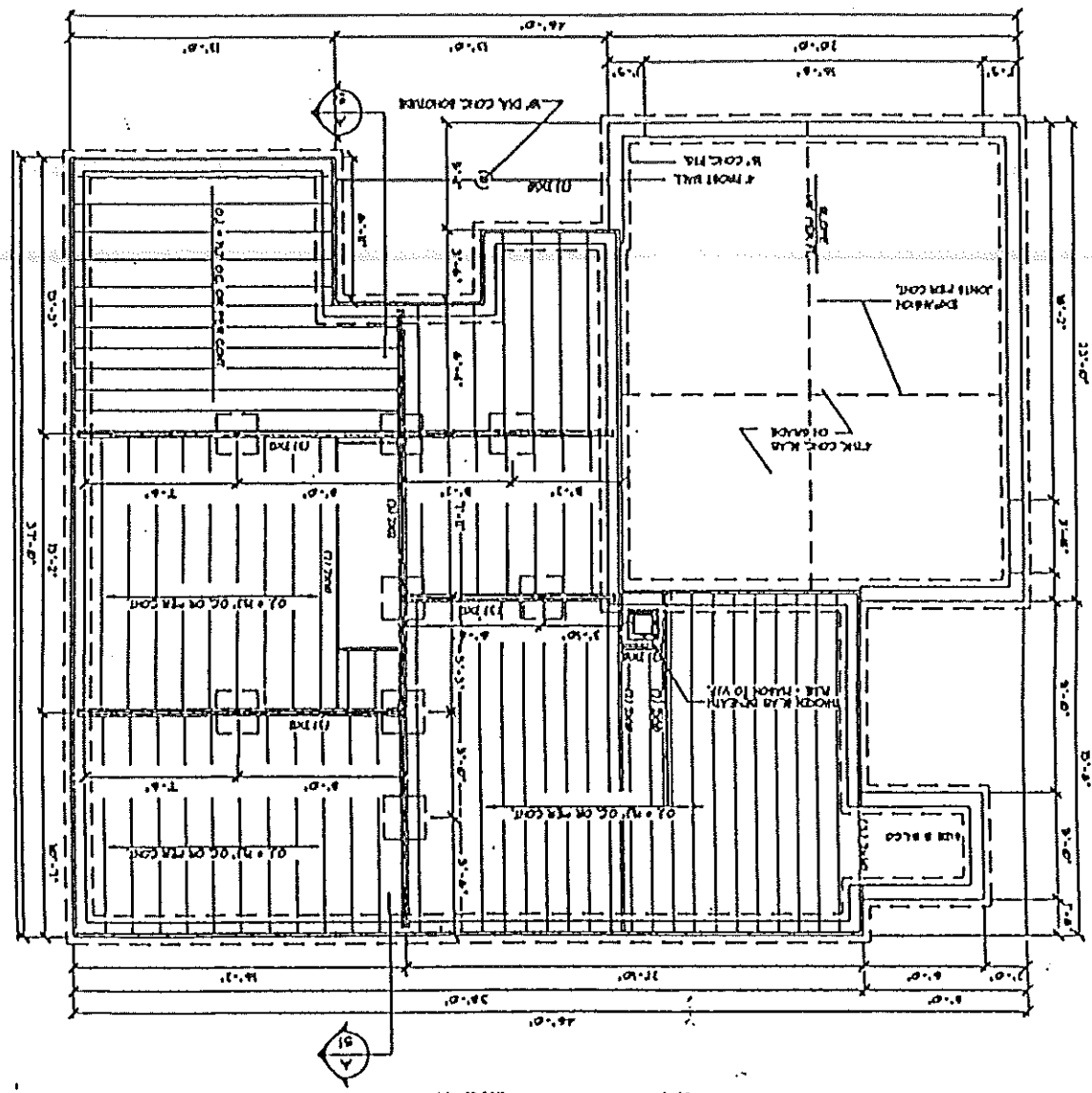
- Site plan review fee:\$300.00
- Basic permit fee: \$30.00
- The first \$1,000.00 worth of construction is covered in the \$30.00 base fee
- Every additional \$1,000.00 of construction will cost \$7.00

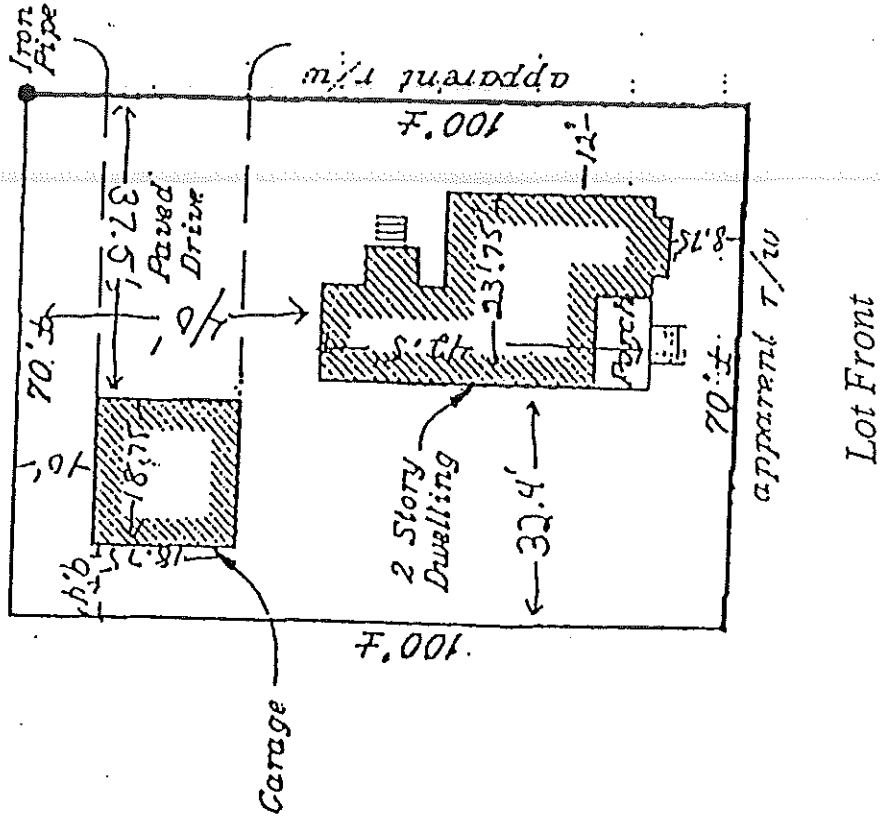
A Certificate of Occupancy must be issued and paid for before the structure may be occupied. The fee is \$75.00

