



PORTLAND MAINE

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Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

April 5, 2013

Warren Currier & Buchanan
57 Exchange Street
Portland, Maine 04101-5020
Attn: Brenda Buchanan

RE: Valley Avenue & Deering Street, Great Diamond Island – 083A-R-014 – IR-2

Dear Brenda,

I am in receipt of your request for a determination regarding a property located on Great Diamond Island on the corner of Valley Avenue and Deering Street. That property is located wholly within the IR-2 (Island Residence-2) zone which requires a minimum lot size of 20,000 square foot of land area under section 14-145.11(a)1. That same section provides an exception for lots of record as allowed under 14-433. You have provided the chain of title for the two abutting properties which shows that the 083A-R-014 property has been held under separate and distinct ownership from adjacent lots since July 15, 1985. The property also is meeting the applicable street frontage requirement of that time. Section 14-433 also goes on to state that lots of record in the IR-2 zone shall have a minimum lot area of 6,500 square foot. The property at 083A-R-014 has the land area of 12,208 square foot. Therefore, I have determined that the lot located at 083A-R-014 is considered to be a buildable lot.

I am also confirming that section 14-403 "Street Access" allows an exception for the islands in Casco Bay from having to meet the minimum street standard requirements as outlined therein. It is recognized that Great Diamond Island is a City of Portland island in Casco Bay. Neither Valley Avenue nor Deering Street will be required to be brought up to minimum City standards at the time of development.

Please note that this determination is not authorizing any construction to commence. Separate permits and reviews are required prior to any construction. If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator

WARREN & CURRIER BUCHANAN

Limited Liability Company, P.A.

Carol Godfrey Warren
David E. Currier
Brenda M. Buchanan

March 20, 2013

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

RECEIVED

MAR 20 2013

Dept. of Building Inspections
City of Portland Maine

RE: Request for Zoning Determination

IR-2 Zone

Dear Marge:

I am writing to request a zoning determination letter in regard to property on Great Diamond Island owned by my clients Peter and Laura McAndrew, which we discussed last week. The parcel in question is shown on the tax maps as Map 83A, Block R, Lot 14. Attached is the tax map with the lot highlighted, marked as Exhibit A. It is located in the IR-2 Zone. The question is whether this parcel is a buildable lot.

Our phone and email communication last week about the lot of record provision set forth in Portland City Code §14-433 and the non-contiguity of parcels separated by roads (accepted or unaccepted) was helpful. I believe that this parcel is, in fact, buildable per §14-433, because it is a lot of record as defined therein.

I also would appreciate it if you would confirm that because this is an island lot, it is exempt under §14-403(a) from the requirement that streets meet the minimum requirements set forth in 14-403(b).

My clients are seeking confirmation on both of those issues and I hope this letter provides you with sufficient evidence to make these determinations.

The McAndrew parcel has been held under separate and distinct ownership from adjacent lots since prior to July 15, 1985. The only adjacent parcel is 83A-R-13 on the Tax Map, currently owned by John V. Johnson and Colleen Johnson. I am enclosing with this letter title chains with associated deeds for both the McAndrew Parcel (marked as Exhibit B) and the Johnson Parcel (marked as Exhibit C) demonstrating that they have been in separate ownership since before July 15, 1985.

*What about
083D-A-001
?*

*called Brenda
4/4/13*

57 Exchange Street, Portland, Maine 04101-5020

Telephone (207) 772-1262 Telecopier (207) 772-1279 E-mail: counsel@wacubu.com

The lot meets not only the street frontage requirement in 1985, but the current 70-foot requirement, with 112 feet on Valley Avenue and 109 feet on Deering Street.

The lot is of sufficient size to allow for a building envelope that will meet all applicable yard dimensions set forth in §14.-145.11(c) – front and rear yard setbacks of 25 feet, side yard setbacks of 20 feet, 20% maximum lot coverage, 80 feet minimum lot width.

With area of 12,208 square feet, it is nearly twice the 6,500 sf minimum for lots of record in IR-2.

As for access, the lot is located on the corner of Valley Avenue and Deering Street as they were laid out on a plan titled “Plan of Property Belonging to the Diamond Island Association” prepared by E.C. Jordan in 1882 and recorded in the Cumberland County Registry of Deeds in Plan Book 4, Page 42. A copy of said plan is attached, marked as Exhibit D.

As with many island roads, the facts on the ground differ somewhat from what is shown on the original layout. In 2013, Valley Road is an unpaved road that also provides frontage for the developed abutting lot (083A-R-13, owned by the Johnsons). Its condition is sufficient to provide the McAndrews and their building contractors access to their lot. As you can see from the tax map, what is now known as Deering Street was developed over time on a curve that loops past the McAndrew lot, rather than coming down to make a neat corner. I do not think it matters whether that is a passable road, given their Valley Road access, but would appreciate confirmation from you.

I have enclosed the \$150.00 determination fee.

Thank you for your assistance, Marge. Please call if you have any questions.

Best regards,



Brenda M. Buchanan

Cc: Peter and Laura McAndrew

Any detached or accessory structure in the R-4 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses without meeting front, side or rear yard setbacks, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

Any lot of record as of July 15, 1985, and held under separate and distinct ownership from adjacent lots and meeting the applicable street frontage requirements of that time may be considered a buildable lot in the IR-1 and IR-2 zones, provided that the applicable yard dimensions can be met and provided further that a lot in the IR-1 zone shall have a minimum area of ten thousand (10,000) square feet and a lot of the IR-2 zone shall have a minimum area of six thousand five hundred (6,500) square feet unless it is served by both public sewer and public water, in which case it shall have a minimum area of five thousand (5,000) square feet.

IR-2 Normally 20,000^{sq} min lot size

A lot in the IR-1, IR-2 and I-B zones that was described in a subdivision plat approved by the Planning Board after July 15, 1982, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

