



Planning &amp; Urban Development Department

*Jeff Levine, AICP, Director**Marge Schmuckal, Zoning Administrator*

January 24, 2014

Brenda M. Buchanan, Esq.  
c/o Warren Currier & Buchanan  
57 Exchange Street  
Portland, Maine 04101-5020

RE: 290 & 292 Island Avenue (087-T-009), Peaks Island - called "Berndt Parcel" and  
308 Island Avenue (087-T-001), Peaks Island -- called "Gulliver Parcel" - IR-2 Zone

Dear Attorney Buchanan,

I am in receipt of your request for a determination letter concerning the division of property located at 290 & 292 Island Avenue, Peaks Island. The entire parcel is located in an IR-2 (Island Residence -2) zone with a Shoreland Zone overlay on a portion of the property. My determination is based upon an unstamped and unsigned survey by Gene Schleh of Northeastern Land Surveying. My determination is also based upon removal or relocation of a 12' x 12' outbuilding currently on the Berndt Parcel. This outbuilding shall be removed or relocated with the benefit of a permit.

Based on the above information, the proposed division of land containing two residential structures and the conveyance of land to an abutter does not constitute a reviewable subdivision. A subdivision by definition is the division of land in common ownership into three lots. The State and City Subdivision regulations exempt divisions accomplished by the transfer of any interest in land to the owners of abutting land. Because there is a proposal to convey approximately 3,780.4 square feet to the abutting owner(s) of the Gulliver Parcel, this proposal is only a two lot division and does not rise to the level of a subdivision review.

I have reviewed the chain of title submitted so that I can determine whether the conveyance of 3,780 sf from the Berndt Parcel to the Gulliver Parcel would result in a buildable lot of record as defined and allowed under § 14-433 as it applies to property on Peaks Island. With the addition of the 3,780 sf of land conveyed to the Gulliver Parcel, I have determined that the New Gulliver Parcel will become a buildable lot under § 14-433. However, this letter does not grant permissions to build. Separate application(s) are required for complete reviews and approvals. This letter only addresses the buildable lot issue.

I can further affirm that the remaining division of land of the Bendt Parcel into two separate lots as shown on the submitted survey will result in two conforming lots as allowed under § 14-422 and conforming to the dimensional requirements of the IR-2 zone. Again as stated previously above and within your letter to me, this determination is based upon the removal or relocation of the outbuilding shed prior to the act of division.



Planning & Urban Development Department

*Jeff Levine, AICP, Director*

*Marge Schmuckal, Zoning Administrator*

Page 2

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

A handwritten signature in cursive script that reads "Marge Schmuckal".

Marge Schmuckal  
Zoning Administrator  
City of Portland, Maine

however, that less restrictive zoning requirements which meet the requirements contained within 14-139(b) for residential small lot development shall apply:

a. R-1, R-2:

Rear yard: Ten (10) feet.

Side yard: Five (5) feet. —

b. R-3, R-4, R-5, R-5A, R-6:

Rear yard: Five (5) feet.

Side yard: Five (5) feet.

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 set backs, 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.

ISLANDS 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.

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)

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\*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

City of Portland  
Code of Ordinances  
Sec. 14-412

Land Use  
Chapter 14  
Rev.3-4-13

shall not include veterinarians, kennels, animal raising, funeral homes, retail uses including antique shops, restaurants, dancing studios, towing services, repair and painting of automobiles as home occupations.

(Code 1968, § 602.18.I; Ord. No. 277-77, 11-7-77; Ord. No. 548-85, § 1, 5-6-85; Ord. No. 76-85, § 1, 7-1-85; Ord. No. 66-87, § 2, 11-2-87; Ord. No. 329-90, 5-7-90; Ord. No. 240-09/10, 6-21-10)

Sec. 14-411. - 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. Reserved.