SECTION V
SCALE 1/8" = 1'-0"



FOUNDATION PLAN





Corporating Counsel
Gay C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiafikas
Penny Littlel

January 31, 2002

VIA FACSIMILE

Terry N. Snow, Esquire
Terry N. Snow, PA
PO Box 275

Cumberland Center ME 04021-0275

Dear Terry:

Your clients are proposing to submit building permit applications for two house lots situated on the easterly side of Pennell Ave. The lots at issue are those identified on the original subdivision of this property as lots 89, 90, 92 and 93. These lots are owned (in some corporate configuration) by your clients. Lot 91 currently is owned by an unrelated individual, although, as I understand it, your clients have a purchase and sale agreement/or an option to buy the parcel.

In order to create buildable lots (lots with no less than 75 feet of frontage), your client has conveyed 30 feet of lot 90 to the abutting lot 89, leaving a 15 foot parcel remaining. In addition, it is your intention to divide original parcel 90, retaining 30 feet with parcel 91, (to create a lot with 75 feet of frontage), the remaining 15 feet to be separated out. It is expected that your clients will eventually purchase original lot 91 and add to it the two outstanding 15 foot sections of property to create an additional lot with 75 feet of frontage.

While the City carefully examines such conveyances for subdivision issues, it appears in this case, given the lack of ownership of original lot 91, no subdivision has occurred by the transfer of property to an abutor.

It is understood, however, that Diversified Properties, in conjunction with the submission of the two building permit applications referenced herein, has agreed to and will be submitting a detailed drainage and erosion control plan, lot grading plans, and a draft of the easement and turnaround (On these plans, street lights and fire hydrants should be identified.) applicable to the area so that the City may comprehensively evaluate this area

as it would a subdivision. As you know, this area is very wet and has caused the city many drainage problems in the past. We hope to approve the submitted permit applications with the confidence that they otherwise meet the requirements expected of a "subdivision." In this way the City is protected and your clients can confidently sell the lots with the assurance of a high quality project.

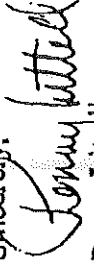
The issuance of any certificate of occupancy permits will be conditioned upon the completion of Pennell Ave., with final pavement, unless the Ordinance is otherwise amended.

Thank you for your patience while the City worked through the many issues this project raised.

PL:hs

Cc: Mark Adelson
Alex Jaegerman
Sarah Hopkins
Jay Reynolds
Michael Nugent
Marge Schumuckal

Sincerely,


Penny Littell

O:\OFFICE\PENNY\LITTS\2002\Snow\013102.doc

Law Office of Terry N. Snow, P.A.

294 Main Street, P.O. Box 275
Cumberland, Maine 04021-0275
E-Mail: TNSnowlaw@aol.com

Terry N. Snow, Esq.
J. Gregory Lestage, Esq.

Telephone: (207) 829-6363
Facsimile: (207) 829-4481

July 9, 2002

Penny Littell, Esq.
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, ME 04101-3509

Re: Pennell Avenue

Dear Penny:

COPY

This letter follows your letter to my office of April 23, 2002 relating to the above-captioned Pennell Avenue. The lots being addressed are those located on the westerly side of Pennell Avenue, specifically Lots 89, 90, 91, 92 and 93. These lots have been purchased by my clients with the following history:

1. Lot 89 was purchased by Maggie Lane Development from Thomas and Ann Pelosi by deed dated December 19, 2001 and recorded at the Cumberland County Registry of Deeds in Book 17186, Page 357.
2. Lot 90 was purchased by Diversified Properties, Inc. from Dona Hanson by deed dated May 15, 2002 and recorded at said Registry of Deeds in Book 17634, Page 64.
3. Lot 91 was purchased by Construction Aggregate, Inc. from Carolyn F. Doherty by deed dated May 10, 2002 and recorded at said Registry of Deeds in Book 17629, Page 157.
4. Lots 92 and 93 were purchased by Diversified Properties, Inc. from Dona G. Hanson by deed described in Paragraph 2 above.

Penny Littell, Esq.
Page 2
July 9, 2002

Diversified Properties, Inc. conveyed the southerly two-thirds of Lot 90 to Maggie Lane Development, and Maggie Lane Development subsequently conveyed said lot to C.G.B. Properties (Dwight Brackett). A building permit has been issued on this lot.

Diversified Properties, Inc. conveyed the northerly one-third of Lot 90 and the southerly one-third portion of Lot 92 to Construction Aggregate, Inc. as a conveyance to abutters with statutory language mandating that the merged parcel must stay as one parcel for a period of five years pursuant to the statute.

Diversified Properties has conveyed or presently will convey Lot 93 with the northerly two-thirds of Lot 92 to C.G.B. Properties (Dwight Brackett) with the same statutory language regarding merged properties. I believe Dwight Brackett may have received a building permit for this parcel.

At all times for purposes of this letter, Burt Wolf and Jim Wolf were the sole members of Maggie Lane Development LLC and shareholders of Diversified Properties, Inc. At all times for purposes of this letter, Ben Grover was the sole shareholder of Construction Aggregate, Inc. Although Diversified Properties, Inc. signed a contract with Joanna D. Reilly, devisee of Lot 91, the contract was assigned to Construction Aggregate, Inc. prior to closing. I previously forwarded to your office the deed from Joanna D. Reilly to Construction Aggregate, Inc. Subsequently, on June 14, 2002, the Cumberland County Probate Judge signed the order establishing title in Joanna D. Reilly, which document was recorded at the Cumberland County Registry of Deeds on June 20, 2002 in Book 17759, Page 344, a copy of which I enclose for your records.

