

# WARREN & CURRIER BUCHANAN

Limited Liability Company, P.A.

Carol Godfrey Warren  
David E. Currier  
Brenda M. Buchanan

December 18, 2015

Ann Machado, Zoning Administrator  
City of Portland  
389 Congress Street  
Portland, Maine 04101

RECEIVED

DEC 22 2015

RE: Great Diamond Island Property  
150 Crescent Avenue (83B-G-3)  
104 Willis Street (83B-G-14 & 15)

Dept. of Building Inspections  
City of Portland Maine

Dear Ann:

I am writing to follow up on our most recent phone call regarding the Great Diamond Island property owned by my clients, Sheri Lanni and Tammy Caprio. To re-cap our discussion to date:

◆ In 2013, Tammy and Sheri purchased the home located at 150 Crescent Avenue on Great Diamond Island. This parcel is designated on the tax maps as 83B-G-3. For purposes of this letter, I will refer to it as the "Lanni-Caprio Parcel." The Lanni-Caprio Parcel is 11,295 square feet in size, according to the assessing records, and is improved with a seasonal, single-family residence. It is shown on Attachment A to this letter, highlighted in yellow.

◆ In 2015, Tammy and Sheri decided to purchase the property at 104 Willis Street, which abuts the Lanni-Caprio Parcel. They formed the Maine limited liability company known as Willis LLC to take title to that parcel. They are the LLC's sole members. This abutting parcel was purchased by Willis LLC on June 19, 2015. It is designated on the tax maps as 83B-G-14 and in this letter I will refer to it as the "Willis Parcel." The Willis Parcel is 22,028 square feet in size, according to assessing records, and improved with a seasonal, single-family residence. The Willis Parcel is shown on Attachment A to this letter, highlighted in pink.

My clients' goal in purchasing the Willis Parcel in June, 2015 (they paid \$395,000) was to protect the value of their home on the Lanni-Caprio Parcel. The Willis Parcel currently is improved with a compact summer cottage located on its northerly side. Sheri and

57 Exchange Street, Portland, Maine 04101-5020

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

Tammy were concerned that if someone else bought the Willis Parcel, that modest summer cottage might be replaced by a much larger home that would block their view of Casco Bay. This was a valid fear, because as noted below, the Willis Parcel exceeds the minimum lot size in the zone. Therefore as it now stands, a replacement home would not be confined to the existing footprint.

As is apparent from the Portland GIS parcel map that is Attachment B to this letter, the Willis Parcel is made up of two side-by-side lots laid out on the 1885 Great Diamond Island division plan (Lots 194 and 196), each measuring 101.05' x 109'. The assessing map shows them as 83B-G-14 and 15. The cottage on the Willis parcel is wholly on Lot 15. There are no structures on Lot 14 (which for the purposes of this letter I will call the "Undeveloped Parcel").

The Lanni-Caprio Parcel is Lot 195 on the 1885 Great Diamond Island division plan. It measures roughly 103' x 109'.

All of these parcels are in the IR-2 Zone, where the minimum lot size is 20,000 square feet. The house on the Lanni-Caprio lot was built in 1890, long before adoption of the zoning ordinance, so under current zoning, the Lanni-Caprio Parcel is a legally non-conforming lot. The house on the Willis Parcel dates to 1888, and because it sits on what historically was a double lot, the Willis Parcel conforms with zoning.

My clients are seeking permission to reconfigure these abutting lots to make the Undeveloped Lot part of the Lanni-Caprio Lot, as shown on Attachment C (again, Lanni-Caprio in yellow, Willis in pink.) This would make the Lanni-Caprio Parcel the conforming lot at 22,309.45 sf and make the Willis Parcel the non-conforming lot, at 11,014.45 sf.

If the City will grant permission to reconfigure these parcels as proposed, my clients are willing to restrict future use of the Undeveloped Lot with a conservation easement, eliminating the possibility that it ever will be developed. In other words, the developable portion of the Lanni-Caprio Parcel will remain 11,295 sf in size.

If this request is granted, the existing situation on the ground will not change. There still will be two adjacent parcels, one of which conforms with the lot size provisions of the zoning ordinance and the other of which does not, so when you look overall at the land controlled by my clients, non-conformity would not have been increased.

