

Department of Planning & Urban Development

Marge Schmuckal  
Zoning Administrator

Jeff Levine  
Director Planning & Urban Development



RECEIVED

MAY - 6 2014

**CITY OF PORTLAND**  
**ZONING BOARD OF APPEALS**

Dept. of Building Inspections  
City of Portland Maine

**Interpretation Appeal Application**

**APPLICANT INFORMATION:**

NAME

Thomas Covington Johnson

BUSINESS NAME

N/A

ADDRESS

Pleasant Avenue

Peaks Island, ME 04108

TELEPHONE #

766-3375

APPLICANT'S RIGHT, TITLE OR INTEREST  
(eg: owner, purchaser, etc)

Owner

CURRENT ZONING DESIGNATION

**IR-1/Shoreland**

EXISTING USE OF PROPERTY:

Farming and the uses identified  
as grandfathered in the Casey

Affidavit (Attached as Exhibit "B")

**SUBJECT PROPERTY INFO:**

37 Ballfield Road & Mariner Court & Vermont Avenue

PROPERTY ADDRESS

88-1-(106 to 011 & 013 to 16 & 22 & 88+1-2-3

CHART/BLOCK/LOT (CBL)

**PROPERTY OWNER INFO (If Different):**

NAME

ADDRESS

Disputed Provisions from Section 14:  
See Order, and § 14-381

Order, decision, determination or  
interpretation under dispute:  
April 7, 2014 Order of Zoning Admin.

**TYPE OF RELIEF REQUESTED:**

Reversal of Order as to specified activities on these properties. This  
Application is filed to preserve right to appeal. Uses are lawfully  
nonconforming under Ordinance and Farmland Protection Act.

**NOTE:** If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for an appeal as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

*David Louie, Agent for T.C. Johnson* 5/5/14  
SIGNATURE OF APPLICANT DATE

**Law Offices of David A. Lourie**  
97 India Street  
Portland, Maine 04101  
207-799-4922 \* fax 207-221-1688  
Cell: 207-749-3642

RECEIVED

MAY - 6 2014

Dept. of Building Inspections  
City of Portland Maine

May 5, 2014

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

Re: Appeal of Thomas Covington Johnson 37 Ballfield Road & Mariner Court & Vermont Avenue, Peaks Island - 88-1-(106 to 011 & 013 to 16 & 22 & 88+1-2-3 (the "Property") - IR-1 with Shoreland Overlay and Related FOAA Request

Dear Marge:

I regret that we have not had the opportunity to discuss the above matter, as they might have obviated the need for filing the enclosed Appeal of your ORDER dated April 7, 2014 to cease various activities on his Peaks Island property.

I am enclosing the attached Appeal of Covey Johnson who has authorized me to file it on his behalf. With the exception of his agricultural use, Mr. Johnson been doing nothing differently than he and his predecessor have been doing continuously since before the City changed its island zoning rules.

To the extent that Mr. Johnson has cut vegetation within the shoreland zone, he has merely maintained open areas previously used for agricultural purposes. The property is zoned for agricultural use. Mr. Johnson's composting and other agricultural activities are clearly protected from any municipal enforcement by the Farm Protection Act.<sup>1</sup> I have discussed this matter with Michael Morse of Maine Department of Environmental Protection, and he has authorized me to quote him as opining that: the Farmland Protection Act supercedes the Shoreland Zone Act in protecting existing farming activities, and incursions into the shoreland zone for the continuation of prior farming activities (as broadly defined by the Act), are not subject to the City's shoreland zoning regulations.

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<sup>1</sup> 7 M.R.S.A. § 154 specifically provides: "A method of operation used by a farm or farm operation located in an area where agricultural activities are permitted may not be considered a violation of a municipal ordinance if the method of operation constitutes best management practices as determined by the commissioner in accordance with section 153, subsection 1." Other sections of the Act provide that absent a complaint to the Commissioner, and a finding by the Commissioner that Mr. Johnson is not using best management practices municipal ordinances have no applicability to farming operations, which are broadly defined in the Act.

