



# PORTLAND MAINE

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Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator

February 20, 2013

Warren Currier & Buchanan  
7 Exchange Street  
Portland, ME 04101-5020  
Attn: Attorney Brenda M. Buchanan

RE: 87-K-2, 87-K-8, & 87-K-29 Island Avenue & Pleasant Avenue, Peaks Island –  
IR-2 Zone

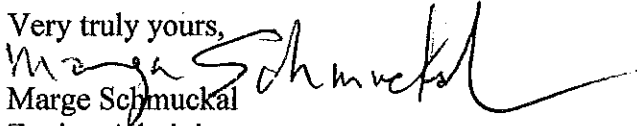
Dear Attorney Buchanan,

I am in receipt of your request for a determination letter concerning the lots owned by Jean K, Gulliver on Peaks Island represented by Assessor's numbers 87-K-2, 87-K-8, & 87-K-29. The entire property is located in the Island Residence Two (IR-2) Zone. My determination is based upon a signed stamped survey dated November 27, 2012 by Eugene Schleh, a professional land surveyor,

I have been given two reduced copies of the survey each suggesting a different division of land into two parcels. Based upon the IR-2 zoning requirements, option "A" would not meet the underlying zone requirements requiring 70 foot of street frontage [section 14-145.11(b)]. Please note that section 14-422 does not permit the division of land if any 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 the Land Use Zoning Ordinance. Currently the one lot is meeting the minimum street frontage requirements using both Pleasant Avenue and Island Avenue as combined street frontage. It is agreed that either division of land options will not affect the current legal nonconformity of the existing single family dwelling for the northern side setback, for the minimum lot width, or for the minimum front setback.

Therefore, at this time before a formal division of land is completed with a survey, the concept of option "B" appears to better meet the Land Use Zoning Ordinance and based upon the information given in your letter, would meet the requirements of the IR-2 zone.

If you have any questions regarding this determination, please do not hesitate to contact me at 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

January 30, 2012

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

RECEIVED

JAN 30 2013

RE: Request for Zoning Determination

Dept. of Building Inspections  
City of Portland Maine

Dear Marge:

I am writing to request a zoning determination letter in regard to a plan by my clients John and Jean Gulliver to divide a large parcel they own on Peaks Island into two lots. The property in question is comprised of three tax parcels in the IR-2 zone that city records say total 41,788 square feet in area:

- 4151.0<sup>sq ft</sup> per Eugene Schleich 2012 Survey
- A. 87-K-2, which the tax map says is a 5,000 sf parcel, fronts on Pleasant Avenue. It is the location of a single-family home built in 1880. (Street address, 48 Pleasant Avenue);
- 6667.7<sup>sq ft</sup> per E.S. 2012 Survey
- B. 87-K-8, which the tax map says is a 5,738-sf parcel, undeveloped, with no road frontage, and
- 29,474.8<sup>sq ft</sup> E.S. 2012 Survey
- C. 87-K-29, which the tax map says is a 31,050-sf parcel, undeveloped, with frontage on Island Avenue.

The Gullivers recently had this land surveyed by Northeastern Land Surveying. A full-size copy of that plan is enclosed. Unsurprisingly, the surveyor came up with different area for each parcel (he shows Parcel A as 4,151 sf; Parcel B as 6,667.7 sf and Parcel C as 29,474.8 sf, for a total of 40,293.50 sf.)

As I understand the lot merger rules, these three parcels have merged into one, as they have been in common ownership since 1977 when Gloria Nilsen conveyed Parcel C to John P. and Bertha C. Gulliver, who already owned Parcels A and B.

57 Exchange Street, Portland, Maine 04101-5020

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

My clients wish to divide this parcel into two lots, both of which will meet the IR-2 Zone minimum lot size of 20,000 sf. I have attached two marked up reduced-size copies of the survey (sorry it is a bit blurry) showing different alternatives of how this could be done. The location and angle of the dividing line shown on the markups are for illustrative purposes only (they were done by me). My purpose in showing you two options is to confirm that both are viable from a zoning perspective. If so, my clients will confer with their architect to determine which offers a better building envelope, and the surveyor will calculate a precise division line before deeds are exchanged that will result in each lot being at least 20,000 sf in size.

Under both options, the existing house on the Pleasant Avenue side will be part of Lot #1, which is the shaded area on my markups. It is grandfathered as to frontage (though at 68.93 feet, it is only 1.7 feet short of the requirement set forth in Section 14-145.11 of the Zoning Code) and also is grandfathered as to setbacks.

The parcel labeled Lot #2 will have at least 70 feet of road frontage in both configurations. It is understood any new home built on Lot #2 will have to meet all relevant setback and lot coverage requirements.

I believe this is a straightforward situation. It is not a subdivision, because it is only two lots. Both will meet minimum lot size. One is grandfathered as to dimensional requirements, the other will meet all of those requirements.

My clients intend to deed one lot into one of their names individually to accomplish the division, but prefer to have a written determination from you prior to taking that step.

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: John and Jean Gulliver

IR-2

City of Portland  
Code of Ordinances  
Sec. 14-145

Land Use  
Chapter 14  
Rev. 9-15-11

- 7. Where an existing subsurface wastewater disposal system serving an existing structure requires replacement, the replacement system shall meet the requirements of CMR 241 Section 2-E. The land area requirements in subsection f. of this section shall not apply to such a replacement system.

For purposes of this subsection, the mean high tide mark shall be considered to be the shoreline lot line.

14-145.11.(b) (b) Minimum street frontage:

Seventy (70) feet, except that a lot of record as described in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and lots created after July 15, 1985, which are not part of a subdivision need not provide street frontage if access is available by means of a permanent easement or right-of-way which existed as of July 15, 1985. Such easement or right-of-way shall have a minimum width of sixteen (16) feet and a minimum travel width of eight (8) feet except that an easement or right-of-way providing access for three (3) or more lots or providing the only means of access to a parcel or parcels of three (3) acres or more, shall be a minimum thirty-two (32) feet wide and meet the construction requirements of article III of chapter 25 (street acceptances) of this Code. Such easement or right-of-way shall permit municipal service delivery.

(c) Minimum yard dimensions:

(Yard dimensions shall include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

- 1. *Front yard:* Principal or accessory structures: Twenty-five (25) feet except that a front yard need not exceed the average depth of front yards on either side of the lot.
- 2. *Rear yard:* Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.

Accessory detached structures with ground coverage of one hundred and forty-four(144) square feet or less: Ten (10) feet.

3. *Side yard:* Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.

Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: fifteen (15) feet, except that the minimum distance from a principal structure may be five (5) feet.

4. *Side yard on side streets:* Principal or accessory structures: Twenty (20) feet.