If the City permits this reconfiguration, the Lanni-Caprio Parcel now would have water frontage (and would be taxed as such). As a practical matter, its owners would have control of their view (because the Undeveloped Parcel would not be developable under the conservation easement). They will enjoy a larger yard for use by their family.

Because their purchase of the Willis Parcel was a protective strategy only (e.g. they have neither the need nor wish to own two houses) Sheri and Tammy would plan to sell the resulting Willis Parcel with its existing cottage. But through the reconfiguration, they will have eliminated the possibility that the house on that parcel will be razed and replaced with a larger home that would not be in keeping with the turn-of-the century cottages in that portion of the island. When the Willis Parcel is only 11,014.45 sf, the existing cottage would be able to be expanded beyond its current footprint in a very limited way, in accordance with the provisions of §14-382 of the Land Use Ordinance, which limits renovation/reconstruction of structures on non-conforming lots.

As you know, I contemplated filing a variance application to address this situation, but in the course of drafting the paperwork I realized the variance mechanism is not really apt, because what my clients really are seeking is to maintain the status quo as it exists on the face of the earth. For that reason, I am instead asking on their behalf for an administrative determination by you that their proposed reconfiguration of these parcels is permissible because while it technically will render an existing conforming lot non-conforming, it also will also make an existing non-conforming lot into a conforming lot. The net result would not be a greater degree of non-conformity.

My clients are not trying to transform two lots into three, or create the potential for that to happen in the future. They are not seeking to build more, or build bigger. In fact, their goal is just the opposite. They want to keep everything the same except attach the Undeveloped Parcel to the Lanni-Caprio Parcel rather than the Willis Parcel. Most significantly, they are willing to place a conservation easement on the Undeveloped Parcel to keep it as open space forever. This lot configuration change—together with the conservation easement—are intended to preserve current conditions.

It is my hope that in conferring with corporation counsel about this matter, you will find that you have administrative authority to grant my clients' request. I do not see this situation creating any kind of dangerous precedent. It is a unique situation and a unique request. For 125 years the cottages on the Lanni-Caprio and Willis Parcels have sat side by side, with no street between them, each with a pleasant view of the bay. That is a unique history in Portland and on the islands, where change is a constant. My clients' goal is to maintain this status quo.

In the past I have represented clients who entered into consent agreements with the City when unusual circumstances like this have existed and the parties agreed common sense should trump the technical language of the ordinance. I am hopeful this will be one of those cases. I will be happy to confer further with you or corporation counsel about a suitable agreement.