Marge Schmuckal, Zoning Administrator

Re: Appeal of Thomas Covington Johnson 37 Ballfield Road & Mariner Court & Vermont Avenue, Peaks Island - 88-1-(106 to 011 & 013 to 16 & 22 & 88+1-2-3 (the "Property") - IR-1 with Shoreland Overlay and Related FOAA Request

May 5, 2014

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All of the other alleged violations cited in your ORDER dated April 7, 2014 are lawfully nonconforming under the Portland Zoning Ordinance.<sup>2</sup> The trailer use is also lawful. A fully mobile trailer is not a *dwelling*. A mobile trailer is a permitted accessory use in the IR-1 Zoning District (like the tenting that is specifically identified as such *without limitation*.<sup>3</sup>) Moreover, this particular trailer lacks the permanence of a *dwelling*, as it has frequently been moved about on the property. Nevertheless, Mr. Johnson has decided to voluntarily remove the trailer without prejudice to his position that the use is a permitted accessory use, and will probably do so prior to any ZBA hearing.

It is our understanding that the complaints concerning Mr. Johnson's property have come from Ms. Sellers. Please advise if this is not correct. I assume that Ms. Sellers and/or her husband are the persons alleged to have *witnessed* the various violations alleged in your Order. You should be aware that Ms. Seller will not be a disinterested witness, as she has waged a relentless campaign of harassment against Mr. Johnson (even filing a criminal complaint arising out of a confrontation between the two, which was subsequently dismissed by Justice Warren of the Superior Court.) The confrontation occurred after Mr. Johnson used *self-help* to push the large pile of trees, dirt and other debris that Ms. Sellers had deposited on his property without his permission, and moved it *back* onto her own property, which she had blatantly clear-cut and bulldozed in violation of the shoreland zoning ordinance. No doubt, Mr. Johnson should have reported the violation to you or to DEP at the time, but that is not the usual way that islanders usually deal with this type of unneighborly and even illegal behavior.

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<sup>2</sup> **Sec. 14-381. Continuation.** Any lawful use of buildings, structures, premises or parts thereof, existing on June 5, 1957, and made nonconforming by the provisions of this article or any amendment thereto may be continued although such use does not conform with the provisions of this article or amendment thereto.

<sup>3</sup> **Sec. 14-145 Permitted Uses.** (f) Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article, including but not limited to (a) home occupations, (b) temporary private tenting with one (1) tent accessory to a principal residential use provided that adequate water supplies and sanitation facilities are available in connection with the principal residential use, and (c) road side stands less than two hundred (200) square feet in floor area for the sale of agricultural products produced on the premises and the sale of fish and shellfish caught by the occupant of the dwelling or principal structure. **Sec. 14-404. Accessory use.** The term "accessory use" shall include only the following: (a) A subordinate use of land or building which is customarily incidental to the main building or to the principal use of the land and which is located on the same lot with the principal building or use.

Marge Schmuckal, Zoning Administrator

Re: Appeal of Thomas Covington Johnson 37 Ballfield Road & Mariner Court & Vermont Avenue, Peaks Island - 88-1-(106 to 011 & 013 to 16 & 22 & 88+1-2-3 (the "Property") - IR-1 with Shoreland Overlay and Related FOAA Request

May 5, 2014

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You should note that Ms. Sellers' property is wholly within the shoreland zone. (See, the wetland delineation in City records and the Sellers' property outlined in blue on page 2 of the attached Exhibit E.) Since the clear cutting and material bulldozed from the Sellers' lot onto Mr. Johnson's property consisted of soil, vegetation and other debris, her actions in clear-cutting and excavating that area *necessarily* violated the Portland shoreland zoning ordinance. I suggest that your enforcement efforts would be better served by pursuing Ms. Seller's activities, rather than her complaints about those of Mr. Johnson.

Your Order asserts that Mr. Johnson "has allowed commercial contractors to dump yard waste and tree trimming materials on the Property. It is understood that those materials are reduced to mulch and sold back to islanders." This is clearly protected by the Farming Protection Act. The farm trucks you would prohibit as "commercial vehicles" are used in farming and composting operations. They are also protected from interference by the City of Portland under the Act.