5. Notwithstanding the foregoing, the width of one side-yard may be reduced to not less than ten feet in the case of a lot of record, existing as of June 5, 1957, and which contained a structure in use at that time and at all times subsequent thereto as a year-round, single-family residence, and which is served by public sewer and water, at the time of any expansion permitted by this section, where the reduction is necessary either to bring the use into compliance with health and safety codes or to improve a condition which the Board of Appeals determines constitutes a health or safety problem. Any alteration or expansion authorized by this section may only be situated in the rear yard and shall not encroach into the required setback more than the existing building does prior to the construction of such alteration or expansion. Any such alteration or expansion will be subject to the maximum lot coverage requirements applicable to this zone; and, cumulatively, during the lifetime of the structure, may not exceed forty percent (40%) of the combined floor area of the habitable rooms existing at the time of the first expansion permitted by this section. For the purposes of this section "floor area" and "habitable room" shall have the same meaning ascribed to them in Portland Municipal Code, §6-106, et seq., Housing Code, as it may be amended from time to time.

Gulliver Property - Peaks

Proposed Lot Split.

min street frontage  
street problem of 7<sup>th</sup>  
approach on this one  
Option A.

**BOUNDARY SURVEY OF LAND**  
48 PLEASANT AVENUE AND 308 ISLAND AVENUE  
PEAKS ISLAND, PORTLAND, MAINE

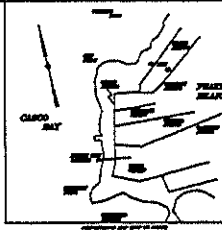
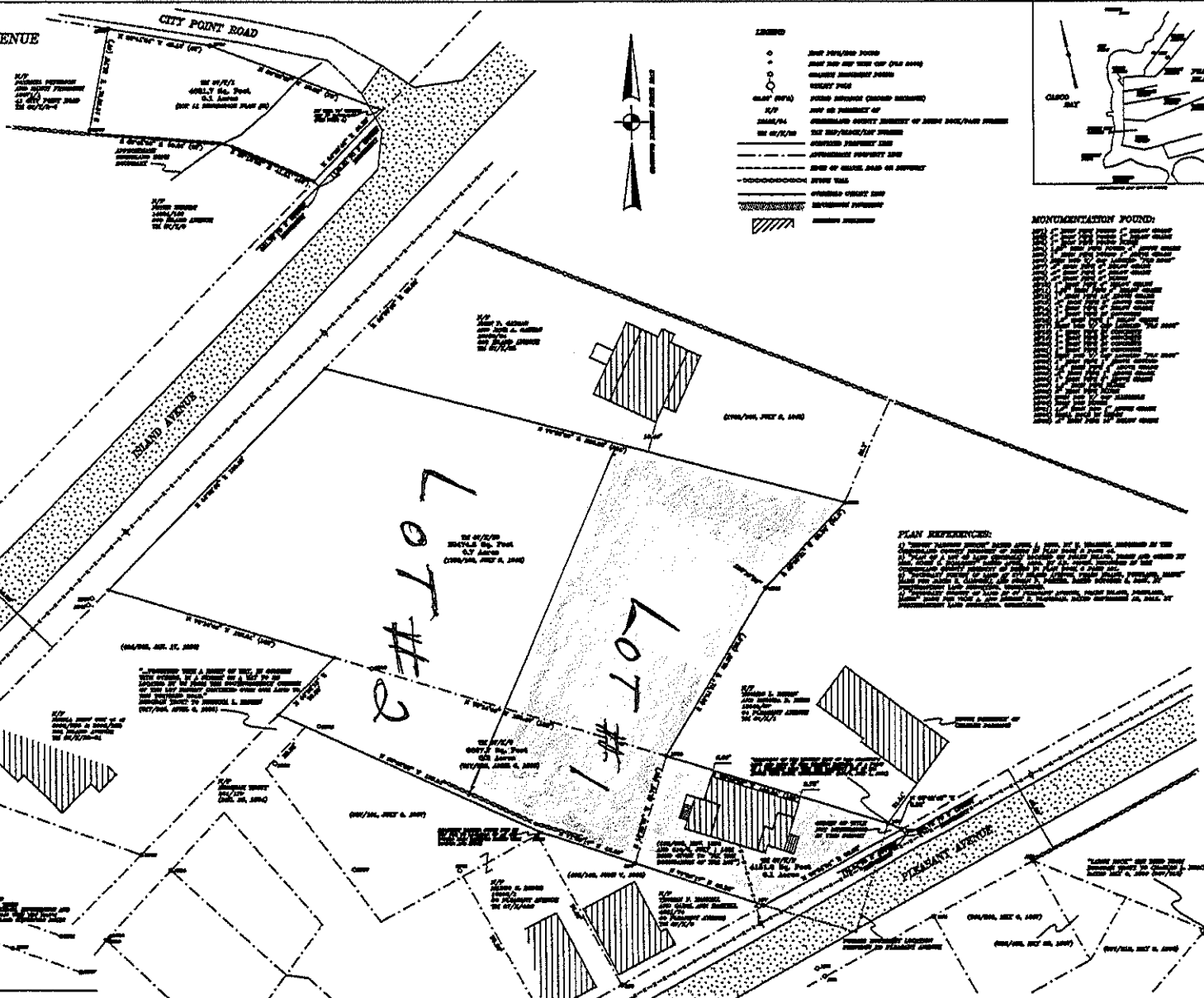
MADE FOR JEAN E. AND JOHN W. GULLIVER  
23 THORNHURST ROAD, FALMOUTH, MAINE 04105

MADE BY NORTHEASTERN LAND SURVEYING  
16 COLLEGE AVENUE, GORHAM, MAINE 04038

NOVEMBER 27, 2012 JOB #12-411 SHEET 1 OF 1

SCALE 1" = 40'  
0' 20' 40'