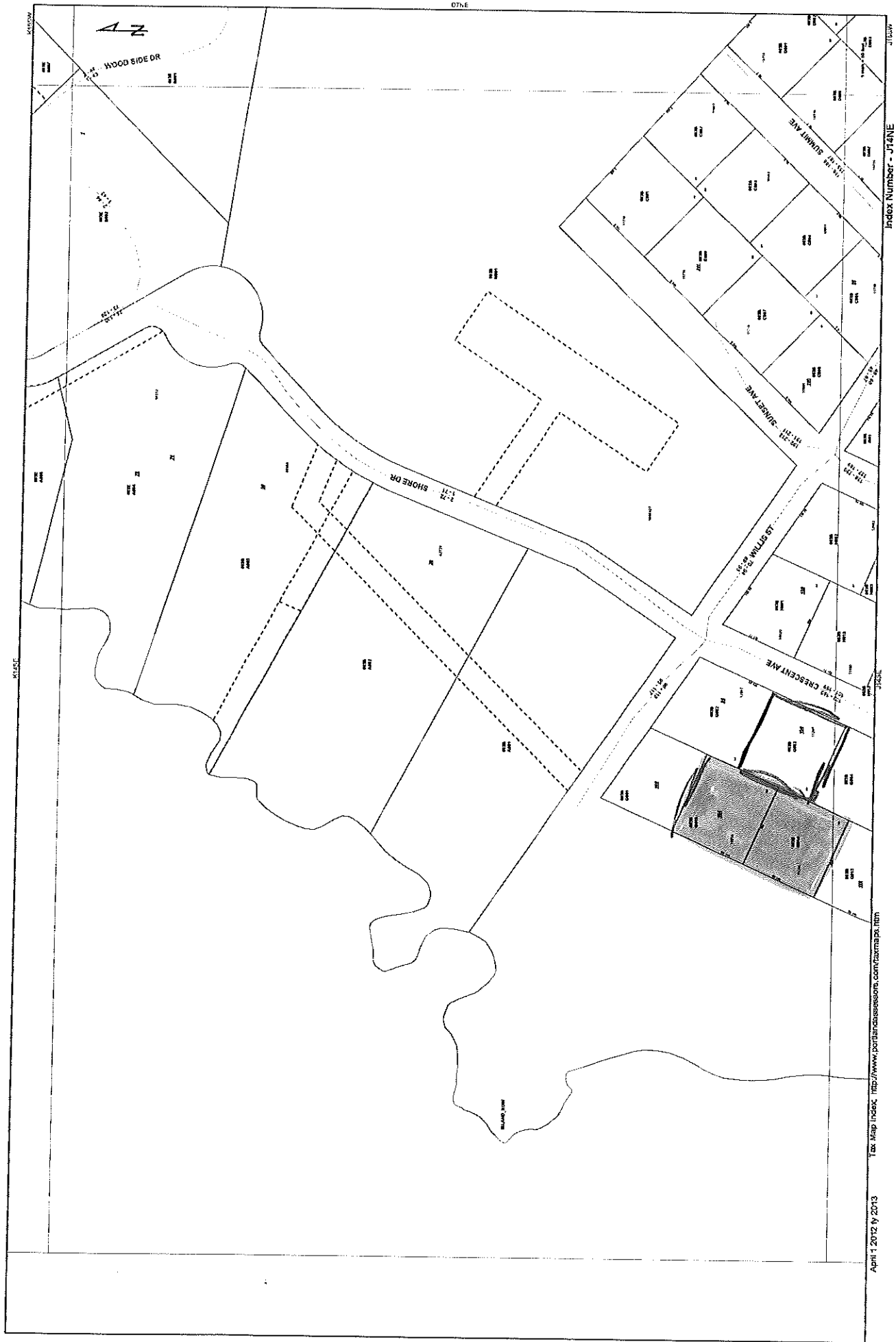
Sincerely,



Brenda M. Buchanan

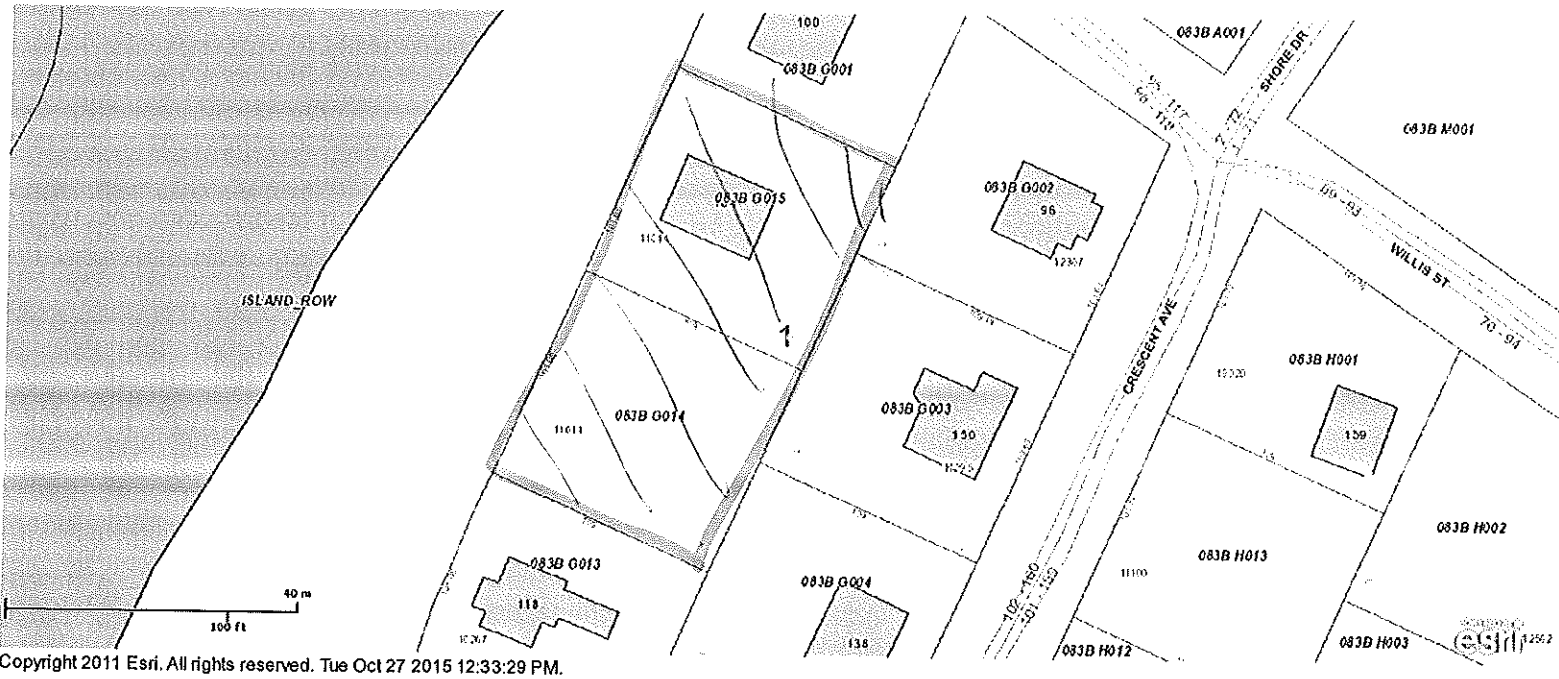
Cc: Tammy Caprio and Sherri Lanni

ATTACHMENT A



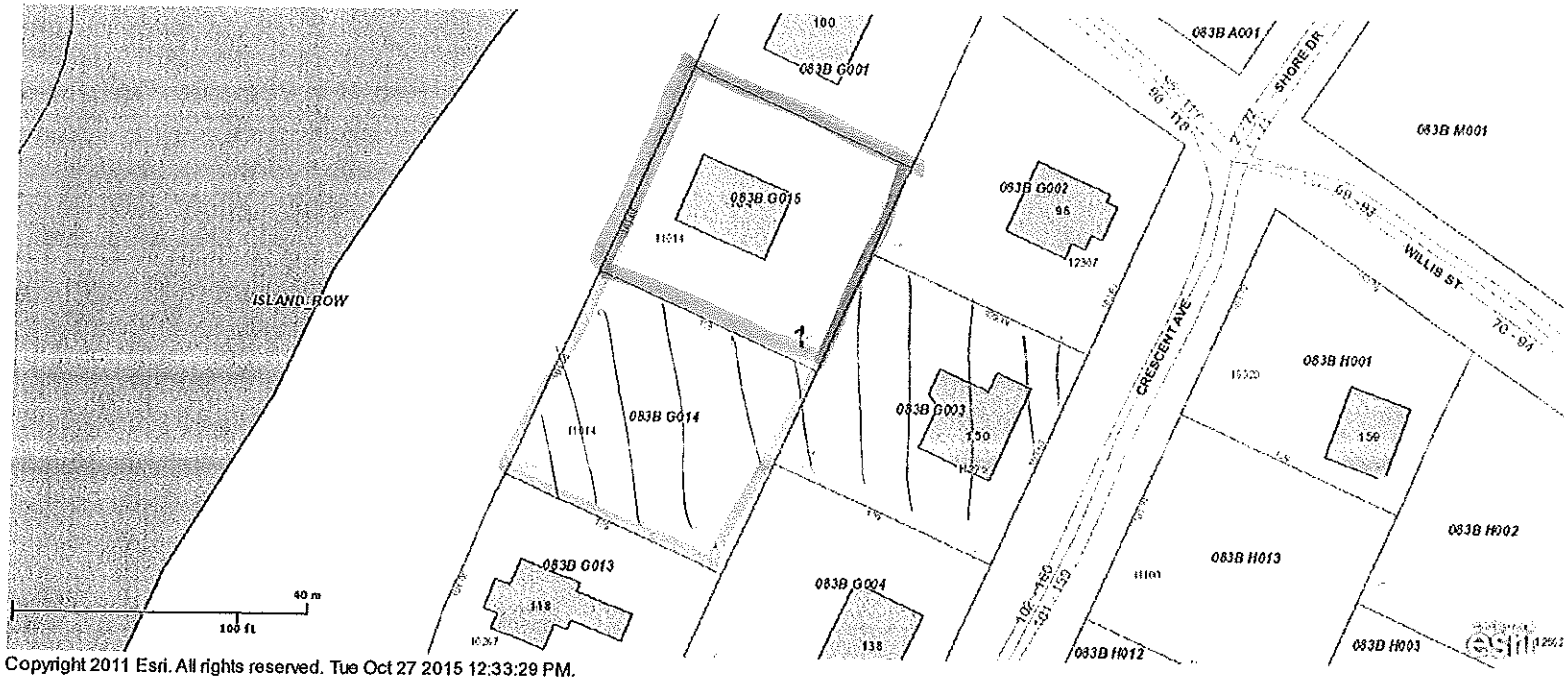
Index Number - J14NE

# My Map



ATTACHMENT B

# My Map



ATTACHMENT C

**New Search!**

**Current Owner Information:**

CBL 083B G014001  
 Land Use Type SEASONAL  
 Verify legal use with Inspections Division  
 Property Location 104 WILLIS ST  
 Owner Information WILLIS LLC  
 9 CARLENA TERR  
 WOBURN MA 01801  
 Book and Page 32363/197  
 Legal Description 83B-G-14-15  
 BAY AVE WILLIS ST 104  
 LOT 194 & 196  
GR DIA ISLAND 22028 SF  
 Acres 0.5057

*IR-2 Stockland*

**Current Assessed Valuation:**

TAX ACCT NO.	12244	OWNER OF RECORD AS OF APRIL 2015
LAND VALUE	\$328,500.00	BOYLAN MARY T
BUILDING VALUE	\$117,600.00	140 CADMAN PLAZA WEST 25G
NET TAXABLE - REAL ESTATE	\$446,100.00	BROOKLYN NY 11201
TAX AMOUNT	\$9,203.04	

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