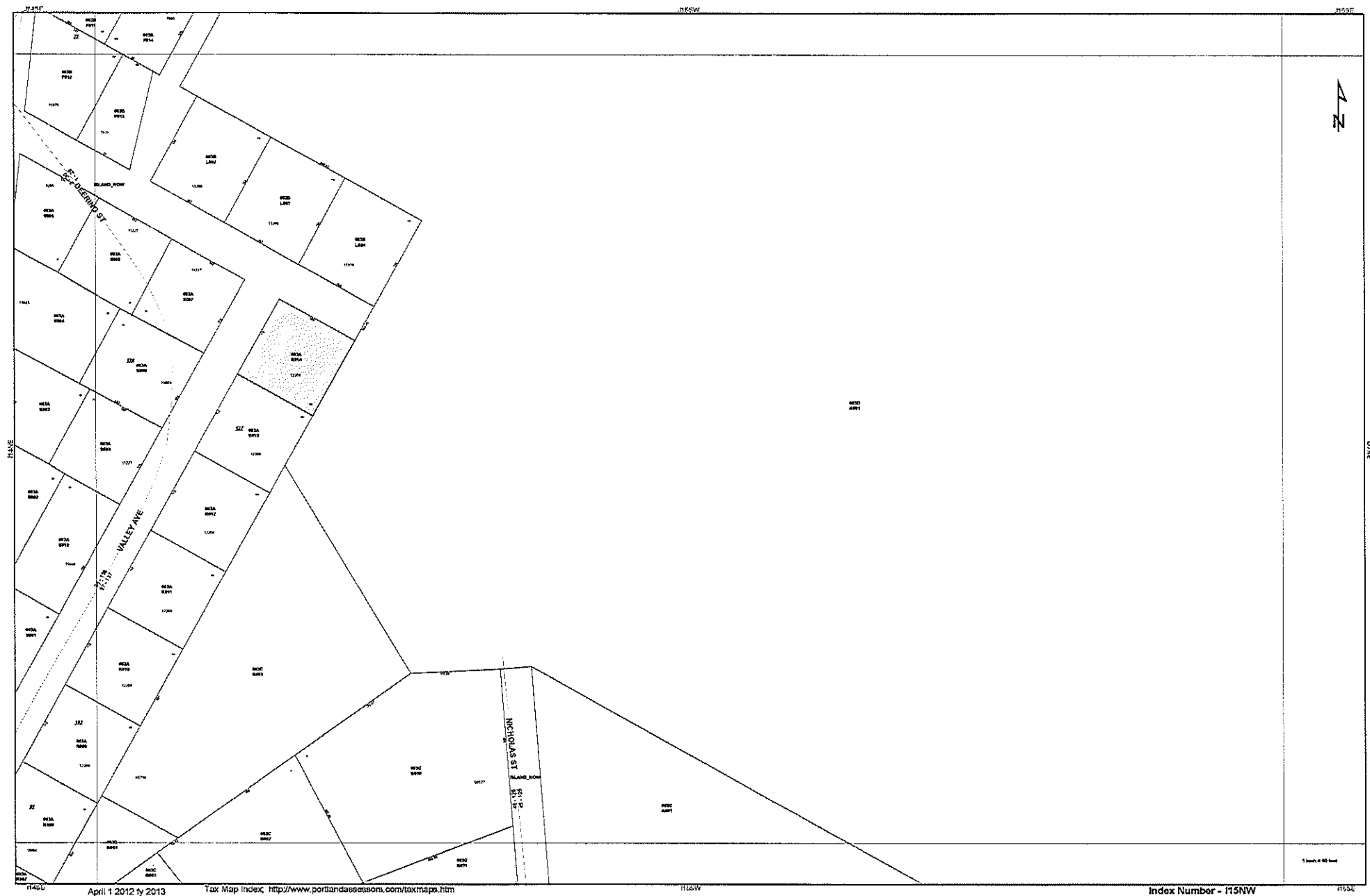
(Code 1968, § 602.19.L; Ord. No. 539-84, 5-7-84; Ord. No. 32-85, § 1, 7-15-85; Ord. No. 91-88, 7-19-88; Ord. No. 310-89, 1-30-89; Ord. No. 166-89, 12-11-89)

*Editor's note—Ord. No. 91-88, adopted July 19, 1988, amended § 14-433 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 91-88. Subsequently, § 14-433 was amended by Ord. No. 310-89, adopted Jan. 30, 1989, to read as set out, which ordinance further provided that it be applicable to all pending proceedings and be enacted as an emergency.

Sec. 14-434. Corner clearance.

No obstruction higher than three and one-half (3 1/2) feet above the lowest elevation at the curbline shall be permitted on a corner lot within the area of a triangle formed by a line intersecting the street lines of the intersecting streets at points twenty-five (25) feet from the corner, unless said obstruction is located in the side or rear yard and is reviewed by the public works authority and found not to be a traffic or public safety hazard. For the purpose of this section, the word "obstruction"

EXHIBIT A



Tax Map 83A

083A R014



Lead is 083C-A-1
Valley: Deering St

083A

EXHIBIT B

McAndrew Title Chain, Valley Avenue, Great Diamond Island

83A-R-14

McAndrew, Peter and Laura

Book 27332, Page 99 ↑ 10/14/2009

Ana A. Matheson

Book 15072, Page 281 ↑ 9/24/1999

Lee S. McKay

Book 13225, Page 70 ↑ 7/31/1997

Diamond Cove Associates

Book 6437, Page 318 ↑ 4/9/1984

Casco Bay Land Company

WARRANTY DEED

MAINE REAL ESTATE TAX PAID

ANA A. MATHESON

of 812 Luz Court, Danville, CA 94526

for consideration paid, grants to

PETER MCANDREW AND LAURA MCANDREW

of PO Box 224, Granby, CT 06035, as joint tenants and not as tenants in common, with WARRANTY COVENANTS, the following described real property in Great Diamond Island, Portland, County of and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS my hand and seal this 14 day of October, 2009.



Ana A. Matheson

State of California
County of San Francisco ss.

October 14, 2009

Personally appeared before me the above-named Ana A. Matheson and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public
My Commission Expires:

See attached

H-MCANDREW.P2

EXHIBIT A

A certain lot or parcel of land located on Valley Avenue, erroneously typed as Spring Avenue in a prior deed, Great Diamond Island, City of Portland, County of Cumberland and State of Maine, being Lot 105 as depicted on Plan of Diamond Island Association, recorded in the Cumberland County Registry of Deeds in Plan Book 4, Page 42.

Said lots are also depicted on City of Portland Tax Maps as Map 83 A. Block R, Lot 14.

Subject to the conditions and limitations contained in a deed from Diamond Island Association to William Smith, recorded in the Cumberland County Registry of Deeds in Book 500, Page 158 and together with any appurtenances thereto.

For title reference see Deed given by Lee S. McKay to Ana A. Matheson dated September 24, 1999 and recorded in the Cumberland County Registry of Deeds in 15072, Page 281.

H-MCANDREW.P2

After Recording Return to:
Hopkinson & Abbondanza, P.A.
511 Congress Street, Ste. 801
Portland, Maine 04101
(207) 772-5845

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Francisco

On 10/14/09

Date

before me,

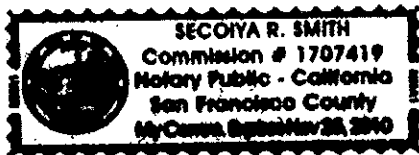
Secoya R. Smith, Notary Public

Here Insert Name and Title of the Officer

personally appeared

Anna A. Matheson

Name(s) of Signer(s)



Received
Recorded Register of Deeds
Oct 20, 2009 08:58:53A
Cumberland County
Pamela E. Lovley
Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

0071593

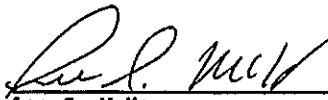
BK15072PG281

QUITCLAIM DEED WITH COVENANT

Maine Statutory Short Form

I, Lee S. McKay, of South Portland, Maine, for consideration paid, grant to Ana A. Matheson of 7409 Rebecca Drive, Alexandria, Virginia, with Quitclaim Covenant, a certain lot or parcel of land situated on Great Diamond Island, Casco Bay, Portland, County of Cumberland, Maine, more particularly described in Exhibit A attached hereto and made a part hereof.