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\*Editor's Note: Pursuant to Council Order No. 240-09/10, passed on June 21, 2010, Section 14-423 (Joint occupancy) was repealed in it's entirety.  
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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

Greene Schleh  
Northwestern Land Surveying

Applicant:

Date: 1/24/14

Address: 290 & 292 E Gulf River

C-B-L:

CHECK-LIST AGAINST ZONING ORDINANCE

308  
Island  
Gulliver

	290 Island	292 Island	Gulliver
Date -			
Zone-Location -	IR-2		
Interior or corner lot -	interior	int	corner
Proposed Use/Work -	Lot Div		
Sewage Disposal -	on sewer water		
Lot Street Frontage -	70' min	70' shown	88.25'
Front Yard -	25' average min	60' at closest	45.00 min 43.25 old
Rear Yard -	25' min	~110' scaled	to be dev
Side Yard -	20' min	25.46' at closest	25.42' at closest to be dev.
Projections -			
Width of Lot -	80' min where house is located	87' at closest	125' at closest would be over 80'
Height -	35' MAX		
Lot Area -	20,000 <sup>sq</sup> min	22,552.79	20,148.1 4681.7 <sup>sq</sup> 3780.4 8462.10
Lot Coverage/Impervious Surface -	20% MAX	4510.54% MAX has less than 1,000	4029.62% max cannot less than 1000 <sup>sq</sup>
Area per Family -		has existing drive	has existing drive
Off-street Parking -			to be developed
Loading Bays -			
Site Plan -	Not a subdivision		
Shoreland Zoning/Stream Protection -	yes property within		(250' edge lots of each)
Flood Plains -	Not in existing or New Flood Zone		46481.2 - 22,552.7 - 20,148.1

2x120' building to be moved

3780.4  
Added to Gulliver

# WARREN & CURRIER BUCHANAN

Limited Liability Company, P.A.

Carol Godfrey Warren  
David E. Currier  
Brenda M. Buchanan

January 9, 2014

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

*IR-2 zone*

RECEIVED

JAN 09 2014

RE: Request for Zoning Determination

Dept. of Building Inspections  
City of Portland Maine

Dear Marge:

*290-292 Island Ave / 308 Island Ave  
87-T-9 87-T-1*

I am writing to request a zoning determination letter in regard to adjacent parcels of Peaks Island property, one of which is currently owned by my clients, John and Jean Gulliver, and the other which is to be purchased by a pair of entities (for the purpose of this letter, "the LLCs").

The Gullivers own the land on the corner of Island Avenue and City Point Road, which has a tax map designation of 87-T-1 and a street address of 308 Island Avenue. This lot has frontage on both Island Avenue and City Point Road. I have attached to this letter a recent survey by Northeastern Land Surveying (the "Existing Conditions Survey"), which shows it to have an area of 4,681.7 sf. For the purpose of this letter, I will call this lot the "Gulliver Parcel."

The property that the LLCs plan to purchase is owned by Peter Berndt. It is located at 290-292 Island Avenue and designated on the assessing maps as 87-T-9. For the purpose of this letter, I will call this the "Berndt Parcel." The Existing Conditions Survey shows the Berndt Parcel to have an area of 46,481.2 sf.

Under the Portland Land Use Code (the "Code"), both the Gulliver and Berndt Parcels are wholly in the IR-2 zone. Both are served by public water and sewer.

I also am enclosing with this letter another full-size survey recently completed by Northeastern Land Surveying (the "Proposed Plan"), which shows a proposed division of the Berndt Parcel. As you can see from the Proposed Plan, my clients' intention is to:

57 Exchange Street, Portland, Maine 04101-5020

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

(a) First, convey to John and Jean Gulliver in their individual capacities 3,780.4 sf from the Berndt Parcel to make the Gulliver Parcel 8,462.1 sf in size (the "New Gulliver Parcel");

*to be made buildable upon*  
(b) Second, create from the balance of the Berndt Parcel two legally conforming buildable lots, the northerly of which would be 20,148.1 sf in size with 132.11 feet of street frontage and the southerly of which would be 22,552.7 sf in size with 70 feet of street frontage.

My clients are seeking a determination from you as to the following points:

1. Will the proposed division of the Berndt Parcel as outlined be exempt from the subdivision regulations in the Portland Land Use Code?