**Building Information:**

**Building 1**

Year Built 1888  
 Style/Structure Type OLD STYLE  
 # Stories 2  
 # Units 1  
 Bedrooms 3  
 Full Baths 1  
 Total Rooms 6  
 Attic NONE  
 Basement PIER/SLAB  
 Square Feet 1412



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

**Sales Information:**

Sale Date	Type	Price	Book/Page
6/19/2015	LAND + BUILDING	\$395,000.00	32363/197





RECORD OF BUILDINGS

GRADE DENOTES QUALITY OF CONSTRUCTION: A--EXCELLENT; B--GOOD; C--AVERAGE; D--CHEAP; E--VERY CHEAP

YEAR 19 19

CONSTRUCTION

FOUNDATION		FLOOR CONST.			PLUMBING		
CONCRETE		WOOD JOIST		BATHROOM			
CONCRETE BLOCK		STEEL JOIST		TOILET ROOM			
BRICK OR STONE		MILL TYPE		WATER CLOSET			
PIERS		REIN. CONCRETE		LAVATORY			
CELLAR AREA FULL		FLOOR FINISH		KITCHEN SINK			
1/4		B	1	STD. WAT. HEAT			
NO. CELLAR		CEMENT		AUTO. WAT. HEAT			
EXTERIOR WALLS		EARTH		ELECT. WAT. SYST.			
CLAPBOARDS		PINE		LAUNDRY TUBS			
WIDE SIDING		HARDWOOD		NO PLUMBING			