Witness my hand this 24th day of September, 1999.



Lee S. McKay

State of Maine
County of Cumberland

September 27, 1999.

Personally appeared Lee S. McKay and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me,


Deanne T. Millett, Notary Public
My commission expires: January 17, 2006

BK15072PG282

EXHIBIT A

A certain lot or parcel of land located on Spring Avenue, Great Diamond Island, City of Portland, County of Cumberland and State of Maine, being Lot 105 as depicted on Plan of Diamond Island Association, recorded in the Cumberland County Registry of Deeds in Plan Book 4, Page 42.

Said lots are also depicted on City of Portland Tax Maps as Lot 83 A, Block R, Lots 14.

Subject to the conditions and limitations contained in a deed from Diamond Island Association to William Smith, recorded in the Cumberland County Registry of Deeds in Book 500, Page 150 and together with the appurtenances thereto.

Being the same premises conveyed to the grantor herein by deed of Diamond Cove Associates dated July 31, 1997 and recorded in said Registry of Deeds in Book 13225, Page 70.

RECEIVED
RECORDED REGISTRY OF DEEDS

1999 SEP 28 PM 12:59

CUMBERLAND COUNTY

John B. Abner

BK13225PG070

042013

QUITCLAIM DEED

Maine Statutory Short Form

MAINE REAL ESTATE TAX PAID

KNOW ALL MEN BY THESE PRESENTS THAT, DIAMOND COVE ASSOCIATES, a Maine General Partnership, with a mailing address of P.O. Box 3679, Portland, Maine, for consideration paid, grants to LEE McKAY, of South Portland, County of Cumberland and State of Maine, whose mailing address is 195 Margaret Street, South Portland, Maine 04106, with QUITCLAIM COVENANTS, the following:

A certain lot or parcel of land, together with any buildings or improvements thereon, situated on Great Diamond Island, in the City of Portland, County of Cumberland and State of Maine and being more particularly described in Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, Diamond Cove Associates has caused this instrument to be executed by Richard E. Dobson, its General Partner, this 31st day of July, 1997.

DIAMOND COVE ASSOCIATES

By Richard E. Dobson, General Partner
Richard E. Dobson, General Partner

State of Maine
County of Cumberland

July 31, 1997

Personally appeared the above named Richard E. Dobson, General Partner and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said Diamond Cove Associates.

Before me,

Adrian G. McGowan
Notary Public/Attorney at Law

ADRIAN G. MCGOWAN
Print Name

BK 3225 PG 071

EXHIBIT A

A certain lot or parcel of land located on Spring Avenue, Great Diamond Island, Portland, County of Cumberland and State of Maine, being Lot 105 as depicted on Plan of Diamond Island Association recorded in the Cumberland County Registry of Deeds in Plan Book 4, Page 42.

Said lot is also depicted on City of Portland Tax Maps as 83A-R-14.

Subject to the conditions and limitations contained in a deed from Diamond Island Association to William Smith recorded in the Cumberland County Registry of Deeds in Book 500, Page 158, and together with the appurtenances thereto.

Being a portion of the premises conveyed to the Grantor by a deed from Casco Bay Land Company dated April 9, 1984 and recorded in the Cumberland County Registry of Deeds in Book 6437, Page 318.

RECEIVED
RECORDED REGISTRY OF DEEDS

1997 JUL 31 AM 10:00

CUMBERLAND COUNTY

John B O'Brien

8006437PME 318

341
QUITCLAIM DEED
Without Covenant
Corporation

12569

Know All Men by these Presents,

That Casco Bay Land Company

a Corporation organized and existing under the laws of the State of Maine
and having a place of business at 3535 Northwest 58th Street, Oklahoma City
in the County of Oklahoma and State of Oklahoma
in consideration of One Dollar (\$1.00) and other valuable consideration

paid by Diamond Cove Associates, a Maine general partnership

whose mailing address is P.O. Box 3572, Portland, Maine 04104

the receipt whereof it does hereby acknowledge, does hereby remise, release, bargain, sell and convey,
and forever quitclaim unto the said Diamond Cove Associates, its successors

and assigns forever.

SEE SCHEDULE A ATTACHED HERETO
AND MADE A PART HEREOF.

SCHEDULE A

A certain lot or parcel of land, with the buildings thereon, situated on Great Diamond Island, City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Land on the easterly side of Spring Avenue, Lot 35, on recorded Plan Diamond Island, Assessor's Plan 83A-L-4.

Being the same premises acquired by Tax Deed dated February 28, 1933, recorded in Cumberland County Registry of Deeds in Book 1769, Page 13, assessed to Jeremiah S. Douglass Heirs and sold February 6, 1933 for non-payment of the 1932 tax.

Also another certain lot or parcel, one-half interest in land on the westerly side of Summit Avenue, southerly side of Cleaves Street and Northerly side of Valley Avenue and being Lots 77, 79, Diamond Island, Assessor's Plan 83A-Q-2-3.

Being the same premises acquired by Tax Deed dated February 24, 1931, recorded in Cumberland County Registry of Deeds in Book 1769, Page 21, assessed to Janet Dryden, Trustee for benefit of John Mathewson, and sold February 2, 1931 for non-payment of the 1930 tax.

Also another certain lot or parcel, one-half interest in land on the Westerly side of Summit Avenue, Southerly side of Cleaves Street and Northerly side of Valley Avenue and being Lots 77, 79, Diamond Island, Assessors Plan 83A-Q-2-3.

Being the same premises acquired by Tax Deed dated February 24, 1931, recorded in Cumberland County Registry of Deeds in Book 1769, Page 23, assessed to Janet Dryden and sold February 2, 1931 for non-payment of the 1930 tax.

Also another certain lot or parcel of land on the Easterly side of Valley Avenue and Southerly side of Deering Street and being Lot 105, Diamond Island, Assessor's Plan 83A-R-14, Area 12208.

Being the same premises acquired by Tax Deed dated February 28, 1934, recorded in Cumberland County Registry of Deeds in Book 1770, Page 225, assessed to William Smith Heirs and sold February 5, 1934 for non-payment of the 1933 tax.

Also another certain lot or parcel of land on the Southerly side of Diamond Avenue, Lot 144, Recorded Plan Diamond Island Assn., Great Diamond Island, Assessor's Plan 83B-F-8, Approximately Area 10,000 square feet.

