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*Penny St. Louis Littell- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

January 26, 2009

Warren Currier & Buchanan LLC
57 Exchange Street
Portland, ME 04101-5020
Attn: Brenda M. Buchanan, Esq.

RE : Suzanne & Joseph Kane -72 Torrington Ave., Peaks Is. - 84-N-14 - IR-2 Zone
Joyce & Hugh Woodbury -76 Torrington Ave., Peaks Is. - 84-N-13 - IR-2 Zone
Boundary Adjustments

Dear Brenda,

I am in receipt of your request to determine whether the proposed boundary adjustments cause a Land Use Zoning violation.

My determination is based up a submitted survey by Frank O. Holdgate, PLS and dated 6/12/08. The survey depicts a vacated roadway which is to be divided between the abutters, Kane and Woodbury along with a small amount of land swapping. It is understood that the road vacation and land swapping will be essentially simultaneously actions.

The two lots, 72 Torrington Avenue, 84-N-14, presently owned by Suzanne and Joseph Kane and 76 Torrington Avenue, 84-N-13, presently owned by Joyce and Hugh Woodbury, are both located within the IR-2 Island Residential Zone. The current Land Use Zoning Ordinance under section 14-422 states that any existing lot shall not be so reduced that yards, lot width, lot frontage, lot area, area per dwelling unit, and space for off-street parking and/or off-street loading be less than the minimum required under this article.

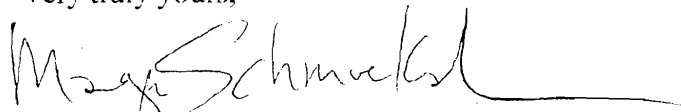
According to the given information, the current lot size of 72 Torrington Avenue (84-N-14) is 2,641 square feet. The proposed lot size of this lot after the simultaneous boundary adjustments will be increased to 3,472 sq. The street frontage and side setbacks will also be increased for this lot. The 72 Torrington Avenue lot will be closer to conformity under the IR-2 Zone after the boundary adjustments.

According to the given information, the current lot size of 76 Torrington Avenue (84-N-13) is 6,402 square feet. The proposed lot size after the simultaneous boundary

adjustments will be increased to 6,466 square feet. The street frontage would be lessened to 141.95 feet, but would not be less than the 70' currently required in the IR-2 Zone. The side setback on the western side of the lot would be reduced to approximately 35' at the closest point which is greater than the minimum required side setback of 20'.

Therefore, I have determined that the proposed boundary changes will not violate the current Land Use Zoning Ordinance for either of the lots involved as summarized.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal", with a long horizontal flourish extending to the right.

Marge Schmuckal
Zoning Administrator

Cc: file

- Sec. 14.417. Reserved.
- Sec. 14-418. Reserved.
- Sec. 14-419. Reserved.
- Sec. 14-420. Reserved.

DIVISION 25. SPACE AND BULK REGULATIONS AND EXCEPTIONS

Sec. 14-421. Generally.

The requirements of this article shall be subject to the space and bulk regulations and exceptions of this division.
(Code 1968, § 602.19.A)

Sec. 14-422. Reduction of lot area prohibited.

No lot shall be so reduced that yards, lot width, lot frontage, lot area, area per dwelling unit, and space for off-street parking and/or off-street loading shall be less than the minimum required under this article.
(Code 1968, § 602-19.A)

Sec. 14-423. Joint occupancy.