First of all, let me again assure you that the purchases by difference entities were not related to the issue of avoiding subdivision. Neither my client nor myself ever imagined this to be a subdivision issue. This clearly was done to avoid merger and tax reasons for the Wolfs' various entities. To my knowledge, there is no law against avoiding merger. I suspect you have counseled clients in your private practice and that many members of the Planning Board, both attorneys, brokers and others, have counseled potential buyers on the issue of merger. I also suspect that members of the Planning Board may have taken property in names of spouses or spouse to avoid mergers. This has been a common practice and is not a violation of any ordinance or statute. This is merely good planning.

I would therefore ask that you revisit the issue of a subdivision violation relating to Lot 91. If you still believe this violates the subdivision law, then I would ask that you have this matter scheduled at the next available Planning Board meeting for an interpretation.

Penny Littell, Esq.

Page 3

July 9, 2002

If you have any questions or comments or need further material or information, please give me a call.

Very truly yours,

Terry N. Snow

TNS/njp
Enclosure

cc Diversified Properties, Inc., et al
Construction Aggregate, Inc.

STATUTORY WARRANTY DEED

DIVERSIFIED PROPERTIES, INC., a Maine corporation with a principal place of business in Portland, in the County of Cumberland and State of Maine

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

C.G.B. PROPERTIES LLC, a Maine Limited Liability Company with a mailing address of 84 Country Lane, Portland, Maine 04103

A certain lot or parcel of land situated on the easterly sideline of Pennell Avenue in the City of Portland, County of Cumberland and State of Maine, and being Lot 93 as shown on Plan entitled "The Holmsteads", dated September 1921, recorded in Plan Book 14, Page 70.

Also a certain lot or parcel of land situated on the easterly sideline of Pennell Avenue in the City of Portland, County of Cumberland and State of Maine, and being the northerly two-thirds of Lot 92 as shown on Plan entitled "The Holmsteads", dated September 1921, recorded in Plan Book 14, Page 70, bounded and described as follows:

BEGINNING at a point on the easterly sideline of Pennell Avenue, being the northwesterly corner of Lot 92 as shown on said plan; thence along the northerly sideline of Lot 92, being the southerly sideline of Lot 93 as shown on said plan in a northeasterly direction one hundred (100) feet to the easterly sideline of the parcel herein conveyed; thence in a southeasterly direction along the easterly sideline of the parcel herein conveyed thirty (30) feet to a point, which point is the northeasterly corner of the southerly one-third portion of Lot 92 conveyed from Grantor herein to Construction Aggregate, Inc. by deed dated May 15, 2002 and recorded at said Registry of Deeds in Book 17634, Page 64; thence in a southwesterly direction parallel with the first call herein described and maintaining a distance of thirty (30) feet therefrom along the northerly sideline of the said parcel conveyed to Construction Aggregate, Inc. one hundred (100) feet to the easterly sideline of Pennell Avenue; thence in a northwesterly direction along the easterly sideline of Pennell Avenue thirty (30) feet to the point of beginning.

Being a portion of the premises conveyed to the Grantor herein by deed of DONA G. Hanson dated September 19, 2001 and recorded at the Cumberland County Registry of Deeds in Book 16779, Page 98.

That portion of Lot 92 described herein being subject to a storm sewer easement as shown on said Plan and described in a deed to the City of Portland recorded at said Registry of Deeds in Book 2650, Page 308.

This conveyance is SUBJECT to rights and easements granted to Cumberland County Power & Light Company by instrument dated January 18, 1922 and recorded at said Registry of Deeds in Book 1094, Page 75.

EXCEPTING AND RESERVING to the Grantor herein, its successors and assigns, a certain easement lying on the easterly side of Pennell Avenue in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

BEGINNING at a point on the easterly sideline of Pennell Avenue and the southwesterly corner of Lot 93 as shown on a plan of The Holmsteads recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 70; thence: (1) N 71° 31' 00" E by the southerly line of said Lot 93 a distance of Thirty and 00/100 (30.00) feet to a point; (2) S 17° 15' 00" E a distance of Thirty and 00/100 (30.00) feet to a point; (3) S 71° 31' 00" W a distance of Thirty and 00/100 (30.00) feet to a point and the easterly sideline of said Pennell Avenue; (4) N 17° 15' 00" W by said Pennell Avenue a distance of Thirty and 00/100 (30.00) feet to the point of beginning.

The above-described parcel contains 900 square feet and being a portion of Lot 92 as shown on a plan of The Holmsteads recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 70.

Bearings are referenced to Magnetic North 1921.

Reference is herein made to a Standard Boundary Survey made for Diversified Properties by Titcomb Associates dated June 30, 2001.

This easement to be for a turnaround of vehicles and conveyed to the City of Portland by deed from Grantor to be recorded at said Registry of Deeds.

This conveyance is made SUBJECT to the current real estate taxes to the City of Portland subject to proration at the closing, which Grantee herein by its acceptance of this deed hereby assumes and agrees to pay.

IN WITNESS WHEREOF, the said DIVERSIFIED PROPERTIES, INC. has caused this instrument to be signed in its corporate name and sealed with its corporate seal by _____, its _____ thereunto duly authorized this _____ day of _____, 2002.

DIVERSIFIED PROPERTIES, INC.

By: _____ Its _____

STATE OF MAINE
CUMBERLAND, SS.