**NOTES:**  
1) THE OWNERS OF RECORD ARE JEAN E. GULLIVER AND JOHN W. GULLIVER.  
2) RECORD OF RECORD ARE SUCCESSORS BY THE CONDEMNATION CITY SURVEY OF LAND IN BOUND BOUND BOUND PAGES 100 AND 101 OF BOOK 11000 PAGE 100.  
3) THE CAPITAL IMPROVEMENTS AND CITY OF PORTLAND THE MAP BY BLOCK E LOTS A, B AND AN AS WELL AS THE MAP BY BLOCK F LOT 1.  
4) BOUNDARY SURVEY HAS A 60' WIDE RIGHT OF WAY (SEE "STREET" BOUNDARY VOL. 2 PAGE 100). PLANNED AVENUE MAP A, BY THE RIGHT OF WAY (SEE "STREET" BOUNDARY VOL. 2 PAGE 100). LOCATED IN THE CITY OF PORTLAND ROAD BOUNDARY SURVEY (SEE "STREET" BOUNDARY VOL. 2 PAGE 100). PLANNED AVENUE, A PRIVATE ROAD KNOWN AS "STREET" BOUNDARY MAP A, IS BEING PROPOSED TO THE CURRENT LOCATION. THE FORMAL CHANGING OF PLANNED AVENUE APPEARS TO BE THE PART OF THE MAP BY BLOCK E LOTS A AND B AND LEFT A SMALL "CORRECTION" BETWEEN THE THORNHURST PARKS IN CONDEMNATION RECORDS AS PART OF THE MAP BY BLOCK E LOTS A. CITY POINT ROAD IS BEING ADJUSTED TO BE 60' WIDE ON PLAN INTERSECTION. THE SURVEYED RIGHT OF WAY IS LOCATED ON THE BOUNDARY SURVEY AND BOUNDARY MAP A. THE BOUNDARY SURVEY DOES NOT FALL IN A "SPECIAL FLOOD HAZARD AREA" FOR FLOODING AND CONSIDERS "SPECIAL FLOOD HAZARD" SURVEYING DATE JULY 11, 2012.  
5) BOUNDARY SURVEY HAS A 60' WIDE RIGHT OF WAY. THE MAP BY BLOCK F LOT 1 PARTIALLY FALLS IN THE BOUNDARY SURVEY BOUNDARY SURVEY. THE BOUNDARY SURVEY HAS A 60' WIDE RIGHT OF WAY LOCATED BY NORTHEASTERN LAND SURVEYING. IT WAS LOCATED FROM A INITIAL G.L.A. BOUNDARY SURVEY AT THE CITY OF PORTLAND FARMER AND FARMER WOMEN IMMEDIATELY (CONDEMNATION RECORDS), AN OFFICIAL SURVEY INTERMEDIATELY AND IMMEDIATELY MUST BE OBTAINED FROM THE CITY OF PORTLAND AND ALL OTHER APPLICABLE IMMEDIATELY BOUNDARY SURVEY BOUNDARY SURVEYMENTS ON THE BOUNDARY SURVEY. THE BOUNDARY SURVEY IS APPROXIMATE. THIS PLAN MAY NOT SHOW ALL CHANGING CORRS ON THE BOUNDARY SURVEYMENTS CORRS AND THE "CORRECTION" SHOULD BE CONTACTED BEFORE ANY EXCAVATION.  
6) THIS PLAN IS NOT BEING PREPARED TO BEYOND THE LOCATION OF THE TITLE. THEREFORE, ANY CHANGING OF TITLE SHOULD BE MADE BY AN ATTORNEY AND THE BOUNDARY SURVEYMENTS BY NORTHEASTERN LAND SURVEYING AND THE BOUNDARY SURVEYMENTS SHOULD BE MADE TO BE MADE BOUNDARY SURVEYMENTS ALL THESE PARTY CLAIMS.



**MONUMENTARY FOUND:**

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# Gulliver Property - Peaks Proposed Lot Split Option B

**BOUNDARY SURVEY OF LAND**  
48 PLEASANT AVENUE AND 308 ISLAND AVENUE  
PEAKS ISLAND, PORTLAND, MAINE

MADE FOR JEAN E. AND JOHN W. GULLIVER  
23 THORNHURST ROAD, FALMOUTH, MAINE 04105

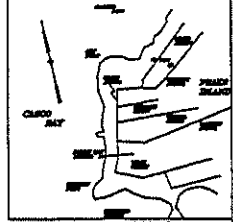
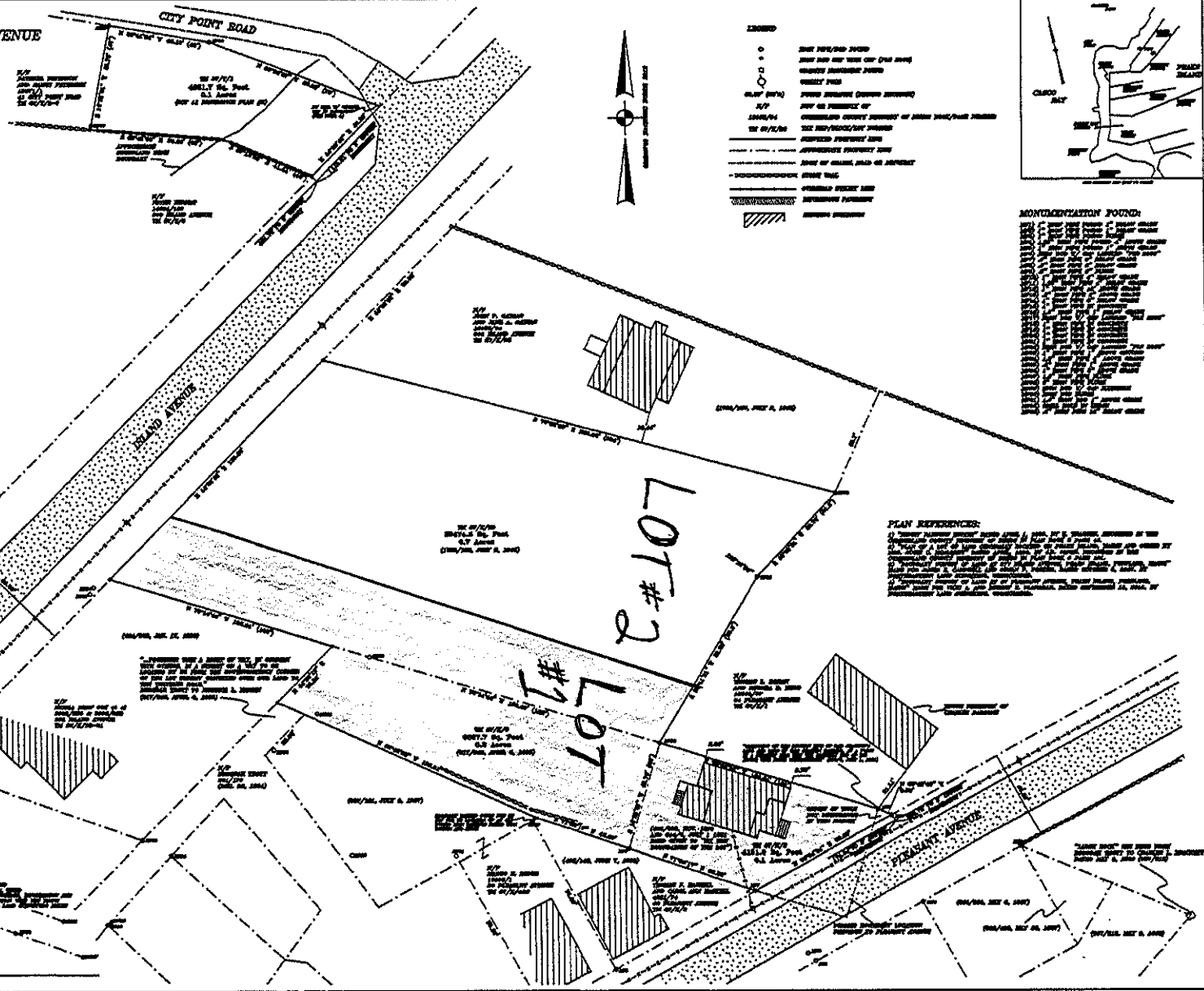
MADE BY NORTHEASTERN LAND SURVEYING  
16 COLLEGE AVENUE, GORHAM, MAINE 04038