Being the same premises acquired by Tax Deeds dated February 24, 1931, February 28, 1933, February 29, 1936, February 28, 1939, February 29, 19840, February 28, 1941, recorded in Cumberland County Registry of Deeds in Book 1717, Pages 75, 101, 103, 105, 107, 109, assessed to Henry C. Moulton and sold February 2, 1931, for non-payment of the 1930 tax. It was again sold February 6, 1933 for non-payment of the 1932 tax. It was again sold February 3, 1936 for non-payment of the 1935 tax. It was again sold February 6, 1939 for non-payment of the 1938 tax. It was again sold February 5, 1940 for non-payment of the 1939 tax. It was again sold February 3, 1941 for non-payment of the 1940 tax.

Also another certain lot or parcel of land on the Northerly side of Sunset Avenue and Westerly side of Willis Street, Lot 211, Great Diamond Island, Assessors Plan 83B-H-2, Approximate area 12,592 square feet.

Being the same premises acquired by Tax Deeds dated February 20, 1925 and February 29, 1944, recorded in Cumberland County Registry of Deeds in Book 1230, Page 387 and Book 1865, Page 237, assessed to Caroline L.G. Scales for the 1924 tax and to Caroline L.G. Scales Heirs for the 1943 tax, ~~and to Caroline L.G. Scales Heirs for the 1943 tax.~~ It was sold February 2, 1925 for non-payment of the 1924 tax. It was again sold February 7, 1944 for non-payment of the 1943 tax.

Also another certain lot or parcel being land on the Easterly side of Summit Avenue Lot 226, Recorded Plan of Diamond Island Association, Great Diamond Island, Assessors Plan 83B-J-2, Approximate area 10,143 square feet.

Being the same premises acquired by Tax Deeds dated February 29, 1936 and February 29, 1944, recorded in Cumberland County Registry of Deeds in Book 1717, Page 471 and Book 1826, Page 355, assessed to Albert D. Conley and sold February 3, 1936 for non-payment of the 1935 tax. It was again sold February 7, 1944 for non-payment of the 1943 tax.

Also another certain lot or parcel of land on the Northerly side of Deering Street and Easterly side of Elwell Avenue, Lot 138, Great Diamond Island, Assessor's Plan 83B-L-2, Area 13,268 square feet.

Being the same premises acquired by Tax Deed dated February 28, 1935 recorded in Cumberland County Registry of Deeds in Book 1776, Page 497 assessed to Charles H. Ross and sold February 4, 1935 for non-payment of the 1934 tax.

Also another certain lot or parcel of land on the Northerly side of Deering Street, Lot 139 Great Diamond Island, Assessor's Plan 83B-L-3, approximate area 13,268 square feet.

Being the same premises acquired by Tax Deed dated February 28, 1945 recorded in Cumberland County Registry of Deeds in Book 1865, Page 203, assessed to George P. Martin Heirs and sold February 5, 1945 for non-payment of the 1944 tax.

Also another certain lot or parcel of land on the Northerly side of Deering Street, Lot 140, Diamond Island, Assessor's Plan 83B-F-16, Area 13,625. Later identified as land on northerly side of Deering Street, Lot 140, Rec. Pl. Diamond Island Association, Gt. Diamond Island, Assessor's Plan 83B-L-4, Area 13,516.

Being the same premises acquired by Tax Deed dated February 28, 1934 recorded in Cumberland County Registry of Deeds in Book 1770, Page 223, assessed to William Smith Heirs and sold February 5, 1934 for non-payment of the 1933 tax.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said Diamond Cove Associates, its successors

and assigns, XXXXXXXXXXXXXXXXXXXXXXXXXXXX forever.

In Witness Whereof, the said Casco Bay Land Company

has caused this instrument to be sealed with its corporate seal and signed in its corporate name by

James A. Kishpaugh, its President

thereunto duly authorized, this 9th day of the month of April, A.D. 1984.

Signed, Sealed and Delivered in presence of

Casco Bay Land Company
(Corporate Name)

Robert A. Waldman
Robert A. Waldman

James A. Kishpaugh
James A. Kishpaugh
its President

SEAL

Oklahoma
State of ~~Winn~~, County of Oklahoma ss. April 9, 1984.

Then personally appeared the above named James A. Kishpaugh

President of said Grantor Corporation as aforesaid,

and acknowledged the foregoing instrument to be his free act and deed in said capacity, and the free act and deed of said Grantor Corporation.

Before me,

Patricia J. Murano
Patricia J. Murano

XXXXXXXXXXXXXX
Notary Public
XXXXXXXXXXXXXX

Name: Patricia J. Murano
Commission Expires: June 23, 1985

RECEIVED

SEAL

1984 MAY -1 AM 9:28
RECORDED REGISTRY OF DEEDS
COMBEE COUNTY

James J. Walsh

EXHIBIT C

Johnson Title Chain, Valley Avenue, Great Diamond Island

83A-R-13

Johnson, John V. and Colleen

Book 4790, Page 332 ↑ 5/15/1981

Eleanor W. Wichert

WARRANTY DEED

Know all Men by these Presents,

That I, ELEANOR W. WICHERT of Hingham, County of Plymouth and Commonwealth of Massachusetts,

in consideration of one dollar and other valuable consideration

paid by JOHN V. JOHNSON and COLEEN JOHNSON of Princeton, County of Mercer and State of New Jersey,

and whose mailing address is 173 Laurel Circle, Princeton, New Jersey, 08540

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey, unto the said John V. Johnson and Coleen Johnson as joint tenants and not as tenants in common, their heirs and assigns forever,

a certain lot or parcel of land with the buildings thereon situated on the southerly side of Valley Avenue on Great Diamond Island in the City of Portland, County of Cumberland and State of Maine, and being Lot #104 as delineated on plan of property belonging to the Diamond Island Association situated on Great Diamond Island, Casco Bay, Maine, surveyed November 1882 by E. C. Jordan, C.E., which plan is recorded in Cumberland County Registry of Deeds in Plan Book 4, Page 42. Said lot has a frontage of one hundred twelve (112) feet on Valley Avenue and extends back therefrom to the land now or formerly of the Deering Heirs.

Said lot is hereby conveyed together with all the rights and privileges, and subject to all of the agreements, conditions and limitations contained in the original deed of said lot from the Diamond Island Association to William Smith, dated May 18, 1883 and recorded in said Registry of Deeds in Book 500, Page 159, to which deed reference is hereby made for a full statement thereof.

Being the same premises conveyed to me by John J. McDonald and Katherine E. McDonald (also known as John J. MacDonald and Katherine E. MacDonald) by deed dated July 8, 1966 and recorded in said Registry of Deeds in Book 2964, Page 772.

Included in this conveyance are all of the furniture and furnishings contained in the buildings located on the above described premises.

This conveyance is made subject to real estate taxes of the City of Portland for the tax year 1981.

We, the undersigned, constituting a majority of the Directors of Diamond Island Association, consent to the execution and delivery of the within warranty deed from Eleanor W. Wichert to John V. Johnson and Coleen Johnson, conveying Lot #104 as shown on plan of lands of the Diamond Island Association recorded in Cumberland County Registry of Deeds in Plan Book 4, Page 42.