, 2002

Then personally appeared the above-named _____ of DIVERSIFIED PROPERTIES, INC. as aforesaid and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Attorney at Law/Notary Public



CITY OF PORTLAND

Corporation Counsel
Gary C. Wood

Counsel
A. Lane
Boynston
astaficas
ny Titell

Jim
2055
T

April 23, 2002

Via Fax: 829-4481

Terry N. Snow, Esquire
Terry N. Snow, PA
PO Box 275
Cumberland Center ME 04021-0275

RE: Pennell Avenue

Dear Terry:

Post-it® Fax Note	7671	Date	4-24	# of pages	2
To	TERRY N. SNOW, ESQUIRE	From	PRUNY LITTELL		
Co./Dept.		Co.			
Phone #		Phone #	874 8480		
Fax #	829 4481	Fax #			

The City's position with regard to the development of the "right side" of Pennell Ave (lots 89 through 94 on The Holmstead subdivision plan) hinges on the ownership of the "middle lot," or what is referred to as the "Riley" lot (lot 91). As I understand it, your clients do not own the Riley lot at the present time. I further understand the lot is tied up in probate. As a result, at the present time, there are two lots (lots 89/90 and lots 92/93/94) which are owned by your clients. These two lots are not in contiguous ownership.

With the following caveats, these two lots, lot 89/90 (Brackett) and lot 92/93/94 (Hanson), may be built on at this time as stated in my January 31, 2002 letter to you. The caveats are: 1) that lot 90 may not be divided to create the illegal 15 foot lot. (Originally, this strip was intended to be conveyed to the Riley lot but it has not been so conveyed. The Zoning Administrator prohibits the creation of such illegal lots). As a result, as a condition of issuing a building permit for the Brackett lot (lot 89/90), a reconveyance to the Brackett lot or an outright conveyance to the Estate of Riley will need to occur to eliminate the 15 foot strip. 2) the same is true of any 15 foot strip conveyed out from the Hanson lot (lot 92/93/94). It is unclear whether the latter conveyance has been effectuated yet, but any conveyance creating an illegal lot will not be permitted.

Assuming the Riley lot comes into possession of your clients in the future no building permit will be issued for the Riley lot until a) subdivision review is obtained or b) five years has lapsed or c) the issue is otherwise resolved. This is because the City considers the act of checkerboarding lot ownership akin to a strategy to avoid the

Apr 24 02 08:53a
APR-24-2002 09:31

CITY OF PORTLAND

2076746497 P. 02/02 P - 2

Terry Snow, Esq.
RE: Pennell Avenue
April 23, 2002
Page 2 of 2

objectives of the subdivision ordinance, 30-A MRSA § 440) thus requiring subdivision review. I recognize you do not agree with the City's position on this point.

In closing, this correspondence in no way waives the City's position with regard to evaluating any other areas in the City proposed for development, including Barclay Ave.

Please feel free to call if you have any questions or concerns.

Sincerely,



Penny Littell,
Associate Corporation Counsel

PL:hs

Cc: Nate Smith, Councilor
Lee Urban, Director of Planning and Economic Development
Mark Adelson, Director of Housing and Neighborhood Services
Marge Schmuckel, Zoning Administrator
Michael Nugent, Manager of Inspections

O:\OFFICE\PENNY\TRS\2002\Snow\042302.doc

TOTAL P.02

From: Jay Reynolds
To: "jmw1@maine.ir.com"@Portland.gwgwia
Date: Thu, Jul 11, 2002 12:28 PM
Subject: Re: Building Permit Application

Jim,

I reviewed the site plan, mon. afternoon/tuesday morning for the BP application on lot 5. I also showed it at Wednesday's meeting. Public works is ok with turnaround and storm drain easement. Marge was set with setbacks. I'm set with site (landscaping/layout/Elevations/etc.). It looks approvable. I told Dwight this yesterday.

I HAVE TO CROSS REFERENCE THE OVERALL GRADING PLAN FOR THESE 3 LOTS ON THIS SIDE (THE ONE SUBMITTED WITH THE 14-403 APPLICATION) TO ENSURE COMPADIBILITY.

Right/Title/Interest, and subdivision, will also be looked at prior to signing off.

.....my end of the review and where it's at to date.
 Jay

Jay Reynolds
 Development Review Coordinator
 Department of Planning and Urban Development
 City of Portland
 207-874-8632
 jayjr@ci.portland.me.us

>>> Jay Reynolds 07/10 11:05 AM >>>
 jim, are you the applicant? or dwight?
 i've got some grading questions.....
 should i just call doug at GP?

Thanks.

Jay

>>> "James Wolf" <jmw1@maine.ir.com> 07/10 10:57 AM >>>

Mike....Please respond to yesterdays email. In addition, since you deferred to Marge can you ask that she respond as well. All parties waiting for the permit are anxious and we ask that you help us along in getting answers.

Thank you

— Original Message —

From: "James Wolf" <jmw1@maine.ir.com>
To: "Mike Nugent" <MJN@ci.portland.me.us>
Cc: "Jay Reynolds" <JAYJR@ci.portland.me.us>; "Marge Schmuckel" <MES@ci.portland.me.us>; "Mark Adelson" <MBA@ci.portland.me.us>; "Penny Liftell" <PL@ci.portland.me.us>; "John N Lufkin" <JNL@ci.portland.me.us>
Sent: Tuesday, July 09, 2002 1:43 PM
Subject: Fw: Building Permit Application

>
 > — Original Message —

> **From:** "James Wolf" <jmw1@maine.ir.com>
 > **To:** "Mike Nugent " <MJN@ci.portland.me.us>
 > **Sent:** Tuesday, July 09, 2002 1:23 PM
 > **Subject:** Re: Building Permit Application