The Code's definition of "subdivision" in §14-493 makes specific reference to the definition contained in Maine statute, 30-A M.R.S. §4401. Subsection (4) (D-6) of that definitional provision states: "a division accomplished by the transfer of any interest in land to the owners of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter."

As I understand this provision, if the LLCs (or one of them) conveys 3,780 sf from the northerly end of the Berndt Parcel and adds it to the Gulliver Parcel, that would not count as a division, for the purpose of zoning, because the Gullivers own the abutting lot. Is this interpretation correct? *conveyed to an abutting*

2. If 3,780 sf of the Berndt Parcel is added to the Gulliver Parcel, will the result be a legally-conforming buildable lot of record under Section 14-433 of the Portland Zoning Ordinance?

It is my understanding from informal discussions with you that with the exception of its current area (4,681.7 sf, according to the Existing Conditions Survey), the Gulliver Parcel meets the Portland Zoning Ordinance's Section 14-433 definition of a buildable lot of record, as that definition applies to property on Peaks Island. As is set forth in the attached title summary and deeds, the Gulliver Parcel was a discrete lot as of July 15, 1985, has been held under separate and distinct ownership from adjacent lots since that time, and meets the applicable street frontage requirements in the current ordinance, which are at least as stringent as the street frontage requirements that existed in 1985<sup>1</sup>.

In order to have a building envelope of sufficient size that would meet all applicable yard dimensions, my clients propose to use approximately 3,780 sf of the Berndt Parcel to

<sup>1</sup> I do not believe it is necessary to research the 1985 frontage requirements, because the Gulliver Parcel as modified would have 88.25 feet of frontage on Island Avenue and 125.38 on City Point Road, well more than the current 70-foot minimum.

enlarge the Gulliver Parcel to 8,462 sf. This would exceed the 5,000 sf minimum size for a lot of record in IR-2 served by both public water and sewer.

I am requesting a formal determination from you that, if this area is added to the existing Gulliver Parcel, the New Gulliver Parcel will become a buildable lot under §14-433.

3. If the balance of the Berndt Parcel is divided into two lots as shown on the Proposed Plan, will each of these be a buildable conforming lot under the current IR-2 zoning regulations?

The LLCs would divide the remainder of the Berndt Parcel into two lots, each of which would meet the IR-2 Zone minimum lot size of 20,000 sf. The Plan shows the proposed division line. I know you have met with Gene Schleh of Northeastern Land Surveying to discuss issues relating to yard dimensions, so you probably are aware that the plan is to remove or relocate the existing shed. Assuming the shed removal or relocation occurs prior to the division, my read of the Code is that the division being proposed also would meet the dimensional requirements applicable in the zone. Can you confirm whether my understanding is correct?

Please note that my clients are aware that a portion of each parcel lies within the 250-foot shoreland zone setback, and all land uses and activities within that area will need to conform with the standards and regulations set forth in Division 26 of the Code.

If this letter and the enclosed plans are not sufficient for you to make a determination, or if I have not explained my questions clearly enough, please feel free to call.

I have enclosed the \$150.00 determination fee.

Thank you for your assistance, Marge.

Best regards,



Brenda M. Buchanan

Cc: John and Jean Gulliver



BOUNDARY SURVEY OF LAND  
290 AND 292 ISLAND AVENUE  
PEAKS ISLAND, PORTLAND, MAINE

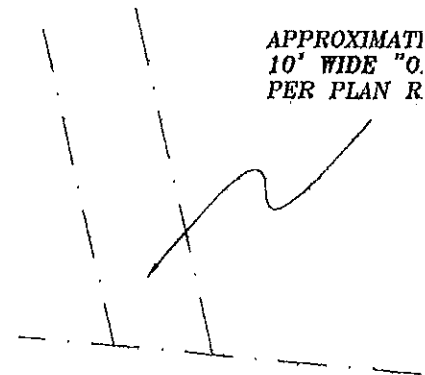
RECEIVED  
JAN 09 2014  
Dept. of Building Inspections  
City of Portland Maine