You also noted that Mr. Johnson has previously permitted the City to dump similar waste on the property. This was done without payment as an accommodation to the City. Resumption of such dumping by the City may or may not be permitted by Mr. Johnson, but he clearly will not be in violation of any city ordinance should he again do so, either because the use is grandfathered under the Zoning Ordinance, or because the operation is within the definition of composting under the Farm Protection Act.

It is apparent that most if not all of the many sections of the City's Zoning Ordinance you rely upon in your order were enacted by amendment to the Zoning Ordinance *sometime* after the uses cited were established on these properties. However, dates of enactment are not provided in your Order. I have documented the establishment of the farming and other uses in the attached exhibits. If the City wishes to contest the grandfathering of these activities, due process (fundamental fairness) requires that the City identify the applicable amendment date for each ordinance allegedly violated, as these are not readily ascertainable, so that the Board of Appeals can determine the applicability of such amendments to the Johnson property under §14-381 and/or the Farmland Protection Act.

I hereby request that you rescind your Order in light of the Farmland Protection Act (of which you appear to be unaware), the grandfathering established by the attached exhibits, and the unreliability of your *witness*. Recission of the Order will spare Mr. Johnson the expense and bother of a full hearing on a matter apparently improvidently pursued at Ms. Seller's insistence, and will leave you time to follow up on her own activities in altering her lot located wholly within the Shoreland Zoning Overlay District.

Marge Schmuckal, Zoning Administrator

Re: Appeal of Thomas Covington Johnson 37 Ballfield Road & Mariner Court &  
Vermont Avenue, Peaks Island - 88-1-(106 to 011 & 013 to 16 & 22 & 88+1-2-  
3 (the "Property") - IR-1 with Shoreland Overlay and Related FOAA Request

May 5, 2014

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I hereby request to review and copy all records in the office of building inspection concerning the Johnson, Island Services, and Sellers properties on Peaks Island. This request is made pursuant to the Maine Freedom of Access Act. Please advise within 5 working days if you intend to deny access to any of your files. Otherwise, I expect these documents to be produced for my inspection and copying at a mutually convenient time well in advance of any ZBA hearing in this matter. Please call me to make arrangements.

Please advise if you have any questions concerning the above.

Sincerely,



David A. Lourie

cc: Michael Morse, DEP

enclosures:

11 copies of Cover letter, Application and exhibits A-F

Fee \$100.00

Portland, Maine



Yes. Life's good here.

Planning &amp; Urban Development Department

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

April 7, 2014

Thomas Covington Johnson  
Pleasant Avenue  
Peaks Island, Maine 04108

RE: 37 Ballfield Road & Mariner Court & Vermont Avenue, Peaks Island – 88-I-006 to 011 & 013 to 16 & 022 & 88-J-1-2-3 (the "Property") – IR-1 with Shoreland Overlay

Dear Mr. Johnson,

It has come to the attention of this office that you are using the Property in violation of the City of Portland's Land Use Ordinance. The Property is located entirely within the IR-1 zone with a shoreland overlay. It has been witnessed that you have made alterations within the shoreland zone area by removing vegetation. Section 14-449(c)c allows an owner to maintain legally existing nonconforming cleared openings, but are not allowed to enlarge such areas. You have enlarged such areas in violation of the shoreland ordinance. By definition, "vegetation" includes trees, shrubs and other plants including plants less than 4". You will need to submit a site plan application as required under section 14-449(o) of the shoreland ordinance. The planning board or planning authority may approve actions within the shoreland if the listed standards are met. Any new structures that have been added must meet the setbacks of the IR-1 zone along with uses of the IR-1 zone. All of these structures must be shown on your submitted site plan. This office will need a stamped survey indicating all site features. You must show previous conditions and the areas where vegetation was located. You may need to replace the removed vegetated areas with shoreland tolerant vegetation. It is necessary to apply for a site plan review under the City guidelines within thirty (30) days showing what changes you have done within the shoreland zone along with a remediation plan.