Stuart Laughlin
Samuel H. Johnson
Edmund A. Johnson
David F. Sullivan
John L. Russell
Clair C. Hedgewick

To have and to hold the aforegranted and bargained premises
with all the privileges and appurtenances thereof to the said
John V. Johnson and Coleen Johnson, as joint
tenants and not as tenants in common, their

heirs and assigns, to them and their use and behoof forever.

And I do COVENANT with the said Grantees, their heirs
and assigns, that I am lawfully seized in fee of the premises
that they are free of all encumbrances: except as aforesaid;

that I have good right to sell and convey the same to the said
Grantees to hold as aforesaid; and that I and my heirs shall
and will WARRANT and DEFEND the same to the said Grantees, their
heirs and assigns forever, against the lawful claims and demands
of all persons.

In Witness Whereof, I , the said Eleanor W. Wichert

and

Stuart W. Wichert, ~~wife~~ husband of the said
Eleanor W. Wichert,
joining in this deed as Grantors, and relinquishing and conveying
all rights by descent and all other rights in the above described
premises, have hereunto set our hands and seals this 15TH
day of MAY in the year of our Lord one thousand nine
hundred and eighty-one.

Signed, Sealed and Delivered
in presence of

Eleanor W. Wichert
Stuart W. Wichert

COMMONWEALTH OF MASSACHUSETTS
-Notary Public-
Plymouth

MAY 15, 1981

Personally appeared the above named

Eleanor W. Wichert
instrument to beher free act and deed.

and acknowledged

JUN 1 1981

Before me,

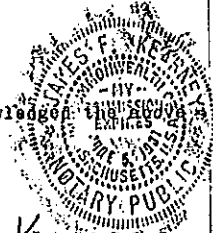
REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE
Received at 4 H 24 PM, and recorded in

BOOK 4790 PAGE 332

Edward J. Peniston

Register

James F. Kearney
Justice of the Peace
Notary Public
Attorney-At-Law.



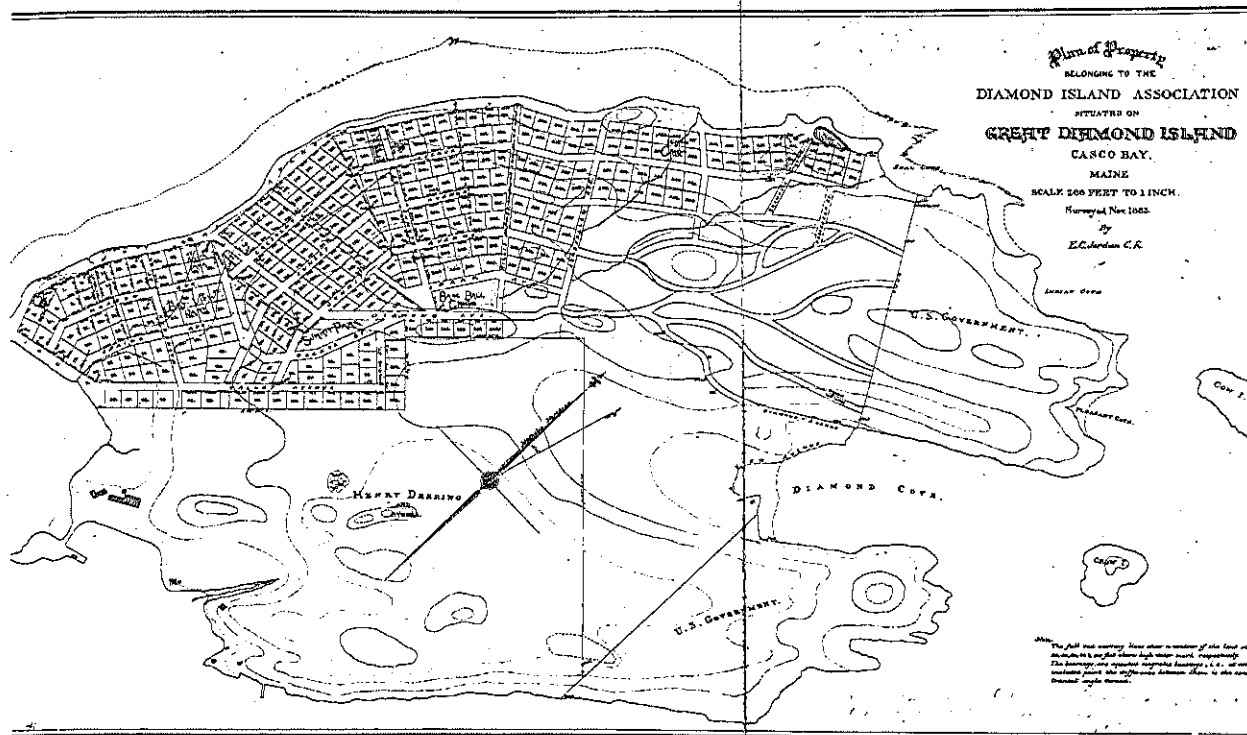
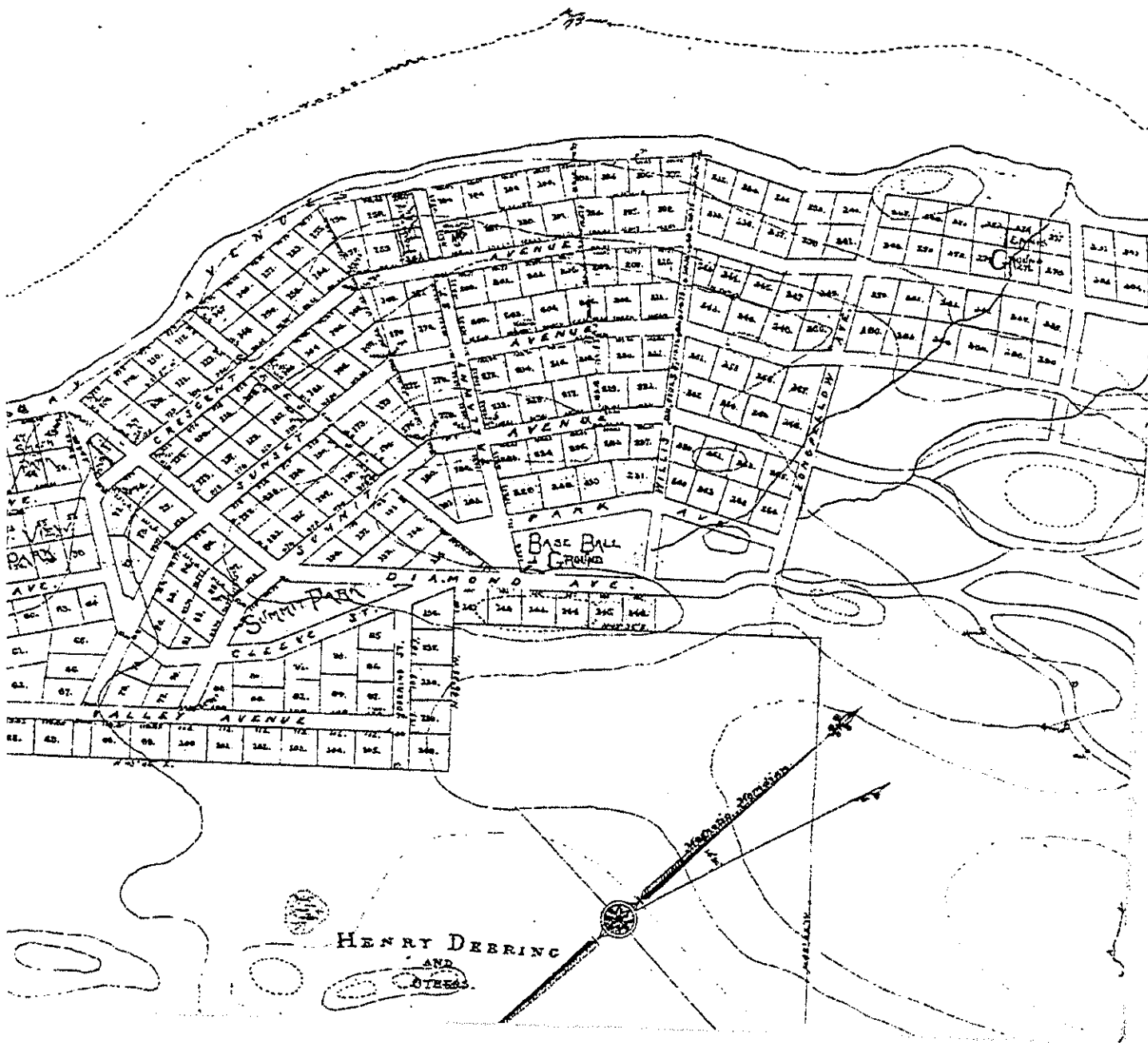