MADE FOR JEAN K. GULLIVER  
23 THORNHURST ROAD, FALMOUTH, MAINE 04105

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

NOVEMBER 26, 2013 JOB #13-014 SHEET 1 OF 1

SCALE 1" = 20'



APPROXIMATE  
10' WIDE "O"  
PER PLAN R

NOTES:

- 1) THE OWNER OF RECORD IS PETER BERNDT.
- 2) DEED OF RECORD IS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN DEED BOOK 14684 PAGE 162.
- 3) THE CADASTRAL REFERENCE IS CITY OF PORTLAND TAX MAP 87 BLOCK T LOT 9.
- 4) ROAD INFORMATION:
  - A) ISLAND AVENUE IS A 60' WIDE PUBLIC ROAD, (SEE STREET RECORD VOL. 1 PAGE 152). LOCATION IS PER THE CITY OF PORTLAND ROAD SURVEY RECORDS (BLUE SHEETS).
  - B) CITY POINT ROAD IS A PUBLIC ROAD AND IS SHOWN ON PLAN REFERENCE #2 AS HAVING A 10' WIDE RIGHT OF WAY. THE TRAVELED WAY APPEARS TO ENCROACH ON THE SUBJECT PROPERTY AND RIGHTS MAY HAVE BEEN ACQUIRED BY OTHERS. CITY POINT ROAD WAS CONTINUED ON SEPTEMBER 3, 1997 BY PORTLAND CITY COUNCIL ORDER #84, ENTITLED "ORDER EXCEPTING STREETS FROM VACATION" AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 13326 PAGE 19.
  - C) OLD SAM TROTT ROAD DOES NOT APPEAR TO BE A PUBLIC ROAD AND THE CITY OF PORTLAND DOES NOT APPEAR TO HAVE CONTINUED ANY RIGHTS IT MAY HAVE HELD. THE ROAD DOES APPEAR ON THE CITY OF PORTLAND TAX MAPS, EXTENDING FROM CITY POINT ROAD TO ISLAND AVENUE. THE PORTION JOINING CITY POINT ROAD IS SHOWN ON PLAN REFERENCE #2 AS HAVING

N/F  
AVNER EI  
7117/65  
29 CITY  
TM 87/T,

BOUNDARY L  
PER REFERE

Property located at 308 Island Avenue, Peaks Island  
87-T-1

CURRENT OWNERS: John W. Gulliver and Jean K. Gulliver

Book 17399, Page 194      ↑      February 22, 2002

Carrol Abbott a/k/a Carol A. Abbott

Book 3108, Page 389      ↑      October 9, 1969

Marie N. Haley

Book 3108, Page 388      ↑      September 16, 1969

John J. Haley, Jr.  
Thomas J. Haley  
Joanne Provencher  
(Heirs at law of John J. Haley)

WARRANTY DEED  
Maine Statutory Short Form

I, CARROL ABBOTT, aka CAROL A. ABBOTT of 12 Tamarack Circle, Trumbull CT 08611, for consideration paid, grant to JOHN W. GULLIVER & JEAN K. GULLIVER, both of 23 Thornhurst Road, Falmouth ME 04105, with Warranty Covenants, and as Joint Tenants and Not As Tenants In Common, a certain lot or parcel of land, located on Peaks Island in the City of Portland, County of Cumberland, Maine, described as follows:

Beginning at a point in the westerly side line of Island Avenue at the intersection of the northerly line of land owned by the Edward L. Parson's heirs, said northerly line being marked by a stone wall; thence westerly by line of the said Parsons' heirs and said stone wall forty (40) feet to an angle in said line and wall; thence continuing on by said line and wall sixty (60) feet more or less to the easterly line of land owned by one Pyne; thence northerly by the said easterly line of said Pyne forty-seven (47) feet, more or less, to a road or way leading from the said avenue to the seashore; thence easterly by line of the said road or way forty-six (46) feet, more or less, to an angle in said road, and continuing on by said road or way seventy-eight (78) feet, more or less, to the said Island Avenue; thence in a southwesterly direction by line of the said avenue forty-three (43) feet, three (3) inches, more or less, to point of beginning, together with such rights as I have in common with others to take water from a spring located on the land of Nellie C. Randall.