The IR-1 zone is essentially a single family residential zone. The IR-1 zone does allow an accessory dwelling unit within and clearly subordinate to a principal single-family detached dwelling unit if approved by the Zoning Board of Appeals. There is no such appeal on record for the Property. It has been witnessed that you have a camper/recreational vehicle on the Property that houses individuals on occasion during the year. This is a use violation of the IR-1 zone. Any such activity shall cease immediately.

Please also note that section 14-335 restricts off-street parking in residential zones. The Property is not allowed to include more than one (1) commercial motor vehicle. It has been witnessed that there is more than one (1) commercial vehicle located on the Property. This type of activity shall cease immediately.

Because as noted above, the Property is located within an IR-1 Zone (Island Residential Zone), business uses are not permitted. It has been witnessed that you have allowed commercial contractors to dump

Portland, Maine



Yes. Life's good here.

Planning &amp; Urban Development Department

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

Page 2

yard waste and tree trimming materials on the Property. It is understood that those materials are reduced to mulch and sold back to islanders. Business uses such as outlined are not allowed in residential zones and such activity must cease immediately. It is noted that the City of Portland may

have dumped such materials on the Property in the past. It is further noted that all such City activity has been curtailed as of November, 2013. Under Zoning Board of Appeals restrictions, the Board does not have the right to grant business uses in residential zones.

You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

If you have any questions regarding this matter, please feel free to contact me at (207) 874-8695.

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal".

Marge Schmuckal  
Zoning Administrator  
City of Portland, Maine

Cc: Shiela Hill-Christian  
David Marshall  
Jeff Levine

Affidavit of Edward L. Casey

I, Edward L. Casey, of 2788 Tennis Club Drive (TCP Box 301), West Palm Beach, FLA 33417, hereby depose and state as follows:

1. I was formerly a resident of Peaks Island in the City of Portland, County of Cumberland and State of Maine.
2. I owned and operated Jackson & Casey Inc., a Maine Corporation with a principal place of business at Peaks Island, Maine.
3. I was married to Catherine B. Casey.
4. While a resident of Peaks Island, Portland, Maine, either I or my wife owned outright, or through my corporation, several lots or parcels of land on Peaks Island. These lots, referring to them by their City of Portland Tax Map and Lot designations, included, but were not limited to, the following lots:  
  
88-C-6, 92-G-17, 88-I-7 through 22, 88-J-1,2, 3, 88-G-1 & 2, 88-H-5, 88-B-25, 88-B-7.
5. The lots were located on and around Park Avenue, Vermont Avenue, Highland Avenue, Pleasant Avenue, and Tolman Road.
6. While I owned these lots, I used them through the 1970's and 1980's in my various businesses for the following purposes:
  - A. I stored gravel on the premises for sale to customers, which included the City of Portland, for use as dump cover and septic systems.
  - B. I mined gravel from the premises, and screened it on the premises.
  - C. I mined rock and ledge and sold the material.
  - D. The property was used to haul in trees and logs, which were cut up for firewood and sold. Some of the wood came from these lots.
  - E. I had a licensed septic dump on the property, which I used in conjunction with my septic system pumping out business.
  - F. I stored my business vehicles there, including trucks and trailers.
  - G. I leased space on the property to Ralph Jackson, for storage of oil delivery trucks, and space for him to cut up old oil tanks and collect scrap metal for sale.
  - H. I used part of the property to stockpile gravel, dirt, brush, stumps and building material waste which I generated from my work in the excavation business.
  - I. On occasion I would collect junk cars from around the island and store them on the property before trucking them to town for disposal.
  - J. I leased space to a sawmill-log cutter who sawed logs on the property.
  - K. Right into the 1970's there was a garbage dump on the property (underwritten by the City of Portland).



7. In 1988, I sold or transferred most or all of the above described property to Thomas Covington Johnson of Peaks Island.

I make this Affidavit for purposes of recording the above information should I be unavailable to offer said information personally. This information is true to the best of my knowledge and belief, and is based on my personal memory and knowledge. I swear to the authenticity of the above statements.