NOVEMBER 27, 2012 JOB 12-011 SHEET 1 OF 1

SCALE 1" = 50'  
0' 10' 20' 30' 40' 50'

**NOTES:**

- 1) THE COURSE OF BOUNDARY LINE JEAN E. GULLIVER AND JOHN W. GULLIVER
- 2) CURVE OF BOUNDARY LINE IS DESCRIBED BY THE CHORD AND BEARING OF BOUNDARY LINE JEAN E. GULLIVER AND JOHN W. GULLIVER
- 3) THE CURVE OF BOUNDARY LINE IS DESCRIBED BY THE CHORD AND BEARING OF BOUNDARY LINE JEAN E. GULLIVER AND JOHN W. GULLIVER
- 4) ISLAND AVENUE HAS A 40' WIDE RIGHT OF WAY (ROW) WHICH EXTENDS FROM THE CENTERLINE OF ISLAND AVENUE TO THE CENTERLINE OF PLEASANT AVENUE. A PORTION ROAD SHOWS AN "EXISTING" RIGHT OF WAY TO BE PLANNED PROXIMATE TO THE CURRENT LOCATION. THE FORMAL CREATION OF PERMANENT RIGHTS APPLICABLE TO THIS PORTION OF THE MAP BY BLOCK 2 LOT 2 AND 1871 A SMALL INDIVIDUAL PARCEL BETWEEN THE PLEASANT ROAD AND THE BOUNDARY LINE BETWEEN THE PLEASANT ROAD AND THE BOUNDARY LINE OCCURRED AS PART OF THE MAP BY BLOCK 2 LOT 2, CITY POINT ROAD IS SHOWN AS BEING AN ALTERNATE RIGHT OF WAY APPROXIMATE TO THE TRAVELED WAY APPEARS TO BE APPROXIMATE TO THE BOUNDARY LINE AND SHOULD BE CONSIDERED AS SUCH.
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**MONTICENIATION FOUNCH**

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21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

**PLAN REFERENCES:**

1. "BOUNDARY SURVEY OF LAND" BY JEAN E. AND JOHN W. GULLIVER, DATED 11/27/12, SHEET 1 OF 1, SHOWING THE BOUNDARY LINE BETWEEN THE PLEASANT ROAD AND THE BOUNDARY LINE.

2. "BOUNDARY SURVEY OF LAND" BY JEAN E. AND JOHN W. GULLIVER, DATED 11/27/12, SHEET 2 OF 1, SHOWING THE BOUNDARY LINE BETWEEN THE PLEASANT ROAD AND THE BOUNDARY LINE.

3. "BOUNDARY SURVEY OF LAND" BY JEAN E. AND JOHN W. GULLIVER, DATED 11/27/12, SHEET 3 OF 1, SHOWING THE BOUNDARY LINE BETWEEN THE PLEASANT ROAD AND THE BOUNDARY LINE.

4. "BOUNDARY SURVEY OF LAND" BY JEAN E. AND JOHN W. GULLIVER, DATED 11/27/12, SHEET 4 OF 1, SHOWING THE BOUNDARY LINE BETWEEN THE PLEASANT ROAD AND THE BOUNDARY LINE.

5. "BOUNDARY SURVEY OF LAND" BY JEAN E. AND JOHN W. GULLIVER, DATED 11/27/12, SHEET 5 OF 1, SHOWING THE BOUNDARY LINE BETWEEN THE PLEASANT ROAD AND THE BOUNDARY LINE.

6. "BOUNDARY SURVEY OF LAND" BY JEAN E. AND JOHN W. GULLIVER, DATED 11/27/12, SHEET 6 OF 1, SHOWING THE BOUNDARY LINE BETWEEN THE PLEASANT ROAD AND THE BOUNDARY LINE.

7. "BOUNDARY SURVEY OF LAND" BY JEAN E. AND JOHN W. GULLIVER, DATED 11/27/12, SHEET 7 OF 1, SHOWING THE BOUNDARY LINE BETWEEN THE PLEASANT ROAD AND THE BOUNDARY LINE.

8. "BOUNDARY SURVEY OF LAND" BY JEAN E. AND JOHN W. GULLIVER, DATED 11/27/12, SHEET 8 OF 1, SHOWING THE BOUNDARY LINE BETWEEN THE PLEASANT ROAD AND THE BOUNDARY LINE.

9. "BOUNDARY SURVEY OF LAND" BY JEAN E. AND JOHN W. GULLIVER, DATED 11/27/12, SHEET 9 OF 1, SHOWING THE BOUNDARY LINE BETWEEN THE PLEASANT ROAD AND THE BOUNDARY LINE.

10. "BOUNDARY SURVEY OF LAND" BY JEAN E. AND JOHN W. GULLIVER, DATED 11/27/12, SHEET 10 OF 1, SHOWING THE BOUNDARY LINE BETWEEN THE PLEASANT ROAD AND THE BOUNDARY LINE.

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8466

City Home Departments City Council E-Services Calendar Jobs

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

**Current Owner Information:**

**Services**

- Applications
- Doing Business
- Haps
- Tax Relief
- Tax Roll
- Q & A

**CBL** 087 K002001  
**Land Use Type** SEASONAL  
**Property Location** 48 PLEASANT AVE PI  
**Owner Information** GULLIVER JEAN K  
 23 THORNHURST RD  
 FALMOUTH ME 04105  
**Book and Page** 22806/252  
**Legal Description** 87-K-2-8-29  
 PLEASANT AVE 48 ISLAND AVE  
 PEAKS ISLAND  
 41788 SF  
**Acres** 0.9593

*IR-2*

**Current Assessed Valuation:**

- browse city services a-z
- browse facts and links a-z

**TAX ACCT NO.** 13508 **OWNER OF RECORD AS OF APRIL 2012**  
 GULLIVER JEAN K  
**LAND VALUE** \$321,300.00 23 THORNHURST RD  
**BUILDING VALUE** \$93,700.00 FALMOUTH ME 04105  
**NET TAXABLE - REAL ESTATE** \$415,000.00  
**TAX AMOUNT** \$7,810.30