Grantor received title to this parcel by deed of Marie N. Haley dated October 9, 1969 and recorded at Book 3108 Page 389 of the Cumberland Registry of Deeds.  
Said premises are now or formerly shown on the Portland Assessor's Plan as 87-T-1.

WITNESS, my hand this 22<sup>nd</sup> day of February, 2002

MAINE REAL ESTATE TAX PAID

[Signature]  
Witness

[Signature]  
Grantor - Carol A. Abbott (Carrol Abbott)

State of Connecticut  
County of Fairfield

Personally appeared before me, the above named Carol A. Abbott, aka Carrol Abbott, acknowledged the foregoing instrument to be her free act and deed, and subscribed the same.  
Before me,

2/22/2002  
Date

[Signature]  
Notary Public / Attorney At Law  
Print Name Johanna Madonney

My Commission Expires

Jan. 31, 2003

SEALED

RECEIVED  
RECORDED REGISTRY OF DEEDS

2002 MAR -8 AM 10: 22

CUMBERLAND COUNTY

[Signature]

1969  
**Know all Men by these Presents, That I,** 389

MARIE N. HALEY, of Portland in the County of Cumberland and State of Maine,  
in consideration of one dollar and other valuable consideration  
paid by CARROL ABBOTT of Bridgeport in the County of Fairfield and State of Connecticut,

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said  
CARROL ABBOTT, her heirs and assigns, forever,

A certain lot or parcel of land with the buildings thereon situated on Peaks  
Island in said Portland; bounded and described as follows:

Beginning at a point in the westerly side line of Inland Avenue at the inter-  
section of the northerly line of land owned by the Edward L. Parsons' heirs, said  
northerly line being marked by a stone wall; thence westerly by line of the said  
Parsons' heirs and said stone wall forty (40) feet to an angle in said line and  
wall; thence continuing on by said line and wall sixty (60) feet, more or less, to  
the easterly line of land owned by one Pyna; thence northerly by the said easterly  
line of the said Pyna forty-seven (47) feet, more or less, to a road or way leading  
from the said avenue to the seashore; thence easterly by line of the said road or  
way forty-six (46) feet, more or less, to an angle in said road, and continuing on  
by said road or way seventy-eight (78) feet, more or less, to the said Island  
Avenue; thence in a southwesterly direction by line of the said avenue forty-three  
(43) feet, three (3) inches, more or less, to point of beginning, together with  
such rights as we have in common with others to take water from a spring located on  
the land of Nollie C. Randall.

Being the same property conveyed to the said Marie N. Haley by John J. Haley,  
Jr., et als, by their quit-claim deed dated September 16, 1969, to be recorded in  
Cumberland County Registry of Deeds, to which deed and deeds therein mentioned  
reference is made for a more particular description of the property conveyed.



To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said  
CARROL ABBOTT, her

heirs and assigns, to her their use and behoof forever. And I do covenant with the said Grantee,  
her heirs and assigns, that I am lawfully seized in fee of the premises; that they are  
free of all incumbrances, that I have good right to sell and convey the same to the said  
Grantee to hold as aforesaid; and that I and my heirs and assigns shall and will warrant and defend the  
same to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons.  
In Witness Whereof, I, the said Marie N. Haley, widow,

Joining in this deed as Grantor, and relinquishing and conveying xxxxxx rights by descent and all other rights in the above described  
premises, have hereunto set my hand and seal this ninth day of October  
in the year of our Lord one thousand nine hundred and sixty-nine.

Signed, Sealed and Delivered in presence of  
*Carroll M. Calderley* *Marie N. Haley*

State of Maine, Cumberland, ss. October 9, 1969.  
Personally appeared the above named Marie N. Haley

and acknowledged the foregoing instrument to be her free act and deed.