DROP SIDING		TERRAZZO		TILING			
NO SHEATHING		TILE		BATH FL. & WCOT.			
WOOD SHINGLES				TOILET FL. & WCOT.			
ASBES. SHINGLES				ELECTRIC			
STUCCO ON FRAME		ATTIC FLR. & STAIRS		NO LIGHTING			
STUCCO ON TILE		INTERIOR FINISH		NO LIGHTING			
BRICK VENEER		B	1	2ND			
BRICK ON TILE				3RD			
SOLID BRICK		PINE		OCCUPANCY			
STONE VENEER		HARDWOOD		SINGLE FAMILY			
CONC. OR CIND. BL.		PLASTER		TWO FAMILY			
		UNFINISHED		APARTMENT			
		METAL CLG.		STORE			
TERRA COTTA				THEATRE			
VITROLITE		REGREAT. ROOM		HOTEL			
PLATE GLASS		FINISHED ATTIC		OFFICES			
INSULATION		FIREPLACE		WAREHOUSE			
WEATHERSTRIP		HEATING		COMM. GARAGE			
ROOFING		PIPELESS FURNACE		GAS STATION			
ASPH. SHINGLES		HOT AIR FURNACE		PLUMBING			
WOOD SHINGLES		FORCED AIR FURN.		TILING			
ASBES. SHINGLES		STEAM		TOTAL			
SLATE		HOT WAT. OR VAPOR		FACT. 110			
TILE		NO HEATING		REP. VAL.			
METAL				2860			
COMPOSITION				1290			
ROLL ROOFING		GAS BURNER		1290			
INSULATION		OIL BURNER		1290			
		STOKER		1290			