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



Best viewed at 800x600, with Internet Explorer

**Building Information:**

**Building 1**  
**Year Built** 1880  
**Style/Structure Type** OLD STYLE  
**# Stories** 1.5  
**# Units** 1  
**Bedrooms** 3  
**Full Baths** 1  
**Total Rooms** 6  
**Attic** NONE  
**Basement** PIER/SLAB  
**Square Feet** 1075

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



**Outbuildings/Yard Improvements:**

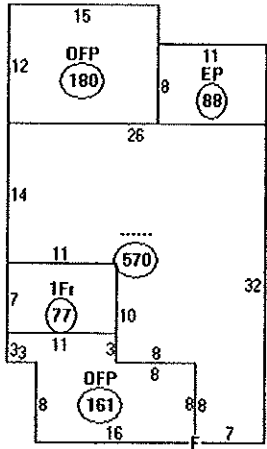
**Building 1**  
**Year Built** 1900  
**Structure** SHED-FRAME  
**Size** 10X18  
**Units** 1  
**Grade** C  
**Condition** A

**Sales Information:**

Sale Date	Type	Price	Book/Page
6/28/2005	LAND + BUILDING	\$0.00	22806/249
6/28/2005	LAND + BUILDING	\$57,175.00	22806/252

[New Search!](#)





- Descriptor/Area
- A:..... 570 sqft
  - B:OFF 161 sqft
  - C:1Fr 77 sqft
  - D:OFF 180 sqft
  - E:EP 88 sqft
  - F:RS1 180 sqft

1256 #  
 should be ok  
 20,000 x 20% = 4,000 #  
 min lot cov

# 48 Pleasant Ave - P.I.



4151.0  
6667.7  
29474.8  

---

40293.5

12  
7

IR-2

20,000<sup>sq</sup> min lot size

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**  
 389 Congress Street  
 Portland, Maine 04101

**RECEIPT OF FEES**

<b>Application No:</b> 0000-1624	<b>Applicant:</b> GULLIVER JEAN K
<b>Project Name:</b> 48 PLEASANT AVE PI	<b>Location:</b> 48 PLEASANT AVE PI
<b>CBL:</b> 087 K002001	<b>Application Type:</b> Determination Letter
<b>Invoice Date:</b> 01/31/2013	

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

<b>Previous Balance</b>	<b>\$0.00</b>
-------------------------	---------------

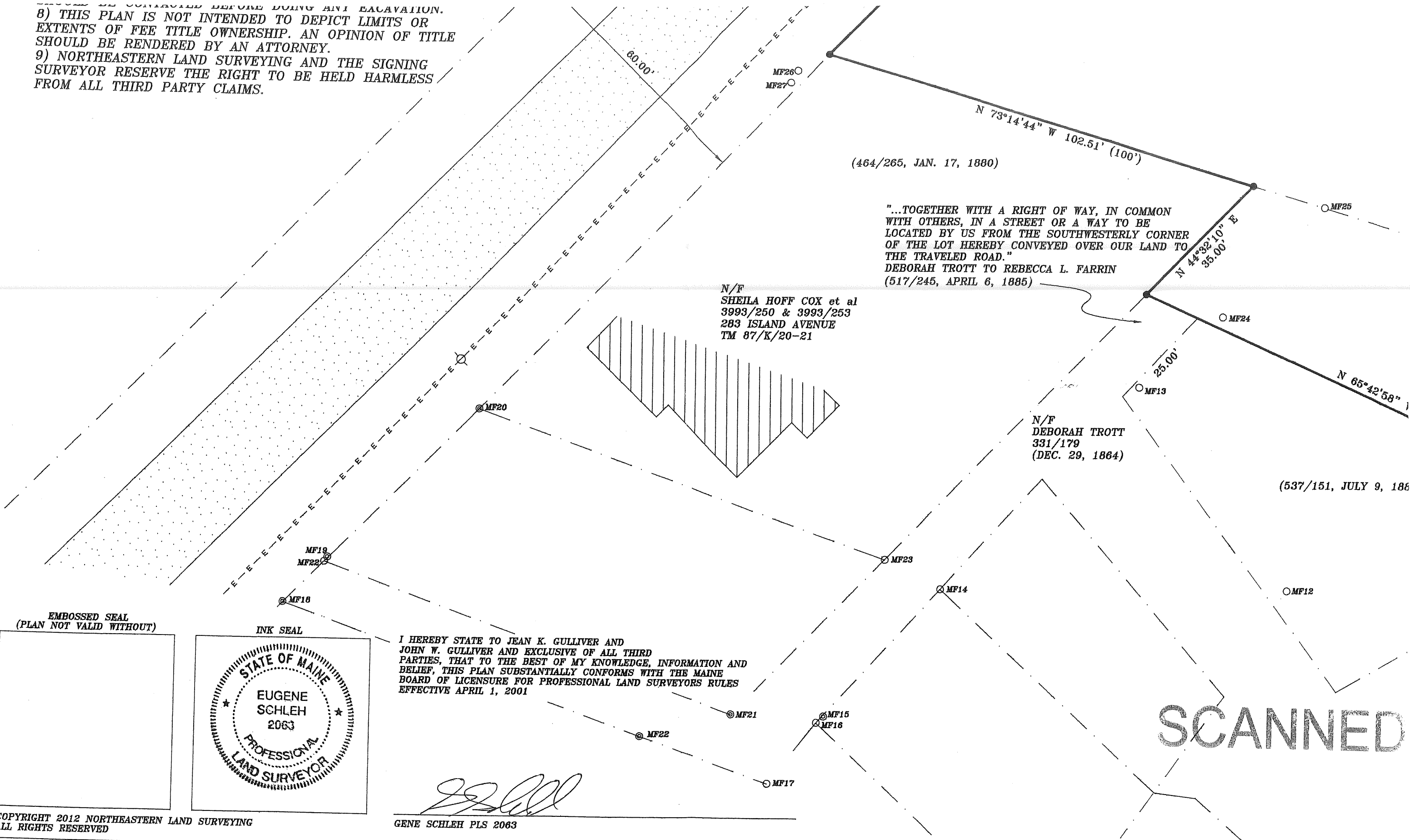
Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		\$150.00
<b>Total Current Fees:</b>	+	<b>\$150.00</b>
<b>Total Current Payments:</b>	-	<b>\$150.00</b>
<b>Amount Due Now:</b>		<b>\$0.00</b>

**CBL** 087 K002001  
**Bill to:** GULLIVER JEAN K  
 23 THORNHURST RD  
 FALMOUTH, ME 04105

**Application No:** 0000-1624  
**Invoice Date:** 01/31/2013  
**Invoice No:** 39991  
**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.