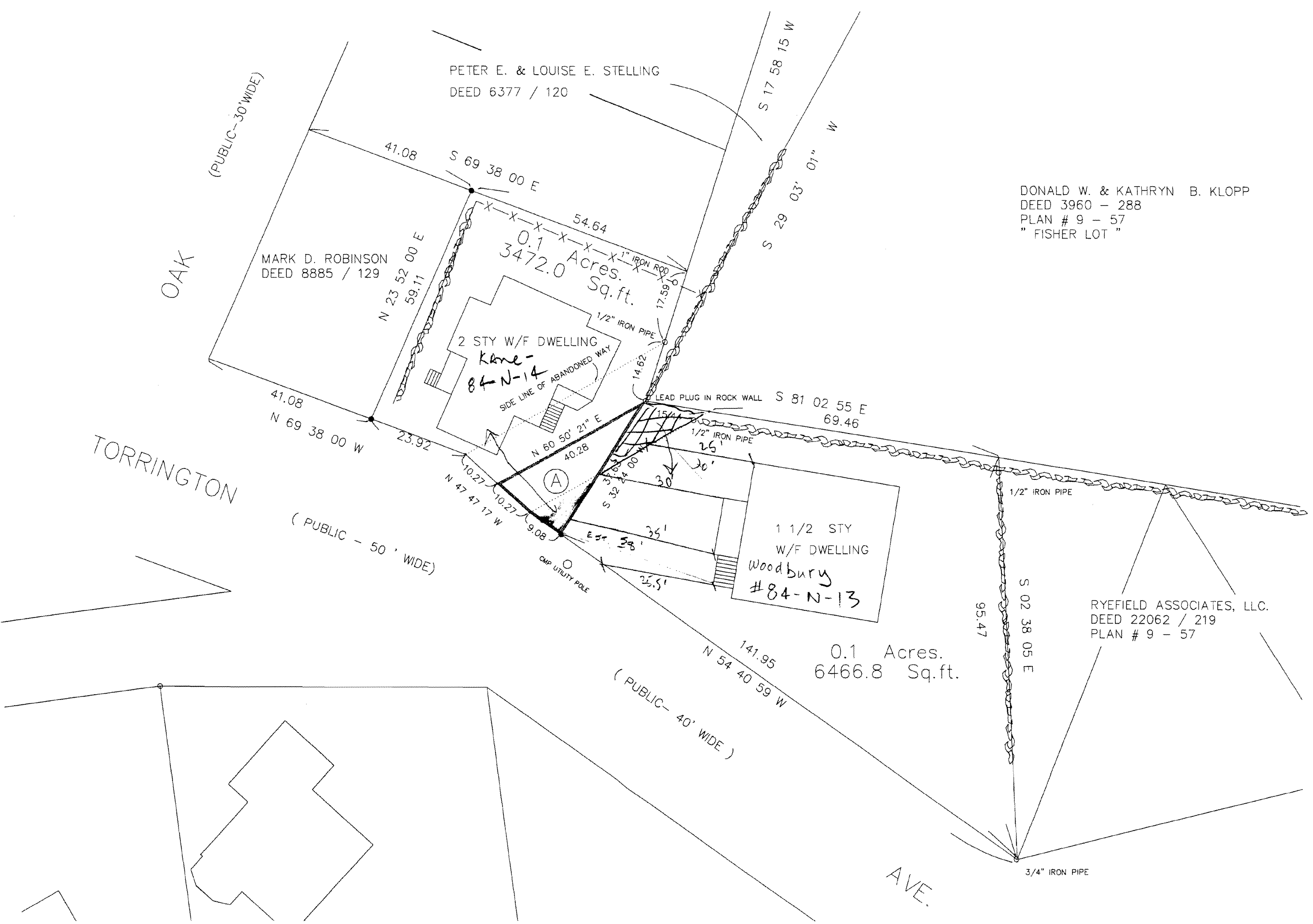
When two (2) or more uses occupy the same building or premises, the off-street parking and loading requirements and the area per dwelling unit requirements of both uses shall be met in full.
(Code 1968, § 602.19.B)

Sec. 14-424. Required open space.

No part of a yard or other open space required about any building under this article shall be included as a part of a yard or other open space required for another building.
(Code 1968, § 602.19.C)

Sec. 14-425. Projections in required yard areas.

Any yard may be occupied by a one-story entrance porch not enclosed, with or without a roof, if the area of the porch does not exceed fifty (50) square feet nor the projection from the building exceed six (6) feet. A basement bulkhead of similar size, but not more than twenty four (24) inches in height, is also permitted. A cornice eave, sill, canopy, chimney, or other similar architectural feature, but not including a bay window, may project into any



PETER E. & LOUISE E. STELLING
DEED 6377 / 120

MARK D. ROBINSON
DEED 8885 / 129

DONALD W. & KATHRYN B. KLOPP
DEED 3960 - 288
PLAN # 9 - 57
" FISHER LOT "