SUMMARY OF BUILDINGS

OCCY	TYPE	GR.	AGE	REMO.	COND.	REP. VAL.	F. D.	PHY. VAL.	F. D.	SOUND VAL.	TAX VAL.	YR.
A	2-5/F	D-C	66		F	2860	53%	1290	A	1290	775	19
B									B			19
C									C			19
D									D			19
E									E			19
F									F			19
C									C			19
YEAR	1951									1951 TOTAL BLDGS.	1290	775
TAX VAL.												19
OLD VAL.												19
CHANGE												19

775	1290	775
2-5/F	D-C	66
1290	53%	1290
775		

# REAL ESTATE ASSESSMENT RECORD - CITY OF PORTLAND, MAINE

LAND NOS. 50 51 52	STREET Great Diamond Island Bay Ave.	DEVELOPMENT NO. 11014	AREA 18	DIST. 18	ZONE	CHART 83B	BLOCK G	LOT 14	EVALUATION 50 51 52
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RECORD OF TAXPAYER		YEAR	BOOK	PAGE
TAXPAYER ADDRESS AND DESCRIPTION				
GEYMAN JERROLD 195 BROADWAY NEW YORK NEW YORK  LAND BAY AVE LOT 194 REC PL DIAMOND ISLAND ASSOC. GREAT DIAMOND ISLAND PORTLAND ME ASSESSORS PLAN 838-G-14 AREA 11014 SQ FT				

LAND VALUE COMPUTATIONS AND SUMMARY					LAND VALUE COMPUTATIONS AND SUMMARY				
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE
101	109		103						
11014A @ 02¢					220				
220					220				
220					220				
SQ. FT. TO-FROM CH.					BLK. LOT				
SQ. FT. TO-FROM CH.					BLK. LOT				
LAND VALUE COMPUTATIONS AND SUMMARY					LAND VALUE COMPUTATIONS AND SUMMARY				
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE
TOTAL VALUE LAND					TOTAL VALUE LAND				
TOTAL VALUE BUILDINGS					TOTAL VALUE BUILDINGS				
TOTAL VALUE LAND AND BUILDINGS					TOTAL VALUE LAND AND BUILDINGS				
SQ. FT. TO-FROM CH.					BLK. LOT				
SQ. FT. TO-FROM CH.					BLK. LOT				
YEAR	ORIG. COST				YEAR	RENTAL			
YEAR	SALE PRICE				YEAR	EXPENSE			
YEAR	U. S. R. S.				YEAR	NET			

**New Search!**

*IR2 Shoreland*

**Current Owner Information:**

CBL 083B G003001  
 Land Use Type SEASONAL  
 Verify legal use with Inspections Division  
 Property Location 150 CRESCENT AVE  
 Owner Information CAPRIO TAMMY & SHERI LANNI JTS  
 9 CARLENA TERR  
 WOBURN MA 01801

*as of 1951 - same size lot.*

Book and Page 31021/105  
 Legal Description 83B-G-3  
 CRESCENT AVE 150  
 GREAT DIAMOND ISLAND

Acres 11295 SF  
 0.2593

*- legally nonconforming - lot of record - Chain of title 1980 July 1984*

**Current Assessed Valuation:**

TAX ACCT NO.	12234	OWNER OF RECORD AS OF APRIL 2015
LAND VALUE	\$171,500.00	CAPRIO TAMMY &
BUILDING VALUE	\$256,700.00	SHERI LANNI JTS
NET TAXABLE - REAL ESTATE	\$428,200.00	9 CARLENA TERR
		WOBURN MA 01801
TAX AMOUNT	\$8,833.78	