Before me, *Edward P. Ferguson* NOTARY PUBLIC  
JUSTICE OF THE PEACE.

STATE OF MAINE, CUMBERLAND COUNTY, SS. REGISTRY OF DEEDS  
Received NOV 7 1969 at 10 o'clock 2. m. P. M., and recorded  
in BOOK 3108 PAGE 389 Attest: *Edward P. Ferguson* Register.

17325  
**Know all Men by these Presents, That**

We, JOHN J. HALEY, JR., of East Hartford, Connecticut, THOMAS J. HALEY, of Framingham, Massachusetts, and JOANNE PROVENCHER, of Portland, Maine, in consideration of one dollar and other valuable consideration, but less than one hundred dollars, paid by MARIE N. HALEY, of said Portland,

the receipt whereof we do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said MARIE N. HALEY, her heirs and assigns, forever,

A certain lot or parcel of land with the buildings thereon situated on Peaks Island in said Portland; bounded and described as follows:

Beginning at a point in the westerly side line of Island Avenue at the intersection of the Northerly line of land owned by the Edward L. Parsons' heirs, said northerly line being marked by a stone wall; thence westerly by line of the said Parsons' heirs and said stone wall forty (40) feet to an angle in said line and wall; thence continuing on by said line and wall sixty (60) feet, more or less, to the easterly line of land owned by one Pyne; thence northerly by the said easterly line of the said Pyne forty-seven (47) feet, more or less, to a road or way leading from the said avenue to the seashore; thence easterly by line of the said road or way forty-six (46) feet, more or less, to an angle in said road, and continuing on by said road or way seventy-eight (78) feet, more or less, to the said Island Avenue; thence in a southwesterly direction by line of the said avenue forty-three (43) feet, three (3) inches, more or less, to point of beginning, together with such rights as we have in common with others to take water from a spring located on the land of Nellie C. Randall.

Being the same property conveyed to John J. Haley by William P. Haley et al by their quit-claim deed dated May 27, 1946 and recorded in Cumberland County Registry of Deeds in Book 1823, Page 108. Our title is derived as children and sole heirs-at-law of said John J. Haley, deceased, intestate, the grantee, the said Marie N. Haley being his widow.

To Have and to Hold the same, together with all the privileges and appurtenances thereunto belonging, to the said MARIE N. HALEY, her

heirs and assigns forever. And we do covenant with the said Grantee, her heirs and assigns, that we will warrant and forever defend the premises to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under us.

In Witness Whereof, we, the said John J. Haley, Jr.; Thomas J. Haley and Joanne Provencher, and Ann Marie Haley, wife of said John J. Haley, Jr., Dorothy Haley, wife of said Thomas J. Haley, and David Provencher, husband of said Joanne Provencher,

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 sixteenth day of September in the year of our Lord one thousand nine hundred and sixty-nine.

Signed, Sealed and Delivered in presence of  
Edward J. Harrigan  
Edward J. Harrigan  
Edward J. Harrigan  
Edward J. Harrigan  
Edward J. Harrigan  
Edward J. Harrigan  
David W. Prinsed

John J. Haley Jr.  
Thomas J. Haley  
Joanne Provencher  
Ann Marie Haley  
Dorothy Haley  
David Provencher

State of Maine, Cumberland, ss. September 16, 1969.  
Personally appeared the above named Joanne Provencher

and acknowledged the foregoing instrument to be her free act and deed.

Notary Public  
Before me, Edward J. Harrigan, JUSTICE OF THE PEACE.  
STATE OF MAINE, CUMBERLAND COUNTY, SS. REGISTRY OF DEEDS  
Received NOV 7 1969 at 10 o'clock 1 P.M., and recorded  
in BOOK 3108 PAGE 388 Alms: Edward P. K... Register.