BE CONTRACTED BEFORE DOING ANY EXCAVATION.  
 8) THIS PLAN IS NOT INTENDED TO DEPICT LIMITS OR EXTENTS OF FEE TITLE OWNERSHIP. AN OPINION OF TITLE SHOULD BE RENDERED BY AN ATTORNEY.  
 9) NORTHEASTERN LAND SURVEYING AND THE SIGNING SURVEYOR RESERVE THE RIGHT TO BE HELD HARMLESS FROM ALL THIRD PARTY CLAIMS.



(464/265, JAN. 17, 1880)

"...TOGETHER WITH A RIGHT OF WAY, IN COMMON WITH OTHERS, IN A STREET OR A WAY TO BE LOCATED BY US FROM THE SOUTHWESTERLY CORNER OF THE LOT HEREBY CONVEYED OVER OUR LAND TO THE TRAVELED ROAD."  
 DEBORAH TROTT TO REBECCA L. FARRIN  
 (517/245, APRIL 6, 1885)

N/F  
 SHEILA HOFF COX et al  
 3993/250 & 3993/253  
 283 ISLAND AVENUE  
 TM 87/K/20-21

N/F  
 DEBORAH TROTT  
 331/179  
 (DEC. 29, 1864)

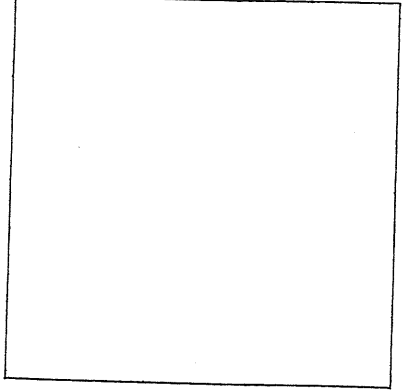
(537/151, JULY 9, 186

I HEREBY STATE TO JEAN K. GULLIVER AND JOHN W. GULLIVER AND EXCLUSIVE OF ALL THIRD PARTIES, THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THIS PLAN SUBSTANTIALLY CONFORMS WITH THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS RULES EFFECTIVE APRIL 1, 2001

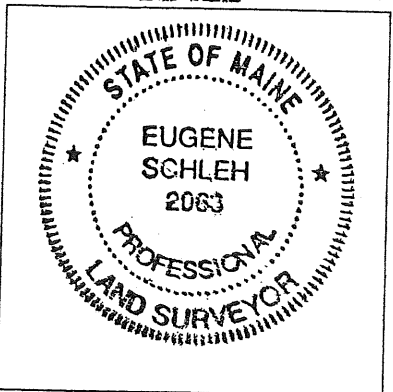
*[Handwritten Signature]*

GENE SCHLEH PLS 2063

EMBOSSSED SEAL  
 (PLAN NOT VALID WITHOUT)

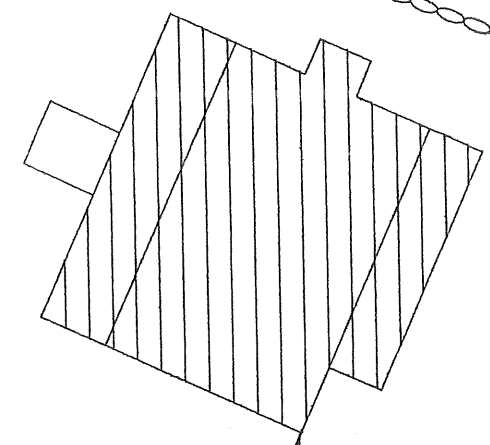


INK SEAL



SCANNED

N/F  
JOHN P. GATSAS  
AND JANE A. GATSAS  
12155/64  
303 ISLAND AVENUE  
TM 87/K/28



(1720/167, JULY 2, 1943)

ISLAND AVENUE

TM 87/K/29  
29474.8 Sq. Feet  
0.7 Acres  
(1720/163, JULY 2, 1943)

087-K-029

(464/265, JAN. 17, 1880)

"...TOGETHER WITH A RIGHT OF WAY, IN COMMON WITH OTHERS, IN A STREET OR A WAY TO BE LOCATED BY US FROM THE SOUTHWESTERLY CORNER OF THE LOT HEREBY CONVEYED OVER OUR LAND TO THE TRAVELED ROAD."  
DEBORAH TROTT TO REBECCA L. FARRIN  
(517/245, APRIL 6, 1885)

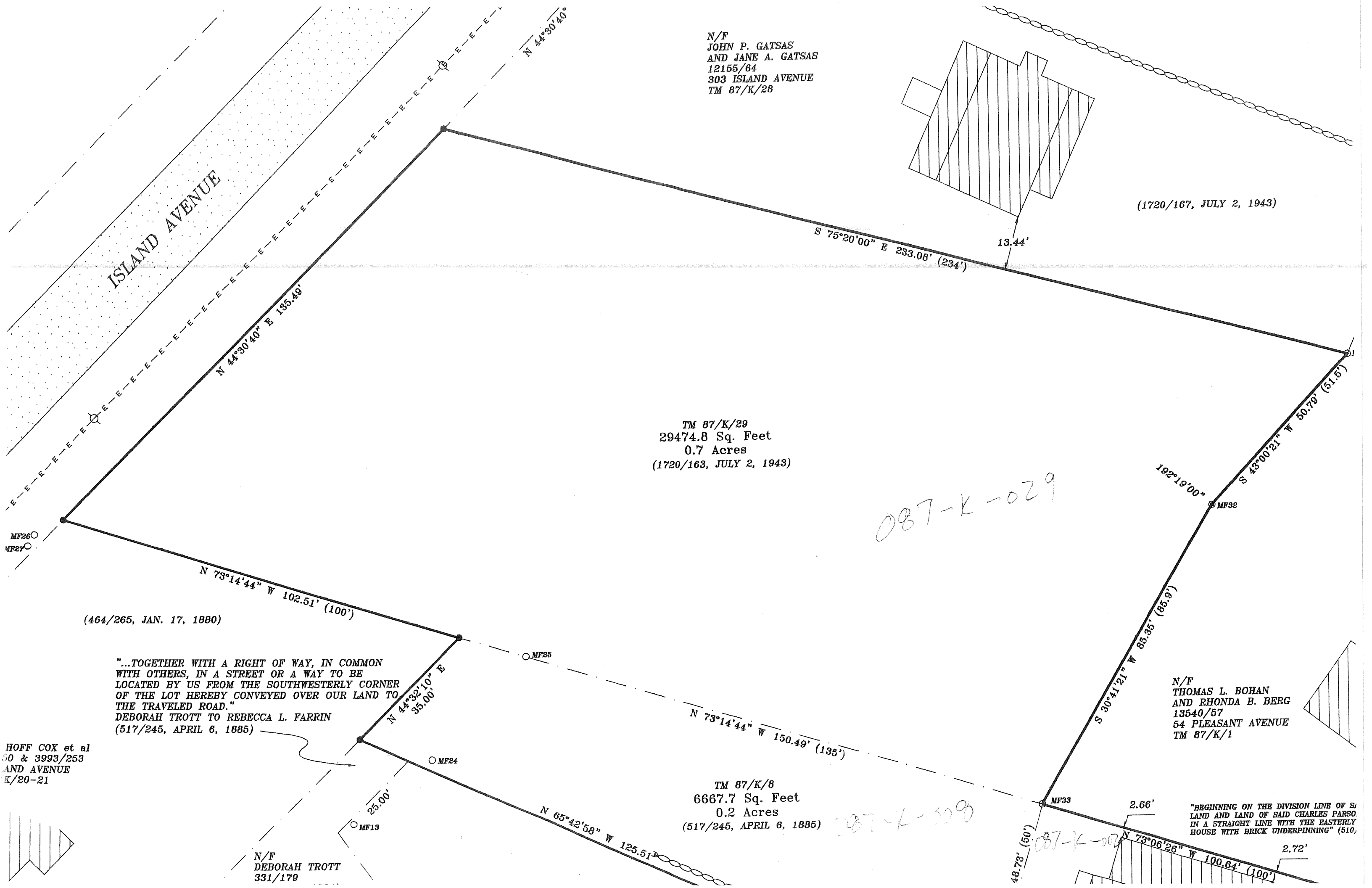
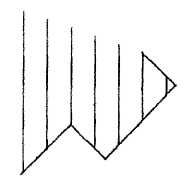
N/F  
THOMAS L. BOHAN  
AND RHONDA B. BERG  
13540/57  
54 PLEASANT AVENUE  
TM 87/K/1