>

> > Who should I contact to get the plan routed to you? Also, who can
> answer
> my
> > original question as to when a permit can be expected? Being we are in
> week
> > 7 of the review process I cannot imagine an answer to this question is
> > unreasonable.
> > — Original Message —
> > From: "Mike Nugent" <MJN@ci.portland.me.us>
> > To: <jmw1@maine.rr.com>
> > Sent: Tuesday, July 09, 2002 12:17 PM
> > Subject: Re: Building Permit Application
> >
> > no, It has not been routed to me
> >
> > >> "James Wolf" <jmw1@maine.rr.com> 07/09 10:51 AM >>>
> > Mike.....has your review of the building plans been completed?
> >
> > — Original Message —
> > From: "Mike Nugent" <MJN@ci.portland.me.us>
> > To: <jmw1@maine.rr.com>
> > Cc: <JAYJR@ci.portland.me.us>; <jnl@ci.portland.me.us>;
> > <MBA@ci.portland.me.us>; <MES@ci.portland.me.us>; <PL@ci.portland.me.us>
> > Sent: Tuesday, July 09, 2002 10:46 AM
> > Subject: Re: Building Permit Application
> >
> > I'll defer to Marge on this.
> >
> > >> "James Wolf" <jmw1@maine.rr.com> 07/09 10:28 AM >>>
> > Mike
> >
> > On May 23, 2002 Dwight Brackett applied for a building permit at lot #5
> > Pennell Avenue; a property owned by Diversified Properties.
> >
> > My understanding is Jay Reynolds approved his end of the permit review
> > some
> > time ago. Would you please give me some idea when the permit will be
> > ready.
> > it has been over 6 weeks since the submission was made, thus, my request
> > should not be considered unreasonable.
> >
> > Thank you for your prompt attention to this matter.
> >
> > James Wolf
> > Diversified Properties, Inc
> > 1-207-773-4988
> > Fax 1-207-773-6875
> >
> >
> >
> >
> >
> >

^ ^
^ ^ ^

From: "James Wolf" <jmw1@maine.rr.com>
To: "Marge Schmuckal" <MES@ci.portland.me.us>
Date: Tue, Nov 6, 2001 2:49 PM

Marge

Please call me to discuss your condition that Pennell Ave must be paved prior to any type of CO being given. I believe that the code allows under certain conditions (being unable to have work completed due to valid reasons) that the occupancy permit may be issued as long as the road is "improved to a passable condition". The section is 14-525(k). We fully intend on paving, however, weather does have an impact on whether it is at all possible.

James Wolf
Diversified Properties, Inc
1-207-773-4988
Fax 1-207-773-6875

Final Site Plan -
This is just a site plan then

4300 15ft Turn A Motor/Minot
Haskell SF Take to Site Plan

From: Mike Nugent
To: P&U.D.
Date: Tue, Nov 6, 2001 3:00 PM
Subject: Lot "a" Pennell Ave. 14-403 street question

Is this ok to issue. Custom Built Homes asserts that they don't need to construct a road as the City is doing it. Is it ok to give them their permit??

I'm looking for the approval from the Public Works authority that:
1) the applicant has submitted a street improvement plan and ;

2) The proposed street extension meets the street improvement requirements including curbing and drainage. There is also the requirement for a defect bond prior to the release of the performance guarantee.

I cannot issue the permit until this is addressed.

CC: Anthony Lombardo

Custom Built Homes
Diversified Properties

Haskell St -

11/14/01

Jim Wolf - Terry Snow
Sank - ~~Ray Reynolds~~ - Penny - Marge

From: Marge Schmuckal
To: Alex Jaegerman; Jay Reynolds; Penny Littell; ...
Subject: Re: pennell ave

Jimmy is stating that he doesn't know the difference between a single family development and a site plan/subdivision development. I told him that there are different rules for both. Certainly how we handle the streets are different. He is "surprised" by those differences. He does want to do more houses on Pennell which would probably push him into a subdivision. I suggested that he wait on this house until he has all his plans for the entire project, and we will review it all at once. In my mind he is using the technique of being "confused". I don't think that it is that confusing. It is the fact that he doesn't want to do what we are requiring right now that is his real issue. I have already put my conditions in writing to him. He wants me to drop the road condition and I told him that I wouldn't do that.

>>> Sarah Hopkins 11/07 2:24 PM >>>

Can we meet Wednesday Nov 14 at 2:00 w/Jimmy to explain the 14-403/Pennell stuff? We don't all have to be there, but perhaps on Monday, we can figure out the explanation for him since he is still unclear. (Marge, is this something we can write or do we need to meet with him? He said that you suggested it.)

Thanks,

-S

CC: MARK ADELSON; Mike Nugent

From: Mark Adelson
To: "jmw1@maine.rr.com"@Portland.gwgwia
Date: Fri, Dec 14, 2001 12:48 PM
Subject: Re: Fw: Pennell Avenue

This is how the City will handle it. Sometime next week there will be an application process in place for you to drop off your plan for Pennell St. It is called the 14.403 Multi-lot Review. You will make application to the Inspections Office and submit plans similar to the subdivision requirements (9 copies, survey, road profiles, etc), and pay a fee of \$400 plus \$25 for every lot (currently in the code). First, the staff will review the plan determine if it is a 14.403 or a subdivision. If it is determined that it is a 14.403 plan than the review will proceed administratively. If it is a subdivision, we will given you the option of withdrawing the plan, or paying the additional fee and proceeding with the Subdivision process to the Planning Board. Once the 14.403 is approved, you will submit the performance guarantee for the road. The approved 14.403 review will be similar to the subdivision, where you can receive your C of O's prior to completing the street, with the performacen guarantee in place. More information will be forthcoming. Have a nice weekend. Mark A.

>>> "James Wolf" <jmw1@maine.rr.com> 12/14 11:11 AM >>>
Mark.....I will stay out of this email response chain until I hear from you. Thinking things through would it resolve the multiple lot issue on a road if a minimum of two permits were initially applied for? That would show that more than a single house was being built. Would we than be able to get occupancy permits on that particular 14-403 road with base pavement down. I'll wait to hear from you.

Thank you for the help.

Jim

— Original Message —
From: "Marge Schmuckal" <MES@ci.portland.me.us>
To: <AWL@ci.portland.me.us>; <JAYJR@ci.portland.me.us>; <MJN@ci.portland.me.us>; <jmw1@maine.rr.com>
Cc: <MBA@ci.portland.me.us>; <PL@ci.portland.me.us>; <SH@ci.portland.me.us>
Sent: Friday, December 14, 2001 8:56 AM
Subject: Re: Pennell Avenue

Yes, that is my recollection of the meeting too. I believe that is one of the conditions that I put on the permit also. It still stands.
Marge

>>> Jay Reynolds 12/14 8:46 AM >>>
We had a meeting on this, which included attorney's from both sides. The final outcome, as I recall, and after referring to Penny Littell, is that "no occupancy permit (temporary or permanent) shall be issued unless and until said street has been completed to City standards."
Marge conditioned a Haskell street 14-403 building permit this way, and Pennell falls under the same guidelines.