Exhibit D
enlarged



CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

RECEIPT OF FEES

Application No: 0000-1669	Applicant: MCANDREW PETER & LAURA
Project Name: 0 VALLEY AVE	Location: VALLEY AVE
CBL: 083A R014001	Application Type: Determination Letter
Invoice Date: 03/21/2013	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

Previous Balance

\$0.00

Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		\$150.00
Total Current Fees:		+ \$150.00
Total Current Payments:		- \$150.00
Amount Due Now:		\$0.00

CBL 083A R014001
Bill to: MCANDREW PETER & LAURA MCANDREW JTS
PO BOX 224
GRANBY, CT 06035

Application No: 0000-1669
Invoice Date: 03/21/2013
Invoice No: 40462
Total Amt Due: \$0.00
Payment Amount: \$150.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

Marge Schmuckal - McAndrew zoning determination request - supplemental information

From: Brenda Buchanan <Brenda@wacubu.com>
To: Marge Schmuckal <MES@portlandmaine.gov>
Date: 4/4/2013 5:27 PM
Subject: McAndrew zoning determination request - supplemental information
CC: "McAndrew, Peter PW" <Peter.McAndrew@pw.utc.com>
Attachments: EXHIBIT E - Glickman Title Chain.doc; Book 21946-343.pdf; 16249-156.pdf; Book 5014-337.pdf

Dear Marge,

Thank you for your call this afternoon calling to my attention that I incorrectly stated the McAndrew parcel (83A-R-14) is adjacent to only one other parcel. As you pointed out, it is also adjacent to 83D-A-1, which is owned by The Glickman Family Trust.

The McAndrew parcel also has been held under separate and distinct ownership from the adjacent Glickman parcel since prior to July 15, 1985. I am attaching a title chain with associated deeds demonstrating this fact.

Thank you for the heads-up. I appreciate your help.

Best,

Brenda

Brenda M. Buchanan, Esq.
Warren, Currier & Buchanan LLC
57 Exchange Street
Portland, Maine 04101
207-772-1262
brenda@wacubu.com
www.wacubu.com

This message is intended only for the use of the individual or entity to whom it is addressed. It may contain information that is privileged or confidential. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, please notify us immediately by telephone, delete the original message, and return all copies to us at the address above via the U.S. Postal Service. Thank you for your cooperation.

22371 (508)

WARRANTY DEED
Joint Tenancy

337

Know all Men by these Presents,

That DAVID L. ELLIOTT, of Hollis, in the County of Hillsboro,
and State of New Hampshire

in consideration of One Dollar and other valuable consideration

paid by ALBERT B. GLICKMAN and JUDITH L. GLICKMAN, of Beverly
Hills, in the County of Los Angeles and State of California,

and whose mailing address is 9864 Wilshire Boulevard, Beverly Hills,
California 90210,

the receipt whereof I do hereby acknowledge, do hereby
give, grant, bargain, sell and convey, unto the said

Albert B. Glickman and Judith L. Glickman,

as joint tenants and not as tenants in common, their heirs and
assigns forever, ~~as tenants in common, their heirs and assigns forever~~

A certain lot or parcel of land, with the buildings and
improvements thereon, situated on the southerly end of Great
Diamond Island, in the City of Portland, County of Cumberland
and State of Maine, and being more particularly bounded and
described in Schedule A, attached hereto and made a part hereof.

SCHEDULE A

Elliott - Glickman
Great Diamond Island, Portland, Maine

A certain lot or parcel of land, with the buildings and structures thereon, situated on the southerly end of Great Diamond Island in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a granite monument on the intersection of the southeasterly sideline of Elwell Avenue and the southwesterly sideline of Zephyr Street as shown on the "Plan of Property Belonging to the Diamond Island Association, Casco Bay, Maine" dated December 18, 1885 and recorded in the Cumberland County Registry of Deeds in Plan Book 6, Page 4, said granite monument being distant two hundred nine (209.00) feet on a bearing of S 45° 00' 45" E from a granite monument at the intersection of the southeasterly sideline of Diamond Avenue and the southwesterly sideline of Zephyr Street;

Thence S 45° 00' 45" E along land now or formerly of King Resources Company one thousand nine hundred fifty and twenty hundredths (1,950.20) feet to a granite monument near the top of the bank overlooking Casco Bay;

Thence S 1° 46' 30" W along said land of King Resources Company one hundred forty-three and seventy-three hundredths (143.73) feet to a solid iron pin in the ledge;

Thence continuing S 1° 46' 30" W along said land of King Resources Company six (6) feet to the high water mark of Casco Bay;

Thence generally southwesterly by the meandering high water mark of Casco Bay four thousand five hundred sixty (4,560) feet more or less to the southern tip of Great Diamond Island;

Thence northerly and easterly along the high water mark of Casco Bay one thousand two hundred eighty (1,280) feet more or less to a point distant about two hundred fifty-two and sixty-seven hundredths (252.67) feet on a bearing of S 45° 03' 30" W from a granite monument, said point being on the southeasterly boundary of land now or formerly of the Diamond Island Association;

Thence the following courses and distances by said land now or formerly of the Diamond Island Association:

N 45° 03' 30" E fifteen (15) feet more or less to an iron pipe at the top of the bank;

Continuing N 45° 03' 30" E two hundred thirty-seven and sixty-three hundredths (237.63) feet to the aforesaid granite monument;

Continuing N 45° 03' 30" E five hundred eighty-two and forty-five hundredths (582.45) feet to the southwesterly corner of the premises conveyed by Edward D. Noyes to Robert W.