RYEFIELD ASSOCIATES, LLC.
DEED 22062 / 219
PLAN # 9 - 57

1 1/2 STY
W/F DWELLING
Woodbury
#84-N-13

2 STY W/F DWELLING
Kane -
84-N-14

0.1 Acres.
3472.0 Sq.ft.

0.1 Acres.
6466.8 Sq.ft.

OAK

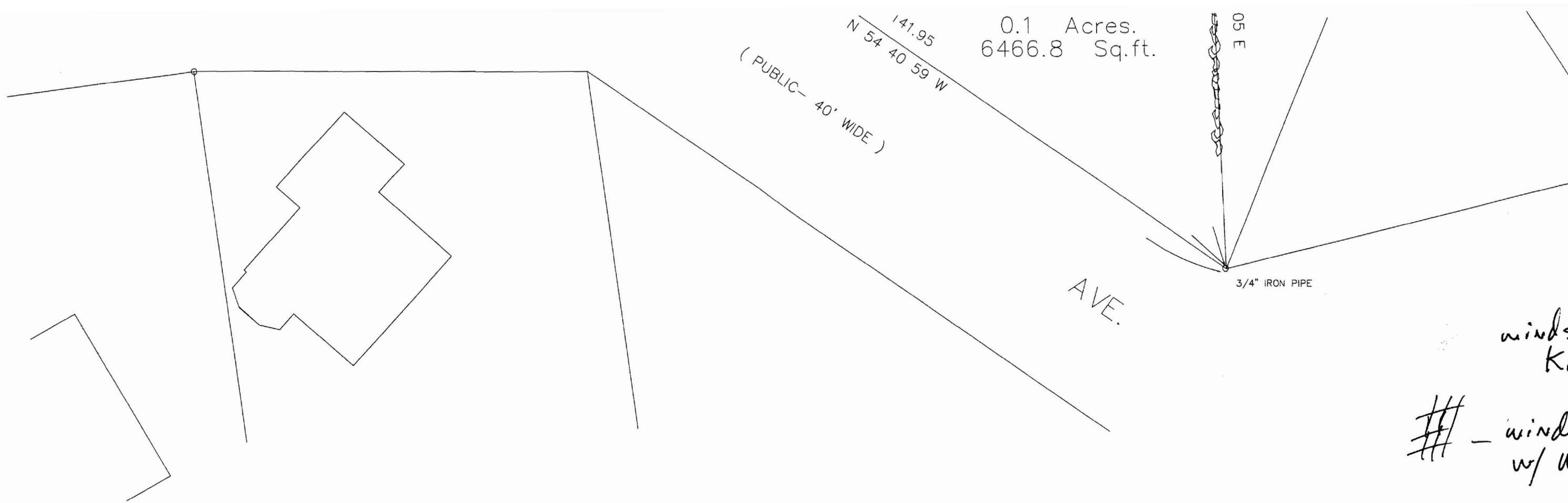
TORRINGTON

AVE.

(PUBLIC - 30' WIDE)

(PUBLIC - 50' WIDE)

(PUBLIC - 40' WIDE)



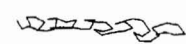
winds up
Kane

- winds up
w/ Woodb

Per Ass
Survey
size

original lot size
2605
original lot size
5760

NOTE:

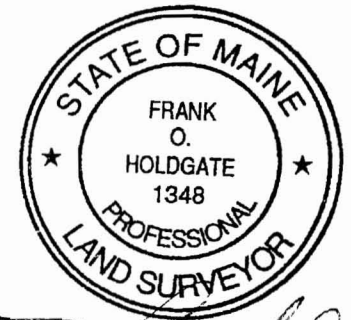
-  - DENOTES A ROCK WALL
- X—X— - DENOTES A WOOD FENCE
- - DENOTES A # 4 REBAR WITH PLASTIC CAP SET

PLAN BOOK 9 PAGE 57

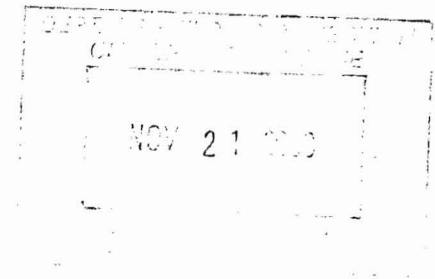
NOTE:
LOT A
AREA DEEDED TO KANE FROM WOODBURY
336.5 sf more or less

PLAN OF LAND ON PEAKS ISLAND
FOR

JOSEPH W. & SUZANNE KANE - 84-N-14 - original lot size
H. HUGH & JOYCE N. WOODBURY - 84-N-13 - original lot size
PEAKS ISLAND, CUMBERLAND COUNTY
SCALE 1" = 20 ' 6 / 12 / 08
FRANK O. HOLDGATE
16 POPLAR RD.
GREENWOOD, MAINE 04255



Handwritten signature of Frank O. Holdgate



TAX MAP 84 - N14
TAX MAP 84 - N13
DEED 7847 / 204
DEED 12751 / 305

IR-2 Zone