HOFF COX et al  
50 & 3993/253  
AND AVENUE  
K/20-21

TM 87/K/8  
6667.7 Sq. Feet  
0.2 Acres  
(517/245, APRIL 6, 1885)

"BEGINNING ON THE DIVISION LINE OF SAID LAND AND LAND OF SAID CHARLES PARSONS IN A STRAIGHT LINE WITH THE EASTERLY HOUSE WITH BRICK UNDERPINNING" (510,

N/F  
DEBORAH TROTT  
331/179

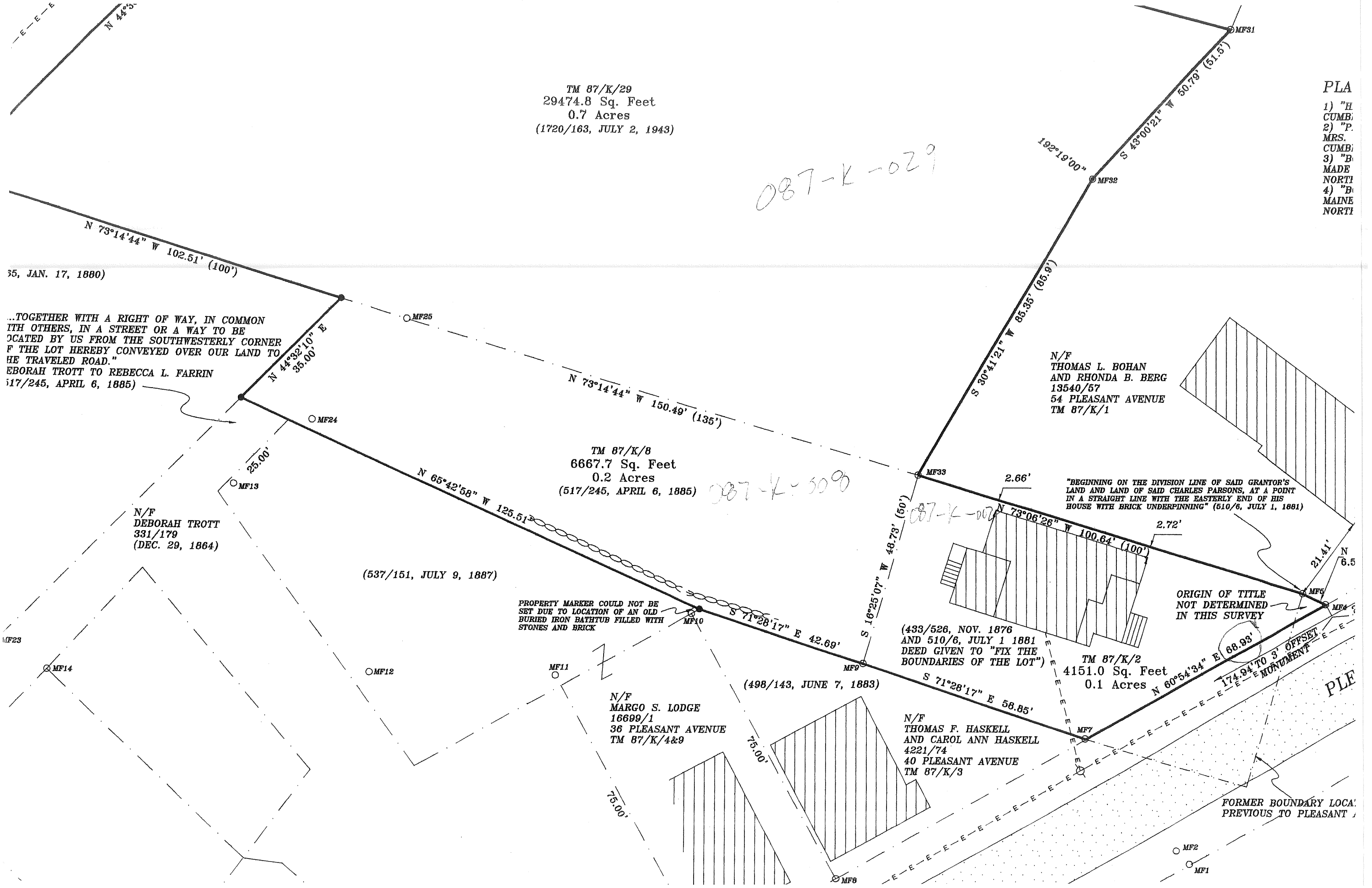


TM 87/K/29  
 29474.8 Sq. Feet  
 0.7 Acres  
 (1720/163, JULY 2, 1943)

087-K-029

PLA

- 1) "H
- CUMBI
- 2) "P.
- MRS.
- CUMBI
- 3) "B
- MADE
- NORTI
- 4) "B
- MAINE
- NORTI



5, JAN. 17, 1880)

...TOGETHER WITH A RIGHT OF WAY, IN COMMON WITH OTHERS, IN A STREET OR A WAY TO BE LOCATED BY US FROM THE SOUTHWESTERLY CORNER OF THE LOT HEREBY CONVEYED OVER OUR LAND TO THE TRAVELED ROAD." EBORAH TROTT TO REBECCA L. FARRIN (517/245, APRIL 6, 1885)