Laughlin by deed dated conveyed by Edward D. Noyes to Robert W. Laughlin by deed dated August 31, 1960 and recorded in said Registry in Book 2561, Page 187;

Thence N 69° 34' E along said premises conveyed to Robert W. Laughlin and along a stone wall two hundred eighty-two and forty-six hundredths (282.46) feet to a point;

Thence N 70° 42' 30" E along said premises conveyed to Robert W. Laughlin and along a stone wall three hundred thirty-nine and forty-seven hundredths (339.47) feet to a point;

Thence N 15° 00' 00" W along said premises conveyed to Robert W. Laughlin and along a stone wall three hundred seven and eighty-six hundredths (307.86) feet to a point;

Thence N 45° 03' 30" E along said land now or formerly of the Diamond Island Association three hundred fifty-six and forty-two hundredths (356.42) feet to a granite monument;

Thence N 44° 52' 30" W along said land now or formerly of the Diamond Island Association three hundred forty-eight and twenty-six hundredths (348.26) feet to a granite monument;

Thence N 45° 02' E one thousand ninety-one and sixty-seven hundredths (1,091.67) feet to the point of beginning.

Also conveying all my right, title and interest to the flats and ledges between high and low water mark adjacent to the above described land.

Excepting from the above:

1. Land and easements appurtenant thereto conveyed to the Portland Club by Henry Deering by deed dated April 16, 1888 and recorded in said Registry in Book 546, Page 303;
2. Land and easements appurtenant thereto conveyed to Joseph W. Whitney by Edward D. Noyes et al. by deed dated September 17, 1919 and recorded in said Registry in Book 1033, Page 169;
3. Land conveyed to Charles Crouch by Edward D. Noyes by deed dated September 4, 1958 and recorded in Book 2432, Page 260;
4. Land conveyed to Haridon W. Miller by Edward D. Noyes by deed dated November 10, 1959 and recorded in said Registry in Book 2511, Page 303;
5. Land, buildings and structures conveyed to Maine Port Authority by Edward Deering Noyes, Jr. by deed dated October 25, 1961 and recorded in said Registry in Book 2643, Page 1;
6. Land conveyed to Robert F. Noring et al. by Edward D. Noyes by deed dated March 14, 1963 and recorded in said Registry in Book 2737, Page 337;
7. Land and easements appurtenant thereto conveyed to Earle D. Reed et al. by Hilton V. Smith by deed dated September 3, 1968 and recorded in said Registry in Book 3058, Page 72;

8. Land conveyed to Leonard Allen and Margaret E. Allen by David L. Elliott and Diane B. Elliott by deed dated January 4, 1979 and recorded in said Registry in Book 4364, Page 304;
9. Rights conveyed to Peaks Island Corporation and Island Light and Water Company by the Deering heirs in the agreement dated November 18, 1924 and recorded in said Registry in Book 1189, Page 17;
10. Rights conveyed to New England Telephone and Telegraph Company by Edward D. Noyes, Jr. by deed dated September 19, 1957 and recorded in said Registry in Book 2380, Page 353;
11. Rights of the public in the roads known as Nancy Lane and Nicholas Street;
12. Lease to David E. Farnham dated July 1, 1960;
13. Lease to Norbert Berube dated May, 1961 as extended to June 30, 1972.

There is included in this conveyance the benefit of all the easements, rights of way, conditions and restrictions contained and reserved in the above listed conveyances.

There is also included in this conveyance the rights of way and easements conveyed to Milton V. Smith by Hannah Woodman by deed dated May 4, 1955 and recorded in said Registry in Book 2230, Page 176.

The above described premises contain 98 acres, more or less, including the upland and public roads but not including the land excepted under Items 1-8 above.

All bearings are magnetic as of 1971.

Meaning and intending to convey and hereby conveying the same premises, with the exception of Item 8 above, conveyed to David L. Elliott (Grantor herein) and Diane B. Elliott by Milton V. Smith and Betty L. Smith by deed dated December 29, 1971 and recorded in said Registry of Deeds in Book 3207, Page 160.

ALSO, all my right, title and interest in another certain lot or parcel of land, with the buildings and structures thereon, situated on the southerly end of Great Diamond Island in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a granite monument on the intersection of the southeasterly sideline of Elwell Avenue and the southwesterly sideline of Zephyr Street as shown on the "Plan of Property Belonging to the Diamond Island Association, Casco Bay, Maine" dated December 18, 1885 and recorded in the Cumberland County Registry of Deeds in Plan Book 6, Page 4, said granite monument being distant two hundred nine (209.00) feet on a bearing of S 45° 00' 45" E from a granite monument at the intersection of the southeasterly sideline of Diamond Avenue and the southwesterly sideline of Zephyr Street;

Thence S 45° 02' 00" W one thousand ninety-one and sixty-seven hundredths (1,091.67) feet to a granite monument; thence N 44°

52' 30" W one hundred (100.00) feet to a point; thence N 45° 02' 00" E to land now or formerly of King Resources Company; thence S 45° 00' 45" E one hundred (100.00) feet, more or less, to the point of beginning.

Meaning and intending to convey and hereby conveying the same premises conveyed to David L. Elliott (Grantor herein) and Diane B. Elliott by Milton V. Smith and Betty L. Smith by deed dated December 29, 1971 and recorded in said Registry of Deeds in Book 3207, Page 164. The warranty covenants of this deed shall not apply to said premises described in said deed recorded in Book 3207, Page 164 and shall be limited to lawful claims and demands of all persons claiming by, through or under me.

Reference is also made to a deed from Diane B. Elliott to David L. Elliott dated March 29, 1980 and recorded in said Registry of Deeds in Book 4584, Page 176 and to a deed from Betty L. Smith to David L. Elliott dated June 23, 1981 and recorded in said Registry of Deeds in Book 4808, Page 216. Reference is further made to a Department of Environmental Protection Site Location Order dated August 25, 1976 and recorded in said Registry of Deeds in Book 3906, Page 306 and a Site Location Condition Removal dated November 19, 1976 and recorded in said Registry of Deeds in Book 3940, Page 141. This conveyance includes all the Grantor's right, title and interest in said Orders and other applicable permits and is subject to the conditions and obligations imposed therein.