X Edward L. Casey 8/7/00  
Edward L. Casey Date AD seen.

State of Florida  
County: Palm Beach

Personally appeared before me Edward L. Casey, stated that he has read and agrees with the information contained in this Affidavit, knows the information to be true to the best of his knowledge and belief, and subscribed his name above.

Helen P. Hutt 8/7/00  
Notary Public - State of Florida





**SCHEDULE  
CLASSIFICATION AND VALUATION OF LAND AS FARMLAND**  
(Title 36, M.R.S.A., Sections 1101-1121)

**EXHIBIT C Page 1**  
**FEB 18 1992**

*(Schedule is to be filed with assessor(s) in duplicate on or before April 1 of the year in which application is required. Schedule must be accompanied by a map describing the parcel.)*

**DEPT. OF ASSESSOR  
CITY OF PORTLAND, ME**

- Name of Owner T. COVINGTON JOHNSON & LAURIE WILDES JOHNSON
- Mailing Address Blueberry Hill FARM PARK AVENUE Phone Number 766-3375  
P.O. BOX 48 PEAKS ISLAND ME 04108  
Post Office State Zip Code
- Location of Farmland Parcel PEAKS ISLAND CUMB  
Municipality or Township County
- Identification of Farmland Parcel MAP 88-J lots 6-16, 88-J lots 1-3, 88-J lot 6  
(Map and Lot, Deed Reference, or Book and Page)
- Farmland Parcel — Acreage and Valuation Breakdown (round figures to nearest acre)

\* Please refer to classification GUIDELINES \*

**A. FARMLAND**

Type/Use	Acres
Crop Land	<u>1 acre</u>
Orchard Land	
Pasture Land	<u>7 Acres</u>
Horticultural I (Edible)	
Horticultural II (Ornamental)	
Blueberry Land	
<b>Total Farmland</b>	<u>8 approx. 9 acres</u>

**B. LAND UNSUITABLE FOR FARMLAND**

	Acres
Natural Water (Lakes, Ponds, Rivers)	
Wetlands (Bog, Swamp, Marsh)	<u>4 Acres</u>
Barren Land (Bedrock, Ledge, Sand)	
<b>Total Land Unsuitable for Farmland</b>	<u>approx. 6 acres</u>

**C. FOREST TYPE LAND**

	Acres
Softwood Type	<u>1 acre</u>
Mixed Wood Type	<u>3 acres</u>
Hardwood Type	
<b>Total Forest Type Land</b>	<u>approx. 4 acres</u>

**This Section to be Completed by Assessor**

100% Value Per Acre	Total Valuation
@ \$ _____	= \$ _____
@ \$ _____	= \$ _____
@ \$ _____	= \$ _____
@ \$ _____	= \$ _____
@ \$ _____	= \$ _____
<b>Total 100% Farmland Valuation</b>	= \$ _____
100% Value Per Acre	Total Valuation
@ \$ _____	= \$ _____
@ \$ _____	= \$ _____
@ \$ _____	= \$ _____
<b>Total 100% Valuation Land Unsuitable for Farmland</b>	= \$ _____
100% Value Per Acre	Total Valuation
@ \$ _____	= \$ _____
@ \$ _____	= \$ _____
@ \$ _____	= \$ _____
<b>Total 100% Valuation Forest Type Land</b>	= \$ _____

(OVER)

INSTRUCTIONS FOR COMPLETING SCHEDULE FOR CLASSIFICATION OF LAND AS FARMLAND

(Under Title 36, M.R.S.A., Sections 1101 through 1121 — The Farm and Open Space Law) **EXHIBIT Page 2**

GENERAL INSTRUCTIONS

**FILING SCHEDULE.** Owners must submit a signed schedule in duplicate on or before April 1 of the year in which classification is requested. The schedule must list the acreage of each farm classification as well as the non-farmland uses.

**WHERE TO FILE.** Filing is to be with the municipal assessors in the case of land located in municipalities, or with the State Tax Assessor when land is in the Unorganized Territory.