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

**Building Information:**

**Building 1**

Year Built 1890  
 Style/Structure Type OLD STYLE  
 # Stories 2  
 # Units 1  
 Bedrooms 4  
 Full Baths 1  
 Half Baths 1  
 Total Rooms 7  
 Attic NONE  
 Basement PIER/SLAB  
 Square Feet 2175



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

**Sales Information:**

Sale Date	Type	Price	Book/Page
http://www.portlandassessors.com/searchdetails.asp?Acct=083B G003001			

# REAL ESTATE ASSESSMENT RECORD - CITY OF PORTLAND, MAINE

LAND NOS. 20 50 50	STREET Great Diamond Island Crescent Ave.	BLDG. NO. 11295	AREA 18	DIST. 18	ZONE	CHART 83B	BLOCK 0	LOT 3
TAXPAYER ADDRESS AND DESCRIPTION  LEWIS ALICE M CRESCENT AVE. GREAT DIAMOND ISLAND CITY  LAND & BLDG. CRESCENT AVE. LOT 195 REC. PL. DIAMOND ISLAND ASSOC GREAT DIAMOND ISLAND ASSESSORS PLAN 83B-G-3 AREA 11295 SQ. FT.		DEVELOPMENT NO.		RECORD OF TAXPAYER		PROPERTY FACTORS		LOT
CARD NO. OF		YEAR		BOOK		PAGE		

TOPOGRAPHY		PROPERTY FACTORS	
LEVEL	WATER	IMPROVING	WASTE
LOW	SEWER	STATIC	
HIGH	GAS	DECLINING	
ROLLING	ELECTRICITY		
SWAMPY	ALL UTILITIES		
TREND OF DISTRICT			
STREET		IMPROVING	
PAVED		STATIC	
SEMI-IMPROVED		DECLINING	
DIRT			
SIDEWALK			
TILLABLE		WOODED	

LAND VALUE COMPUTATIONS AND SUMMARY			
FRONTAGE	DEPTH	UNIT PRICE	FRONT FT. PRICE
104	109		19
11295 @ 1 1/2 f			
TOTAL VALUE LAND			
TOTAL VALUE BUILDINGS			
TOTAL VALUE LAND AND BUILDINGS			
SQ. FT. TO-FROM CH.		BLK.	LOT
SQ. FT. TO-FROM CH.		BLK.	LOT

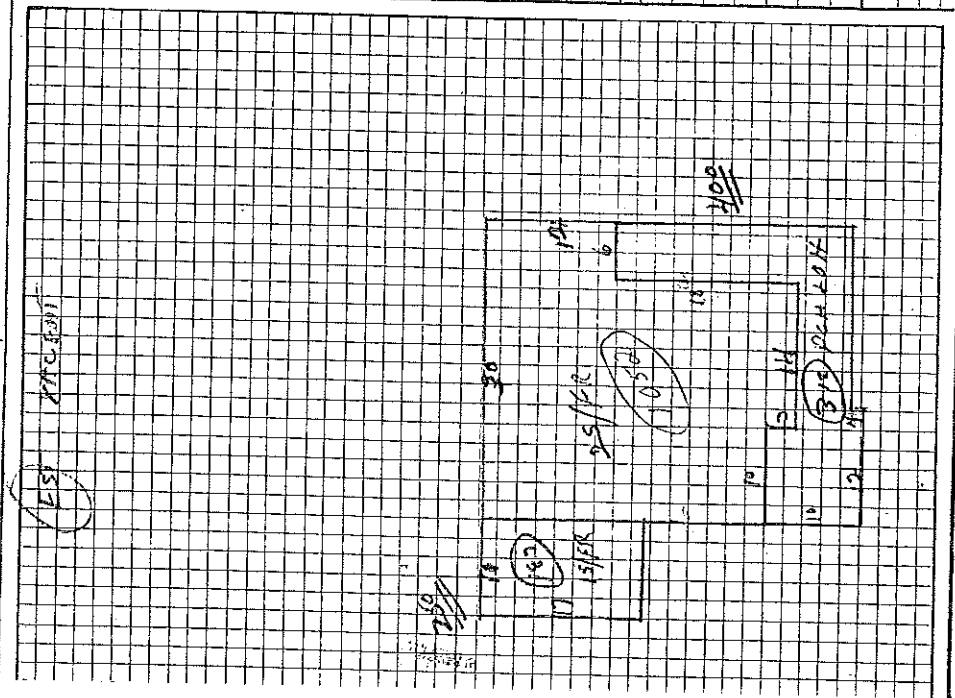
LAND VALUE COMPUTATIONS AND SUMMARY			
FRONTAGE	DEPTH	UNIT PRICE	FRONT FT. PRICE
			19
TOTAL VALUE LAND			
TOTAL VALUE BUILDINGS			
TOTAL VALUE LAND AND BUILDINGS			
SQ. FT. TO-FROM CH.		BLK.	LOT
SQ. FT. TO-FROM CH.		BLK.	LOT