Nothing has changed since this meeting.

Jim, can you pass this information along?

Jay

>>> Mike Nugent 12/13 10:53 AM >>>
Jay, Glen Gervais is interested in getting the answer to the C/O question before he commences construction.

>>> Anthony Lombardo 12/13 10:00 AM >>>
This does include a portion of the frontage for the Diversified Properties parcel. However, since I don't issue C of O's I can't respond to your second question.

>>> Mike Nugent 12/13 8:50 AM >>>
Does this include the area that is considered the "paper" portion that provides frontage for the James Wolf Lot, and also will we be able to give a C/O to Custom Built homes before the final coat of pavement is there?

>>> Anthony Lombardo 12/13 8:19 AM >>>
Pennell Ave., the section of roadway included in the CIP contract with A.H. Grover, has been completed to satisfaction for this construction season. It was discussed and agreed by both Grover and myself, as representative for Public Works, that this section of the roadway be reconstructed and only surfaced with binder pavement. This section of the street consisted of extremely saturated soils and Public Works would prefer that it be allowed to experience one season of freeze/thaw. As a result, Grover will return in 2002 to finish pave the street.

>>> "James Wolf" <jmw1@maine.ir.com> 12/11 10:42 AM >>>
Tony

AH Grover has informed me that Pennell Avenue construction is "complete."
Jay has asked that you confirm this for he and Mike. Thank you.
Jim

James Wolf
Diversified Properties, Inc
1-207-773-4988
Fax 1-207-773-6875

CC: ALEX JAEGERMAN; ANTHONY LOMBARDO; Jay Reynolds;...

From: Sarah Hopkins
To: ADELSON, MARK ; JAEGERMAN, ALEX ; Jay Reynolds; ...
Date: Fri, Dec 14, 2001 10:00 AM
Subject: 14-403 reviews

We are trying to piece together the required process for application and review of a 14-403 project on Pennell Avenue. We've reviewed a couple of these in the past few years but each one has been a bit different and, therefore, so have the applications and review processes.

From discussions with Jay and Mark and Marge, 14-403 reviews are required where there is no subdivision due to less than 3 lots or buildout of a previously recorded subdivision, but where there is no existing roadway built to City standards.

The requirement of roadway is a zoning requirement (frontage, 14-403) and the review of the construction of the road is performed by Public Works.

I believe that we have been consistent in not granting a CO until the roadway has been completed and approved.

This differs from Subdivision reviews where a PG is posted, and COs may be issued prior to final pavement.

As for application, I believe that 14-403 reviews are covered in the fee schedule: \$400 plus \$25 per lot. As such, it would appear that an applicant would apply in inspections with 9 sets (survey, road profiles, etc.)—same as subdivisions and that we would then review the proposal administratively.

The application for these reviews is very important, I believe, because it creates a file and tracking mechanism in Urban Insight and also initiates the noticing provision.

Please let me know if I've got any of this wrong. If not, we will add it to our (famous, nonexistent) procedures manual.

-sarah

Penny Littell

Cc: Mark Adelson
Alex Jaegerman
Sarah Hopkins
Jay Reynolds
Michael Nugent
Marge Schmuckal

January 31, 2002

VIA FACSIMILE

Terry N. Snow, Esquire
Terry N. Snow, PA
PO Box 275

Cumberland Center ME 04021-0275

Dear Terry:

Your clients are proposing to submit building permit applications for two house lots situated on the easterly side of Pennell Ave. The lots at issue are those identified on the original subdivision of this property as lots 89, 90, 92 and 93. These lots are owned (in some corporate configuration) by your clients. Lot 91 currently is owned by an unrelated individual, although, as I understand it, your clients have a purchase and sale agreement/or an option to buy the parcel.

In order to create buildable lots (lots with no less than 75 feet of frontage), your client has conveyed 30 feet of lot 90 to the abutting lot 89, leaving a 15 foot parcel remaining. In addition, it is your intention to divide original parcel 90, retaining 30 feet with parcel 91, (to create a lot with 75 feet of frontage), the remaining 15 feet to be separated out. It is expected that your clients will eventually purchase original lot 91 and add to it the two outstanding 15 foot sections of property to create an additional lot with 75 feet of frontage.

While the City carefully examines such conveyances for subdivision issues, it appears in this case, given the lack of ownership of original lot 91, no subdivision has occurred by the transfer of property to an abutor.

It is understood, however, that Diversified Properties, in conjunction with the submission of the two building permit applications referenced herein, will be submitting a detailed drainage and erosion control plan for this area so that the City may comprehensively evaluate this area. As you know, this area is very wet and has caused the city many drainage problems in the past. We hope to approve the submitted permit applications with the confidence that they otherwise meet the requirements expected of a "subdivision." This way the City is protected and your clients can confidently sell the lots with the assurance of a high quality project.

The issuance of any certificate of occupancy permits will be conditioned upon the completion of Pennell Ave with final pavement unless the Ordinance is otherwise amended.

Thank you for your patience in this matter while the City worked through the many issues which this project raised.

Sincerely,

April 23, 2002

Via Fax: 829-4481

Terry N. Snow, Esquire
Terry N. Snow, PA
PO Box 275
Cumberland Center ME 04021-0275

RE: Pennell Avenue

Dear Terry:

The City's position with regard to the development of the "right side" of Pennell Ave (lots 89 through 94 on The Holmstead subdivision plan) hinges on the ownership of the "middle lot," or what is referred to as the "Riley" lot (lot 91). As I understand it, your clients do not own the Riley lot at the present time. I further understand the lot is tied up in probate. As a result, at the present time, there are two lots (lots 89/90 and lots 92/93/94) which are owned by your clients. These two lots are not in contiguous ownership.

