



Ann Machado &lt;amachado@portlandmaine.gov&gt;

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**Re: 167 New Island Avenue, Peaks Island**

1 message

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**Mary Hitt-Davis** <callmary@kw.com>

Thu, Jan 31, 2019 at 3:23 PM

To: Ann Machado &lt;amachado@portlandmaine.gov&gt;

Thank you for your edits Ann. Appreciate your time.  
Mary

Mary Hitt-Davis  
Associate Broker  
207-838-1898  
[callmary@kw.com](mailto:callmary@kw.com)

Keller Williams Realty  
50 Sewell Street, 2nd Floor  
Portland, ME 04102  
207-879-9800

On Jan 31, 2019, at 1:33 PM, Ann Machado <[amachado@portlandmaine.gov](mailto:amachado@portlandmaine.gov)> wrote:

Mary -

I have made some changes to the email. The changes are in blue.

Ann

Ann Machado  
Zoning Administrator  
Permitting and Inspections Department  
City of Portland, Maine  
(207) 874-8709  
[amachado@portlandmaine.gov](mailto:amachado@portlandmaine.gov)

On Thu, Jan 31, 2019 at 12:09 PM Mary Hitt-Davis <[callmary@kw.com](mailto:callmary@kw.com)> wrote:

Thank you Ann for your follow up yesterday. I wanted to send this to you to confirm what we discussed.

In reiterating the question I was asking of zoning (Can 167 New Island Avenue be sold as it is with current building and lot lines?), your response was several points.

- There are recorded deeds (4 are on record) that refer to the sale and transfer of 50 Spruce Ave that state the boundaries of the G013,14,15,17 being split between 167 New Island and 50 Spruce Avenue. It would appear that zoning did not have input into this, as 167 New Island Ave was made **more nonconforming to minimum lot size and nonconforming as to side and rear setback of existing structure. The existing three season porch on the left side of the house was permitted in 1998 before the lots were reconfigured in 2000. Since the deed that created the current lot configurations was recorded in 2000, the City is not taking action at this time.**
- Due to these circumstances, you stated that the lot **is legally nonconforming**. We discussed that a mortgage title attorney should be consulted to understand the impact on this upon financing or sale.
- You noted that the deck on the front of 167 New Island does not appear to have a permit and **does not appear to meet the front yard setback**. (This deck is not attached and is a platform sitting on the ground and can be moved.)

- In addition, we discussed that the new buyer of the lot should be aware that they would be very restricted on any future changes due to the non-conforming lot.

Ann, I appreciate your help in for bringing clarity on this property!  
Regards,  
Mary

Mary Davis  
[callmary@kw.com](mailto:callmary@kw.com)  
(207) 838-1898 Cell

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55 Sewell Street 2nd Floor  
Portland, Maine 04102  
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On Jan 30, 2019, at 4:10 PM, Mary Hitt-Davis <[callmary@kw.com](mailto:callmary@kw.com)> wrote:

Thanks Ann. Appreciate your help. Mr. Feeney, who owned this property and many others on Peaks, was always a man who was known for his honesty and did things correctly. He had a survey completed in 1997 (I have a full copy) and I can only imagine that he must have believed all was fine with boundaries before he continued with the number of permits for buildings and septic systems that he requested from the city and the money spent on the improvements over the next 3-4 years on both properties. He got the sign off from the city on his permits. Then issued 4 recorded deeds with the lots lines. I hope we can clear this up as I am certain Mr. Feeney thought he was in compliance.

Thank you. I will talk to you Monday if I have not heard from you before then.

Mary

Mary Davis  
[callmary@kw.com](mailto:callmary@kw.com)  
(207) 838-1898 Cell

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On Jan 30, 2019, at 1:49 PM, Mary Hitt-Davis <[callmary@kw.com](mailto:callmary@kw.com)> wrote:

Afternoon Ann,  
Wanted to make sure you got this below. Meant to tell you I also have a timeline over the last 20 years of all deeds, permits, etc plus the full printout of the survey. I am free to stop by this afternoon at 4 if you need any of this...  
Thanks again.  
Mary

Mary Davis  
[callmary@kw.com](mailto:callmary@kw.com)  
(207) 838-1898 Cell

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On Jan 29, 2019, at 4:12 PM, Mary Hitt-Davis  
<[callmary@kw.com](mailto:callmary@kw.com)> wrote:

Afternoon Ann,  
Thank you for your call this afternoon. I appreciate your help as I am trying to clear the house to be listed for sale by the current owners; like to do this before the listing!

Attached is a scan with (a) current assessor map, (b) 4 deeds referring to boundaries for [167 New Island Ave](#) and 50 Spruce Ave which were recorded from July Of 2000 through May of 2010, and (c) a copy of the survey completed in 1997 and updated in 2001. If needed, I also have copies of all of the approved building permits (are six of them with associated extensions/approvals) issued from you all over the last 20 years on [167 Island Ave](#) and 50 Spruce Ave.

Thank you. Looking forward to working with you.  
Regards,  
Mary

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Mary Davis  
[callmary@kw.com](mailto:callmary@kw.com)  
(207) 838-1898 Cell

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Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions.

4/16/2019

City of Portland Mail - Re: 167 New Island Avenue, Peaks Island

As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.