N/F THOMAS L. BOHAN AND RHONDA B. BERG 13540/57 54 PLEASANT AVENUE TM 87/K/1

TM 87/K/8  
 6667.7 Sq. Feet  
 0.2 Acres  
 (517/245, APRIL 6, 1885)

087-K-5090

"BEGINNING ON THE DIVISION LINE OF SAID GRANTOR'S LAND AND LAND OF SAID CHARLES PARSONS, AT A POINT IN A STRAIGHT LINE WITH THE EASTERLY END OF HIS HOUSE WITH BRICK UNDERPINNING" (510/6, JULY 1, 1881)

N/F DEBORAH TROTT 331/179 (DEC. 29, 1864)

(537/151, JULY 9, 1887)

PROPERTY MARKER COULD NOT BE SET DUE TO LOCATION OF AN OLD BURIED IRON BATHTUB FILLED WITH STONES AND BRICK

(433/526, NOV. 1876 AND 510/6, JULY 1 1881 DEED GIVEN TO "FIX THE BOUNDARIES OF THE LOT")

ORIGIN OF TITLE NOT DETERMINED IN THIS SURVEY

N/F MARGO S. LODGE 16699/1 36 PLEASANT AVENUE TM 87/K/4&9

(498/143, JUNE 7, 1883)

TM 87/K/2  
 4151.0 Sq. Feet  
 0.1 Acres

N/F THOMAS F. HASKELL AND CAROL ANN HASKELL 4221/74 40 PLEASANT AVENUE TM 87/K/3

FORMER BOUNDARY LOCATION PREVIOUS TO PLEASANT AVENUE

PLE



## Marge Schmuckal - Re: Gulliver - Peaks Island

---

**From:** Marge Schmuckal  
**To:** Brenda Buchanan  
**Date:** 3/6/2013 4:28 PM  
**Subject:** Re: Gulliver - Peaks Island  
**CC:** Jean Gulliver; John Gulliver

---

Hi Brenda,

I am in receipt of your option "C". Sending plans in an e-mail are really impossible to for me to read. I can enlarge, but I can not read it because of graininess. However, the concept could work. Both lots need to have 70' street frontage. So I am doing a lot of assumptions.

I hope that helps you,  
Marge

>>> Brenda Buchanan <Brenda@wacubu.com> 3/4/2013 2:49 PM >>>  
Hello Marge,

I reviewed with my clients John and Jean Gulliver your letter of February 20, 2013 regarding a proposed lot division of their Pleasant and Island Avenue property with the tax map designations of 87-K-2, 87-K-8 and 87-K-29. A copy of that letter is attached for your convenience.

As I understand your letter, the only legal flaw in the configuration I labeled as Option A is that it yielded total frontage of only 68.93', when the minimum is 70.

I have attached an Option C to this email, which would add a much narrower "tail" down to Island Avenue than Option B. This cures the problem you identified in your February 20 letter, I believe. It would provide total frontage for Lot 1 of at least 70', while allowing the Gullivers to divide the parcel in the way that seems more natural given the lay of the land.

As before, each lot would be at least 20,000 sf. The dividing line accomplishing that result will be drawn by the surveyor if this concept is approved.

I am hopeful you can give me your thoughts on Option C without necessity of another formal determination letter.

Many thanks,

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



**Marge Schmuckal - Gulliver - Peaks Island**

---

**From:** Brenda Buchanan <Brenda@wacubu.com>  
**To:** Marge Schmuckal <MES@portlandmaine.gov>  
**Date:** 3/4/2013 2:49 PM  
**Subject:** Gulliver - Peaks Island  
**CC:** Jean Gulliver <jeangulliver1@gmail.com>, John Gulliver <jgulliver@Pierce...  
**Attachments:** Option C.pdf; 2013 determination letter.pdf

---

Hello Marge,

I reviewed with my clients John and Jean Gulliver your letter of February 20, 2013 regarding a proposed lot division of their Pleasant and Island Avenue property with the tax map designations of 87-K-2, 87-K-8 and 87-K-29. A copy of that letter is attached for your convenience.

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I have attached an Option C to this email, which would add a much narrower "tail" down to Island Avenue than Option B. This cures the problem you identified in your February 20 letter, I believe. It would provide total frontage for Lot 1 of at least 70', while allowing the Gullivers to divide the parcel in the way that seems more natural given the lay of the land.

As before, each lot would be at least 20,000 sf. The dividing line accomplishing that result will be drawn by the surveyor if this concept is approved.

I am hopeful you can give me your thoughts on Option C without necessity of another formal determination letter.

Many thanks,

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

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**Marge Schmuckal - Re: Gulliver property, Peaks Island**

---

**From:** Marge Schmuckal  
**To:** Brenda Buchanan  
**Date:** 3/7/2013 12:43 PM  
**Subject:** Re: Gulliver property, Peaks Island  
**CC:** Jean Gulliver; John Gulliver

---

Thank you Brenda,

Your outline of our meeting and conversation is accurate. I do agree that a 5' strip of land down to Island Avenue would afford the lot with the existing single family to meet the minimum street requirement of the IR-2 Zone. therefore, the proposed division of land would be allowed as discussed.

Marge Schmuckal  
Zoning Administrator

>>> Brenda Buchanan <Brenda@wacubu.com> 3/7/2013 12:32 PM >>>  
Dear Marge,

I am writing to follow up on our meeting this morning during which we discussed what I have termed "Option C" for division of the Gulliver Property on Peaks Island (87-K-2, 87-K-8 and 87-K-29).

Using the full-size plan, it was easier to illustrate the division line my clients propose, which is an angular division of the portion of the parcel that fronts on Island Avenue, with a narrow strip of what will be Lot 1 extending down to Island Avenue to provide bring the frontage total into compliance with the zoning requirements.

As we discussed, the Pleasant Avenue frontage is 68.93 feet, and the minimum required frontage is 70 feet. While technically only 1.07 feet of frontage is required to meet the zoning requirements, you have asked that the strip of Lot 1 that will extend to Island Avenue be five (5) feet wide to make it useful (i.e., so the owners of Lot 1 would be able to walk along the edge of Lot 2 to get to Island Avenue).

My clients are comfortable with that 5-foot-wide requirement. Their surveyor, Gene Schleh of Northeastern Land Surveying, will be calculating and drawing a division line soon that will make each lot at least 20,000 sf. I will provide you with a copy of that drawing for the file, so there will be an understanding of the history of this when a building permit is sought for the new house to be built on Lot 2.

Thank you for your assistance with this matter, Marge. If you would kindly write back to confirm that my understanding of our conversation is accurate, I will get the ball rolling with the surveyor.

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

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