With the following caveats, these two lots, lot 89/90 (Brackett) and lot 92/93/94 (Hanson), may be built on at this time as stated in my January 31, 2002 letter to you. The caveats are: 1) that lot 90 may not be divided to create the illegal 15 foot lot. (Originally, this strip was intended to be conveyed to the Riley lot but it has not been so conveyed. The Zoning Administrator prohibits the creation of such illegal lots). As a result, as a condition of issuing a building permit for the Brackett lot (lot 89/90), a reconveyance to the Brackett lot or an outright conveyance to the Estate of Riley will need to occur to eliminate the 15 foot strip. 2) the same is true of any 15 foot strip conveyed out from the Hanson lot (lot 92/93/94). It is unclear whether the latter conveyance has been effectuated yet, but any conveyance creating an illegal lot will not be permitted.

Assuming the Riley lot comes into possession of your clients in the future no building permit will be issued for the Riley lot until a) subdivision review is obtained or b) five years has lapsed or c) the issue is otherwise resolved. This is because the City considers the act of checkerboarding lot ownership akin to a strategy to avoid the objectives of the subdivision ordinance, 30-A MRSA § 4401 thus requiring subdivision review. I recognize you do not agree

Terry Snow, Esq.
RE: Pennell Avenue
April 23, 2002
Page 2 of 2

with the City's position on this point.

Please feel free to call if you have any questions or concerns.

Sincerely,

Penny Littell,
Associate Corporation Counsel

PL:hs

Cc: Nate Smith, Councilor
Lee Urban, Director of Planning and Economic Development
Mark Adelson, Director of Housing and Neighborhood Services
Marge Schmuckal, Zoning Administrator
Michael Nugent, Manager of Inspections

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LAW OFFICE OF TERRY N. SNOW, P.A.

294 Main Street, P.O. Box 275
Cumberland, Maine 04021-0275
E-Mail: TNSnowlaw@aol.com

Terry N. Snow, Esq.
J. Gregory Lestage, Esq.

Telephone (207) 829-6363
Facsimile (207) 829-4481

May 16, 2002

Via Fax: 874-8497

Penny Littell, Esq.
City of Portland
389 Congress Street
Portland, ME 04101-3509

Re: Pennell Avenue

Dear Penny:

This letter follows your letter of April 23, 2002.

Enclosed find a deed from Carolyn F. Doherty to Construction Aggregate, Inc. conveying lot 91, which enclosed deed copy contains the recording information, as noted thereon. I also enclose a deed from Diversified Properties, Inc. conveying the 15 foot strips on either side of lot 91, as set forth in your letter of April 23, 2002. In summary, Construction Aggregate, Inc. now owns what it is referred to as "the middle lot", which includes Reilly's interest and the two 15 foot strips.

It is my understanding that the Hanson lot and the Brackett lot, as described in your April 23rd 2002 letter, may receive building permits at this time. I further understand and agree that the Reilly lot, being now under the ownership of Construction Aggregate, Inc., may not receive a building permit until subsections a, b or c have been met, as outlined in your said letter of April 23, 2002. Dwight Brackett has been advised that he should withdraw the building permit application on the Reilly lot and upon such occurrence he may receive a building permit for the Brackett lot.

For your information, the principal and sole owner of Construction Aggregate, Inc. is Ben Grover. This was done for business reasons, relating to title, economics and liability and not because of issues with the City of Portland. Notwithstanding the fact that my client or one of his entities did not purchase the Reilly lot, my client and Ben Grover both acknowledge that no building permit will be issued on the Reilly lot until the conditions set forth in your April 23, 2002 letter have been met.

Penny Littell, Esq.

-2-

May 16, 2002


Would you kindly confirm the enclosed as soon as possible, as I am sure you are aware that Dwight Brackett is anxious to honor a current commitment on the Brackett lot.

If you have any questions or comments, please give me a call.

TNS:ecm
Enclosures

cc: Jim Wolf, Diversified Properties, Inc., w/o encs.

Very truly yours,


Terry N. Snow

0038382

BK 17629PG 157

QUITCLAIM DEED WITH COVENANTS

KNOW ALL PERSONS BY THESE PRESENTS, That I, CAROLYN F. DOHERTY of Walpole, County of Norfolk and Commonwealth of Massachusetts, for consideration paid, grant to CONSTRUCTION AGGREGATE, INC., a Maine corporation with a place of business in Cumberland, County of Cumberland and State of Maine, with Quitclaim Covenant, the premises located in the City of Portland, County of Cumberland and State of Maine, being more particularly described as follows:

A certain parcel of land, with any improvements thereon, located at Pennell Avenue, Portland, Maine, and more particularly described as lot 91 as shown on a plan of "The Holmsteads" made by E.C. Jordan & Co., dated September, 1921, and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 70.

Meaning and intending to convey the same premises conveyed to Joseph E.F. Connolly by the Portland Home Building Association, in a deed dated August 26, 1930, and recorded in the Cumberland County Registry of Deeds in Book 1377, Page 27.

The said Joseph E.F. Connolly died intestate on October 2, 1939, and his interest in the above-described premises passed to his widow, Margaret B. Connolly, upon her petition, Cumberland County Probate Court, Docket No. 31378.

The said Margaret B. Connolly died testate in 1947, having devised her interest in the above-described premises to Stephen H. Cady, Jr. by her last will and testament, Cumberland County Probate Court, Docket No. 40076.

The said Stephen H. Cady, Jr. died testate on February 15, 1948, having devised his interest in the above-described premises to Mary Nugent by his last will and testament, Cumberland County Probate Court, Docket No. 41239.

The said Mary Nugent died testate on October 8, 1949, having devised her interest in the above-described premises to James J. Reilly and Joanna D. Reilly by her last will and testament, Cumberland County Probate Court, Docket No. 43207.

The said James J. Reilly died testate on June 22, 1964, having devised his one-half interest in the above-described premises to Joanna D. Reilly by his last will and testament.

The said Joanna D. Reilly died testate on October 22, 1989, having devised her interest in the above-described premises to Carolyn F. Doherty by her last will and testament, Cumberland County Probate Court, Docket No. 2002-571.

BK 7629PG 158

WITNESS my hand and seal this 10 day of May, 2002.