**SCHEDULE.** A separate schedule must be filed for each farm unit which is described as any tract or tracts of land, including woodland and wasteland of at least 5 contiguous acres. If a parcel is located in more than one municipality or township, a separate schedule must be filed for each municipality or township covering the portion of the parcel located in that municipality or township.

**INCLUSION OF MAP.** The schedule must be accompanied by a map of the parcel (sketched or drafted) indicating the areas of different farmland and other areas of land as described in Section 5 of the schedule.

**Lines 1 and 2.** The name, address and telephone number of the owner should appear on these lines. If there is more than one owner enter "Multiple Owners" on line 1 and attach a separate sheet listing this information.

**Line 4.** The preferable identification of land would be the description under which the property is carried in the assessment records or on the most recent tax bill. Where this description is not readily available, references to the recorded deed (as Book 231, Page 16, Kennebec Registry) can be substituted.

**Line 5A.** Show total acreage of each farmland type in the parcel covered by the schedule. The statutory definition of the farmland types is as follows:

**CROP LAND.** "Crop Land" means acreage within a farm unit of land in tillage rotation, open land formerly cropped and land in bush fruits.

**ORCHARD LAND.** "Orchard Land" means the combined acreage within a farm unit of land devoted to the cultivation of trees bearing edible fruit.

**PASTURE LAND.** "Pasture Land" means the combined acreage within a farm unit of land devoted to the production of forage plants used for animal production.

**HORTICULTURAL LAND.** "Horticultural Land" means land engaged in production of vegetables small fruits, flowers and woody or herbaceous plants.

**NOTE:** See "GUIDELINES" for further clarification.

**Line 5B.** Show total acreage of land unsuitable for farmland, in the categories listed. The values per acre for each of these categories must reflect the same 100% valuation per acre for the same categories in non-classified parcels within the jurisdiction.

**Line 5C.** The 100% valuation per acre for forest land shall be the 100% valuation per acre by county by forest type established annually for the Tree Growth Tax Law.

**Line 5D.** Show the total acreage of other land not used for farmland. This does not include land unsuitable for farmland, which is shown in line 5B. Use categories include but are not limited to home, camp or building (structural) sites, camping (nonstructural) areas, roads, water storage areas, power lines, pipelines and railroads. Also indicate any areas you wish to exclude from current use classification. The 100% valuation per acre for the land classification within this category must be the same 100% valuation per acre used for identical classifications in non-classified parcels in the jurisdiction.

**Line 5E.** The assessor must apply the jurisdiction's certified municipal assessment ratio to the total 100% valuations of Sections A, B, C and D to arrive at the assessed valuation of the parcel.

**Line 7.** All owners of the parcel must sign, unless represented by an authorized agent who signs.

Copies of the Farm and Open Space Bulletin and further information regarding participation may be obtained by contacting the Bureau of Taxation, Property Tax Div., State Office Bldg., State House Station 24, Augusta, Maine 04333.

(OVER)

Memorandum

To: Johnson Thomas Covington  
Pleasant Avenue  
Peaks Island  
Maine 04108

From: Donald W. Hall, Appraiser - Assessor's Office

Subject: FARM & OPEN SPACE tax law

Date: 12/28/93

Our records show that you own the following parcel of

FARM LAND  
 OPEN SPACE LAND

(Account # J 08653 94)

The FARM and OPEN SPACE tax law has recently been amended, and each Assessor must send to each owner of property so designated the enclosed informational packet prepared by the State Tax Assessor.

At this time I do NOT expect that the method of valuing your Open Space land will change for the April 1, 1994 assessment .

If further information is needed contact the Property Tax Division, State House Station 24, Augusta, ME 04333, Tel. 287-2011.

If you intend to change the status of your property, please contact me at your earliest convenience to avoid being caught in a last-minute rush. Thank You.