RECORD OF BUILDINGS

GRADE DENOTES QUALITY OF CONSTRUCTION: A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP; E—VERY CHEAP

YEAR 19

YEAR 19



CONSTRUCTION

FOUNDATION		FLOOR CONST.			PLUMBING		
CONCRETE		WOOD JOIST		BATHROOM			
CONCRETE BLOCK		STEEL JOIST		TOILET ROOM			
BRICK OR STONE		MILL TYPE		WATER CLOSET			
PIERS		REIN. CONCRETE		LAVATORY			
CELLAR AREA FULL		FLOOR FINISH		KITCHEN SINK			
1/4		B	1 2 3	STD. WAT. HEAT			
NO. CELLAR		CEMENT		AUTO. WAT. HEAT			
EXTERIOR WALLS		EARTH		ELECT. WAT. SYST.			
CLAPBOARDS		PINE		LAUNDRY TUBS			
WIDE SIDING		HARDWOOD		NO PLUMBING			
DROP SIDING		TERRAZZO					
NO SHEATHING		TILE		TILING			
WOOD SHINGLES				BATH FL. & WCOT.			
ASBES. SHINGLES				TOILET FL. & WCOT.			
STUCCO ON FRAME		ATTIC FLR. & STAIRS		LIGHTING			
STUCCO ON TILE		INTERIOR FINISH		ELECTRIC			
BRICK VENEER		B	1 2 3	NO LIGHTING			
SOLID BRICK		PINE		NO. OF ROOMS			
STONE VENEER		HARDWOOD		BSMT.			
CONC. OR CIND. BL.		PLASTER		1ST			
		UNFINISHED		2ND			
		METAL CLG.		3RD			
TERRA COTTA				OCCUPANCY			
VITROLITE				SINGLE FAMILY			
PLATE GLASS		RECREAT. ROOM		TWO FAMILY			
INSULATION		FINISHED ATTIC		APARTMENT			
WEATHERSTRIP		FIREPLACE		STORE			
		HEATING		THEATRE			
ROOFING		PIPELESS FURNACE		HOTEL			
ASPH. SHINGLES		HOT AIR FURNACE		OFFICES			
WOOD SHINGLES		FORCED AIR FURN.		WAREHOUSE			
ASBES. SHINGLES		STEAM		COMM. GARAGE			
SLATE		HOT WAT. OR VAPOR		GAS STATION			
METAL		NO HEATING		ECONOMIC CLASS			
COMPOSITION		GAS BURNER		OVER BUILT			
ROLL ROOFING		OIL BURNER		UNDER BUILT			
INSULATION		STOKER		DT. 8/20/13			
				AR. 15'			
				LD. 7-30			
				PO. 30'			
				CK. 5'			

SUMMARY OF BUILDINGS

OCCY	TYPE	GR.	AGE	REMOD.	COND.	REP. VAL.	P. D.	PHY. VAL.	F. D.	SOUND VAL.	TAX VAL.
A	2-5/18	DC	66		F	4500	382	2050	A	2050	1225
B									B		
C									C		
D									D		
E									E		
F									F		
G									G		
YEAR	1951									1951 TOTAL BLDGS.	1225
TAX VAL.											
OLD VAL.											
CHANGE											

COMPUTATIONS

UNIT	1951
1050 S.F.	4400
S. F.	
ADDITIONS	4650
1000	-200
BASEMENT	-560
WALLS	
ROOF	
FLOORS	
ATTIC	
FINISH	-1200
FIREPLACE	400
HEATING	
PLUMBING	7240
TILING	
TOTAL	3950
FACT. 45	4600
REP. VAL.	4500