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
 Portland, Maine 04101

**RECEIPT OF FEES**

<b>Application No:</b> 0000-1846	<b>Applicant:</b> GULLIVER JOHN W & JEAN K G
<b>Project Name:</b> 308 ISLAND AVE <i>P.I</i>	<b>Location:</b> 308 ISLAND AVE
<b>CBL:</b> 087 T001001	<b>Application Type:</b> Determination Letter
<b>Invoice Date:</b> 01/09/2014	

<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

**Previous Balance** **\$0.00**

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

**CBL** 087 T001001  
**Bill to:** GULLIVER JOHN W & JEAN K GULLIVER JTS  
 23 THORNHURST RD  
 FALMOUTH , ME 04105

**Application No:** 0000-1846  
**Invoice Date:** 01/09/2014  
**Invoice No:** 43857  
**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.  
 Check the status of your permit or schedule an inspection on-line at <http://www.portlandmaine.gov/planning/permitstatus.asp>

# PERMIT ISSUED

**City of Portland, Maine - Building or Use Permit Application**  
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 03-0591	Issue Date: <b>JUN 06 2003</b>	CBL: 087 T009001
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Location of Construction: 292 Island Ave	Owner Name: Berndt Arnold Blind	Owner Address: 292 Island Ave <b>CITY OF PORTLAND</b>	Phone: 207-766-2030
Business Name: n/a	Contractor Name: n/a	Contractor Address: n/a Portland	Phone:
Lessee/Buyer's Name: n/a	Phone: n/a	Permit Type: Sheds	Zone: <b>IR-2</b>

Past Use: Single Family with rental cottage	Proposed Use: Single Family with rental cottage; Build 12' x 12' shed for rental cottage.	Permit Fee: \$30.00	Cost of Work: \$1,000.00	CEO District: 3
		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied 		INSPECTION: Use Group: <b>V</b> Type: <b>Shed</b> <b>BOLA 99</b> 

Proposed Project Description: Build 12' x 12' shed for rental cottage.	PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____
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Permit Taken By: gg	Date Applied For: 05/30/2003	<b>Zoning Approval</b>
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1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.  2. Building permits do not include plumbing, septic or electrical work.  3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM <input type="checkbox"/> Date: <b>6/5/03</b>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <b>6/5/03</b>
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### CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE	DATE	DATE	PHONE





**City of Portland, Maine - Building or Use Permit Application**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 04-0475	Issue Date:	GBL: 087 T009001
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Location of Construction: 292 Island Ave	Owner Name: Berndt Arnold Blind	Owner Address: 292 Island Ave	Phone:
Business Name:	Contractor Name: Thompson & Johnson Woodworkers	Contractor Address: 115 Island Ave Peaks Island	Phone: 2077665219
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings	Zone: IR-2

Past Use: Single Family w/rental cottage	Proposed Use: Single Family w/rental cottage w/addition to primary residence	Permit Fee: \$291.00	Cost of Work: \$30,000.00	CEO District: 1	45,180
		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R3 Type: SB BOCA 1999		

Proposed Project Description: Build a 16' x 24' addition to the primary residence	Signature: JMB 4/26/04
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)	
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	
Signature:	Date:

Permit Taken By: jmb	Date Applied For: 04/26/2004	<b>Zoning Approval</b>		
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<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland</p> <p><input type="checkbox"/> Wetland</p> <p><input type="checkbox"/> Flood Zone</p> <p><input type="checkbox"/> Subdivision</p> <p><input type="checkbox"/> Site Plan</p> <p>Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/></p> <p>Date: JMB 4/26/04</p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Date:</p>	<p>Historic Preservation</p> <p><input checked="" type="checkbox"/> Not in District or Landmark</p> <p><input type="checkbox"/> Does Not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p>Date: JMB</p>
	<p><i>Approved to remain SF Dwelling</i></p>		

**CERTIFICATION**

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SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