4/11/92

92/93

Worksheet

25 2025 2025 8 2025

SCHEDULE C CLASSIFICATION AND VALUATION OF LAND AS FARMLAND (Title 36, M.R.S.A., Sections 1101-1121)

EXHIBIT C Page 5

DEPT. OF ASSESSOR CITY OF PORTLAND, ME

(Schedule is to be filed with assessor(s) in duplicate on or before April 1 of the year in which application is requested. Schedule must be accompanied by a map describing the parcel.)

1. Name of Owner T. COVINGTON JOHNSON & LAURIE WILDIE JOHNSON
2. Mailing Address BLUEBERRY HILL FARM PARK AVENUE 766-3375
P.O. BOX 48 PEAKS ISLAND ME 04108

3. Location of Farmland Parcel PEAKS ISLAND Municipality or Township CUMB County

4. Identification of Farmland Parcel MAP 88-T LOTS 6-16, 88-T LOTS 1-3, 88-T LOTS

5. Farmland Parcel - Acreage and Valuation Breakdown (round figures to nearest acre)

Please refer to classification GUIDELINES

This Section to be Completed by Assessor

Table with columns: Type/Use, Acres, 100% Value Per Acre, Total Valuation. Rows include Crop Land, Pasture Land, Total Farmland, LAND UNSUITABLE FOR FARMLAND (Wetlands, Barren Land), FOREST TYPE LAND (Softwood, Mixed Wood, Hardwood).

(OVER)

D. OTHER LAND (Power Lines, etc.)

Other Land	Acres
House lot	1
Livestock Barn	aprox 1 acre
Equip. Storage	
TOTAL - OTHER LAND	1 acre
TOTAL ACREAGE OF PARCEL	20 acres

This Section to be Completed by Assessor

EXHIBIT C Page 6

100% Value Per Acre	Final Valuation
@ \$ 20,000 @ 250.45	\$ 27,500
@ \$ 23,560 @ 25-20	\$ 4,700
@ \$	\$
@ \$	\$
Total 100% Valuation of Other Land	\$ 32,200
Total 100% Valuation of A, B, C and D	\$ 36,650
Multipled by Certified Municipal Assessment Ratio	100%
Assessed Valuation of Farmland Parcel	\$ 36,650

E.

6. Gross Income from Farming Activities for Each of Past Two or Five Years; if no Past Income, indicate "Provisional Classification"

Year	Amount	Source
<del>1990</del>	<del>\$ 0</del>	<del></del>
1991	\$ 2270.50	Sale of Manure (from Horses) as Fertilizer for Local Gardeners
1991	\$ 700.00	FIREWOOD

7. I hereby certify that the answers to the foregoing questions are correct to the best of my knowledge and belief and that the land herein described as farmland fulfills the definition of farmland set forth by statute. I have received a copy of Property Tax Bulletin No. 18 and I am aware of the local farmland valuation rates and the penalty provision for withdrawal or change in use:

2-16-92  
Date:

*Raunie Johnson*  
Owner(s)

This area provided for assessing official use: The assessor shall record, in the municipal office of the town in which the farmland is located, the value at which the farmland would have been assessed had it not been classified under this subchapter.

SEE ATTACHED SHEET FOR INSTRUCTIONS & VALUATION GUIDELINES

## GENERAL INSTRUCTIONS

**FILING SCHEDULE.** Owners must submit a signed schedule in duplicate on or before April 1 of the year in which classification is requested. The schedule must list the acreage of each farm classification as well as the non-farmland uses.

**WHERE TO FILE.** Filing is to be with the municipal assessors in the case of land located in municipalities, or with the State Tax Assessor when land is in the Unorganized Territory.

**SCHEDULE.** A separate schedule must be filed for each farm unit which is described as any tract or tracts of land, including woodland and wasteland of at least 5 contiguous acres. If a parcel is located in more than one municipality or township, a separate schedule must be filed for each municipality or township covering the portion of the parcel located in that municipality or township.

**INCLUSION OF MAP.** The schedule must be accompanied by a map of the parcel (sketched or drafted) indicating the areas of different farmland and other areas of land as described in Section 5 of the schedule.

**Lines 1 and 2.** The name, address and telephone number of the owner should appear on these lines. If there is more than one owner enter "Multiple Owners" on line 1 and attach a separate sheet listing this information.