The above-described premises are shown on an unrecorded plan entitled "Plan Of Land on Great Diamond Island, Portland, Maine for David Elliott" by Owen Haskell, Inc. dated December 16, 1971. A portion of the premises is also shown on a plan entitled "Great Diamond Shores" by Land Use Consultants, Inc. dated August 2, 1976 and recorded in said Registry of Deeds in Plan Book 114, Page 36.

This conveyance is made subject to current real estate taxes which the Grantees, by acceptance of this deed, assume and agree to pay.

To have and to hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said
Albert B. Glickman and Judith L. Glickman,

as joint tenants and not as tenants in common, their heirs and assigns, to their own use and behoof forever.

And I do covenant with the said Grantees, as aforesaid, that I am lawfully seized in fee of the premises, that they are free of all encumbrances; except as aforesaid;

that I have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that I and my heirs shall and will Warrant and Defend the same to the said Grantees, their heirs and assigns against the lawful claims and demands of all persons, except as aforesaid.

In Witness Whereof, I, the said David L. Elliott,

and Kimberly S. Elliott,

wife of the said David L. Elliott,

joining in this deed as Grantors, and relinquishing and conveying all rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this 18th day of August

in the year of our Lord one thousand nine hundred and eighty-two.

Signed, Sealed and Delivered
in presence of

David L. Elliott

Kimberly S. Elliott

Kimberly S. Elliott

State of ~~Massachusetts~~ ^{Maine} Cumberland County, ~~Willsboro~~ ^{Willsboro}

August 18 19 82

Personally appeared the above named

David L. Elliott

and acknowledged

the foregoing instrument to be his free act and deed.

Before me,

AUG 19 1982

REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE
Received at 9 50 AM, and recorded in

BOOK 5014 PAGE 337 Edward J. Gunstein Register

Notary Public.
Atty-in-Law

0029520

BK 16249PG 156

QUITCLAIM DEED

ALBERT B. GLICKMAN and JUDITH L. GLICKMAN, whose mailing address is 888 Shore Road, Cape Elizabeth, Maine 04107, FOR CONSIDERATION PAID, grant to ALBERT B. GLICKMAN AND JUDITH L. GLICKMAN AS TRUSTEES OF THE GLICKMAN FAMILY TRUST w/d/t dated August 27, 1993, with a mailing address of 9864 Wilshire Boulevard, Beverly Hills, California, 90210, all their right, title and interest, in the following real properties:

888 Shore Road, Cape Elizabeth, Maine (Tax Map U5, Lot 5):

A certain lot or parcel of land with the buildings and improvements thereon situated on Shore Road in said Cape Elizabeth, Maine and described in deed from Eagle Fund to Albert B. Glickman and Judith Glickman dated December 16, 1985 and recorded in the Cumberland County Registry of Deeds in Book 7012, Page 228 to which reference is hereby made for a more particularly description of the premises herein conveyed.

Great Diamond Island, Portland, Maine (Tax Map 83C, Lot D-10):

A certain lot or parcel of land with the buildings and improvements thereon situated on the southerly end of Great Diamond Island in said Portland, Maine and described in deed from David L. Elliott to Albert B. Glickman and Judith L. Glickman dated August 18, 1982 and recorded in the Cumberland County Registry of Deeds in Book 5014, Page 337 to which reference is hereby made for a more particularly description of the premises herein conveyed.

WITNESS our hands and seals this 29th day of April, 2001.

WITNESS:

Susan S. Osborne
SUSAN S. OSBORNE to both

Albert B. Glickman
Albert B. Glickman
Judith L. Glickman
Judith L. Glickman

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

April 27, 2001

PERSONALLY APPEARED the above-named Albert B. Glickman and Judith L. Glickman and acknowledged the foregoing instrument to be their free act and deed.

RECEIVED
RECORDED REGISTRY OF DEED:

2001 APR 30 PM 3:13

CUMBERLAND COUNTY

John B. Osburn

Glickman trust - dd2

Before me,

Susan S. Osborne

Notary Public/Attorney at Law

My Commission Expires:

Print Name:

SUSAN S. OSBORNE
Notary Public, Maine
My Commission Expires November 1, 2005

SEAL

CONFIRMATORY QUITCLAIM DEED

ALBERT B. GLICKMAN and JUDITH L. GLICKMAN, whose mailing address is 888 Shore Road, Cape Elizabeth, Maine 04107 (collectively the "Grantor"), FOR CONSIDERATION PAID, grant to **ALBERT B. GLICKMAN AND JUDITH L. GLICKMAN AS TRUSTEES OF THE GLICKMAN FAMILY TRUST** u/d/t dated August 27, 1993, with a mailing address of 9864 Wilshire Boulevard, Beverly Hills, California, 90210 (the "Grantee"), all their right, title and interest, in and to certain real property, together with any buildings and improvements located thereon, situated on the southerly end of Great Diamond Island in the City of Portland, County of Cumberland and State of Maine and described in a deed from David L. Elliott to Albert B. Glickman and Judith L. Glickman dated August 18, 1982 and recorded in the Cumberland County Registry of Deeds in Book 5014, Page 337 to which reference is hereby made and incorporated herein for a more particular description of the premises hereby conveyed.

The purpose of this deed is to confirm the conveyance from the Grantor to the Grantee of all of the Grantor's interest in any property owned by them located on Great Diamond Island in the City of Portland previously and described in a Quitclaim Deed dated April 27, 2001 and recorded in the Cumberland County Registry of Deeds in Book 16249, Page 156, which deed referenced only Tax Map 83C-D-10 when, in fact, the property described in said deed is comprised of numerous lots owned by the Grantor and depicted on Tax Maps 83C and 83D on file with the City of Portland Tax Assessor's office.

WITNESS our hands and seals this 26th day of October, 2004.

WITNESS:

Peter J. Van Hemen
Print Name: Peter J. Van Hemen

Peter J. Van Hemen
Print Name: Peter J. Van Hemen

Albert B. Glickman
Albert B. Glickman
Judith L. Glickman
Judith L. Glickman

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

October 26, 2004

PERSONALLY APPEARED the above-named Albert B. Glickman and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Leonard M. Nelson
Notary Public/Attorney at Law
My Commission Expires:
Print Name:

LEONARD M NELSON

Received
Recorded Register of Deeds
Oct 28, 2004 02:58:44P
Cumberland County
John B O'Brien

EXHIBIT E

Glickman Title Chain, Diamond Shore Road, Great Diamond Island

083D-A-1 (assessing identifies the primary lot as 83C-A-1)

Albert B. Glickman and Judith L. Glickman, Trustees of the Glickman Family Trust

Book 21946, Page 343 ↑ 10/26/04 CONFIRMATORY DEED

Book 16249, Page 156

Albert B. Glickman and Judith L. Glickman

Book 5104, Page 337 ↑ 8/18/82

David L. Elliott