# Island Ave - Peaks



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THOMPSON JOHNSON WOODWORKS

115 ISLAND AVENUE  
PEAKS ISLAND ME 04108  
207.766.5919

A1

Notes

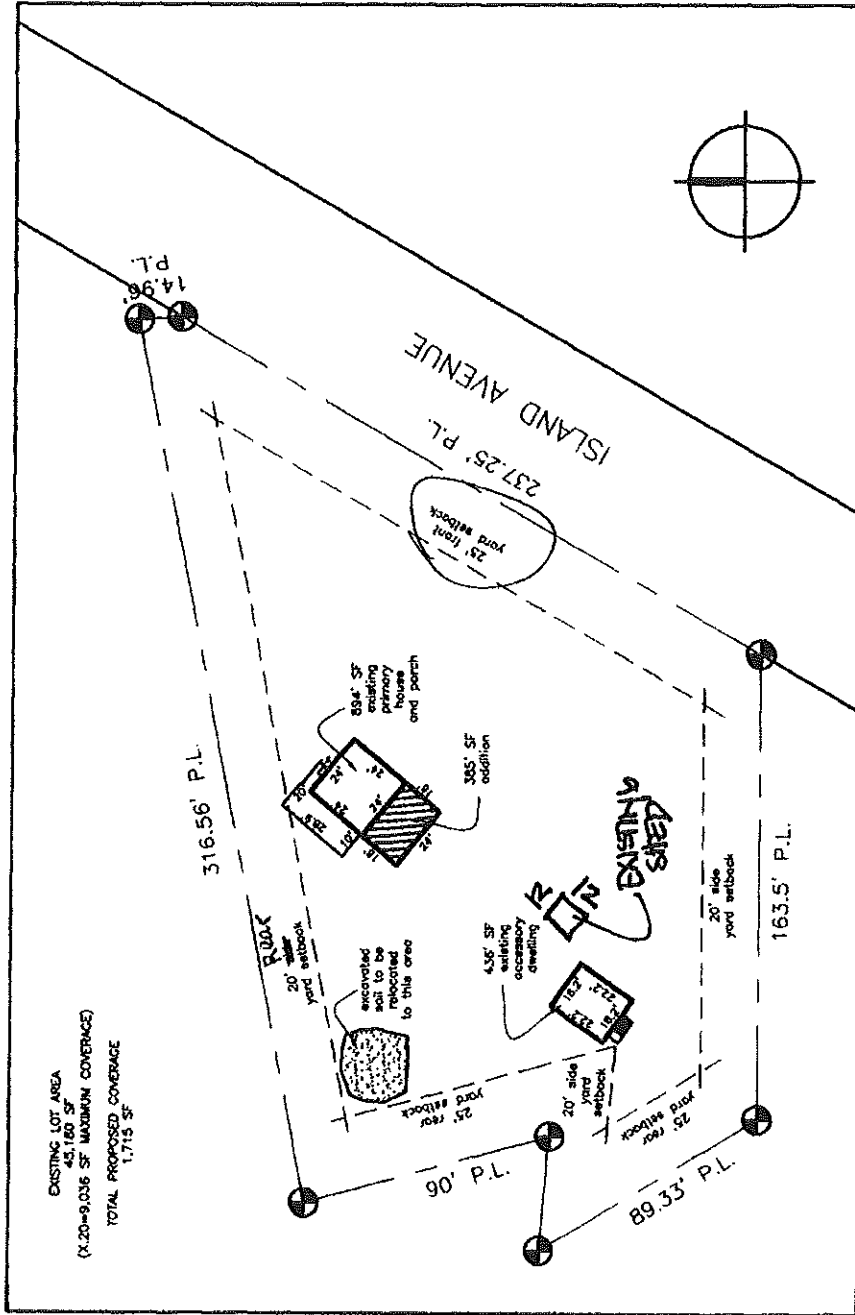
plot plan

PROJECT Berndt Residence

DATE 4.26.04 REVISED

SCALE 1/64" = 1'-0" DRAWN BY

ITEM



EXISTING LOT AREA  
45,140 SF  
(X.20=9,036 SF MAXIMUM COVERAGE)  
TOTAL PROPOSED COVERAGE  
1,715 SF

FR-2 Zone  
Front 25' Req 100' shown  
Rear 25' Req 35' shown  
Sides 20' Req 100' shown