Witness:

Christine Manning

Carolyn F. Doherty
Carolyn F. Doherty

May 10, 2002

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF NORFOLK

Then personally appeared before me the above named Carolyn F. Doherty and acknowledged the foregoing instrument to be her free act and deed.

Christine Manning
Notary Public/Attorney at Law
Print

Christine Manning
NOTARY PUBLIC
My Commission expires May 31, 2002

RECEIVED
RECORDED REGISTRY OF DEEDS

2002 MAY 14 AM 9:58

CUMBERLAND COUNTY

John B. Albain

0038762 . . . SK17634PG064

STATUTORY WARRANTY DEED

DIVERSIFIED PROPERTIES, INC., a Maine corporation with a principal place of business in Portland, in the County of Cumberland and State of Maine

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

CONSTRUCTION AGGREGATE, INC., a Maine corporation with a place of business in Cumberland, County of Cumberland and State of Maine, with a mailing address of P.O. Box 307, Cumberland, Maine 04021

A certain lot or parcel of land situated on the easterly-sideline of Pennell Avenue in the City of Portland, County of Cumberland and State of Maine, being the northerly one-third (1/3) of Lot No. 90 as shown on Plan entitled "The Holmsteads", dated September 1921, recorded at the Cumberland County Registry of Deeds in Plan Book 14, Page 70, bounded and described as follows:

BEGINNING at a point on the easterly sideline of Pennell Avenue, being the southwesterly corner of Lot 91 on said plan; thence along the northerly sideline of Lot 91 in a northeasterly direction one hundred (100) feet to the easterly sideline of the parcel herein conveyed; thence in a southeasterly direction along the easterly sideline of the parcel herein conveyed fifteen (15) feet to a point, said point being at the northerly sideline of land conveyed from Grantor herein to Maggie Lane Development, LLC by deed dated December 19, 2001 and recorded at said Registry of Deeds in Book 17109, Page 296; thence in a southwesterly direction parallel with the first call herein described and maintaining a distance of fifteen (15) feet therefrom along said Maggie Lane Development, LLC land one hundred (100) feet to the easterly sideline of Pennell Avenue; thence in a northwesterly direction along the easterly sideline of Pennell Avenue fifteen (15) feet to the point of beginning.

Being a portion of the premises conveyed to the Grantor herein by deed from Dona G. Hanson dated September 19, 2001 and recorded at the Cumberland County Registry of Deeds in Book 16779, Page 98. Reference is further made to a deed from Frank C. Rodway to Grantor herein dated August 22, 2001 and recorded at said Registry of Deeds in Book 16659, Page 251.

MAINE REAL ESTATE TAX PAID

EX 17634PG055

This deed is a transfer of land to the owner of land abutting that land herein conveyed; specifically, other land of Grantee herein, being Lot 91 as shown on said plan conveyed to Grantee herein by deed from Carolyn F. Doherty dated May 10, 2002 and recorded at said Registry of Deeds in Book 17629, Page 157.

Subject to the provisions of Title 30-A, M.R.S.A. §4401.4.D-6, the within Grantee may not make a subsequent transfer of the premises within five (5) years from the date hereof without complying with the provisions of said statute.

Also, a certain lot or parcel of land situated on the easterly sideline of Pennell Avenue in the City of Portland, County of Cumberland and State of Maine, being the one-third (1/3) of Lot No. 92 as shown on Plan entitled "The Holmsteads", dated September 1921, recorded at the Cumberland County Registry of Deeds in Plan Book 14, Page 70, bounded and described as follows:

BEGINNING at a point on the easterly sideline of Pennell Avenue, being the northwesterly corner of Lot 91 on said plan; thence along the northerly sideline of Lot 91 in a northeasterly direction one hundred (100) feet to the easterly sideline of the parcel herein conveyed; thence in a northwesterly direction along the easterly sideline of the parcel herein conveyed fifteen (15) feet to a point; thence in a southwesterly direction parallel with the first call herein described and maintaining a distance of fifteen (15) feet therefrom one hundred (100) feet to the easterly sideline of Pennell Avenue; thence in a southeasterly direction along the easterly sideline of Pennell Avenue fifteen (15) feet to the point of beginning.

Being a portion of the premises conveyed to the Grantor herein by deed from Dona G. Hanson dated September 19, 2001 and recorded at the Cumberland County Registry of Deeds in Book 16779, Page 98.

This deed is a transfer of land to the owner of land abutting that land herein conveyed; specifically, other land of Grantee herein, being Lot 91 as shown on said plan conveyed to Grantee herein by deed from Carolyn F. Doherty dated May 10, 2002 and recorded at said Registry of Deeds in Book 17629, Page 157.

Subject to the provisions of Title 30-A, M.R.S.A. §4401.4.D-6, the within Grantee may not make a subsequent transfer of the premises within five (5) years from the date hereof without complying with the provisions of said statute.

BK 7763486066

This conveyance is SUBJECT to rights and easements granted to Cumberland County Power & Light Company by instrument dated January 18, 1922 and recorded at the Cumberland County Registry of Deeds in Book 1094, Page 75.

This conveyance is made SUBJECT to the current real estate taxes to the City of Portland subject to proration at the closing, which the Grantee herein by its acceptance of this deed hereby assumes and agrees to pay.

IN WITNESS WHEREOF, said DIVERSIFIED PROPERTIES, INC. has caused this instrument to be signed in its corporate name and sealed with its corporate seal by James Wolf, its President thereunto duly authorized this 15th day of May, 2002.

DIVERSIFIED PROPERTIES, INC.

Debra V. Dowd
By: [Signature]
15 President

STATE OF MAINE
CUMBERLAND, SS.

May 15, 2002

Then personally appeared the above-named James Wolf of DIVERSIFIED PROPERTIES, INC. as aforesaid and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

[Signature]
Attorney at Law/Notary Public

DEBRA V. DOWD
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES OCTOBER 7, 2009

RECEIVED
RECORDED REGISTRY OF DEEDS:

2002 MAY 15 AM 11:06

CUMBERLAND COUNTY

John B. O'Brien