**Line 4.** The preferable identification of land would be the description under which the property is carried in the assessment records or on the most recent tax bill. Where this description is not readily available, references to the recorded deed (as Book 231, Page 16, Kennebec Registry) can be substituted.

**Line 5A.** Show total acreage of each farmland type in the parcel covered by the schedule. The statutory definition of the farmland types is as follows:

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**NOTE:** See "GUIDELINES" for further clarification.

**Line 5B.** Show total acreage of land unsuitable for farmland, in the categories listed. The values per acre for each of these categories must reflect the same 100% valuation per acre for the same categories in non-classified parcels within the jurisdiction.

**Line 5C.** The 100% valuation per acre for forest land shall be the 100% valuation per acre by county by forest type established annually for the Tree Growth Tax Law.

**Line 5D.** Show the total acreage of other land not used for farmland. This does not include land unsuitable for farmland, which is shown in line 5B. Use categories include but are not limited to home, camp or building (structural) sites, camping (nonstructural) areas, roads, water storage areas, power lines, pipelines and railroads. Also indicate any areas you wish to exclude from current use classification. The 100% valuation per acre for the land classification within this category must be the same 100% valuation per acre used for identical classifications in non-classified parcels in the jurisdiction.

**Line 5E.** The assessor must apply the jurisdiction's certified municipal assessment ratio to the total 100% valuations of Sections A, B, C and D to arrive at the assessed valuation of the parcel.

**Line 7.** All owners of the parcel must sign, unless represented by an authorized agent who signs.

Copies of the Farm and Open Space Bulletin and further information regarding participation may be obtained by contacting the Bureau of Taxation, Property Tax Div., State Office Bldg., State House Station 24, Augusta, Maine 04333.

(OVER)



The following GUIDELINES have been developed by the Department of Agriculture and the Bureau of Taxation after review of commentary from the assessing and agricultural communities.

The CATEGORIES indicated vary somewhat relative to language found in the law; our attempt to reconcile that language with typical Maine farming practices follows.

SUGGESTED VALUES are a correlation of market data analysis and income streams attributable to agricultural enterprise.

Upon consideration of the various ADJUSTMENTS relative to the statewide averages, assessors may develop localized values, generally falling within the OBSERVED RANGE and justifiable on a case-by-case basis.

**PASTURE LAND.** Land devoted to the production of forage plants consumed by animals. This includes grazing land, hay, ensilage, corn for ensilage and any other crops grown for forage.

\$250 per acre suggested value — observed range \$75 — \$400.

**CROP LAND.** Land used for field grown crops such as a typical Maine potato farm. This would include the usual crops grown in rotation with potatoes — corn for grain, small grains, peas, lupines, broccoli, etc.

\$300 per acre suggested value — observed range \$125 — \$450.

**BLUEBERRY LAND.** Land devoted to production of wild low-bush blueberries.

\$275 per acre suggested value — observed range \$150 — \$500.

**HORTICULTURAL LAND I (EDIBLE).** Land used for intensive vegetable and small fruit production, market gardening, strawberries, raspberries, high-bush blueberries, etc.

\$350 per acre suggested value — observed range \$275 — \$500.

**HORTICULTURAL LAND II (ORNAMENTAL).** Land used for production of planted and cultivated Christmas trees, flowers, sod, shrubs, trees and general nursery stock.

\$450 per acre suggested value — observed range \$350 — \$650.

**ORCHARD LAND.** Land devoted to the cultivation of trees bearing edible fruit. There should be a minimum stocking density of 60 trees per acre.

\$500 per acre suggested value — observed range \$350 — \$900.

#### ADJUSTMENTS

SOIL TYPE, CONSERVATION MEASURES, CONVENIENCE AND PROXIMITY TO THE FARMSTEAD, FIELD SIZE AND SHAPE, SLOPES, DRAINAGE, AERATION, ACCESSIBILITY TO AND CHOICE OF MARKETS, ROCKS, CLIMATE, COMMODITY YIELD AND PRICE.

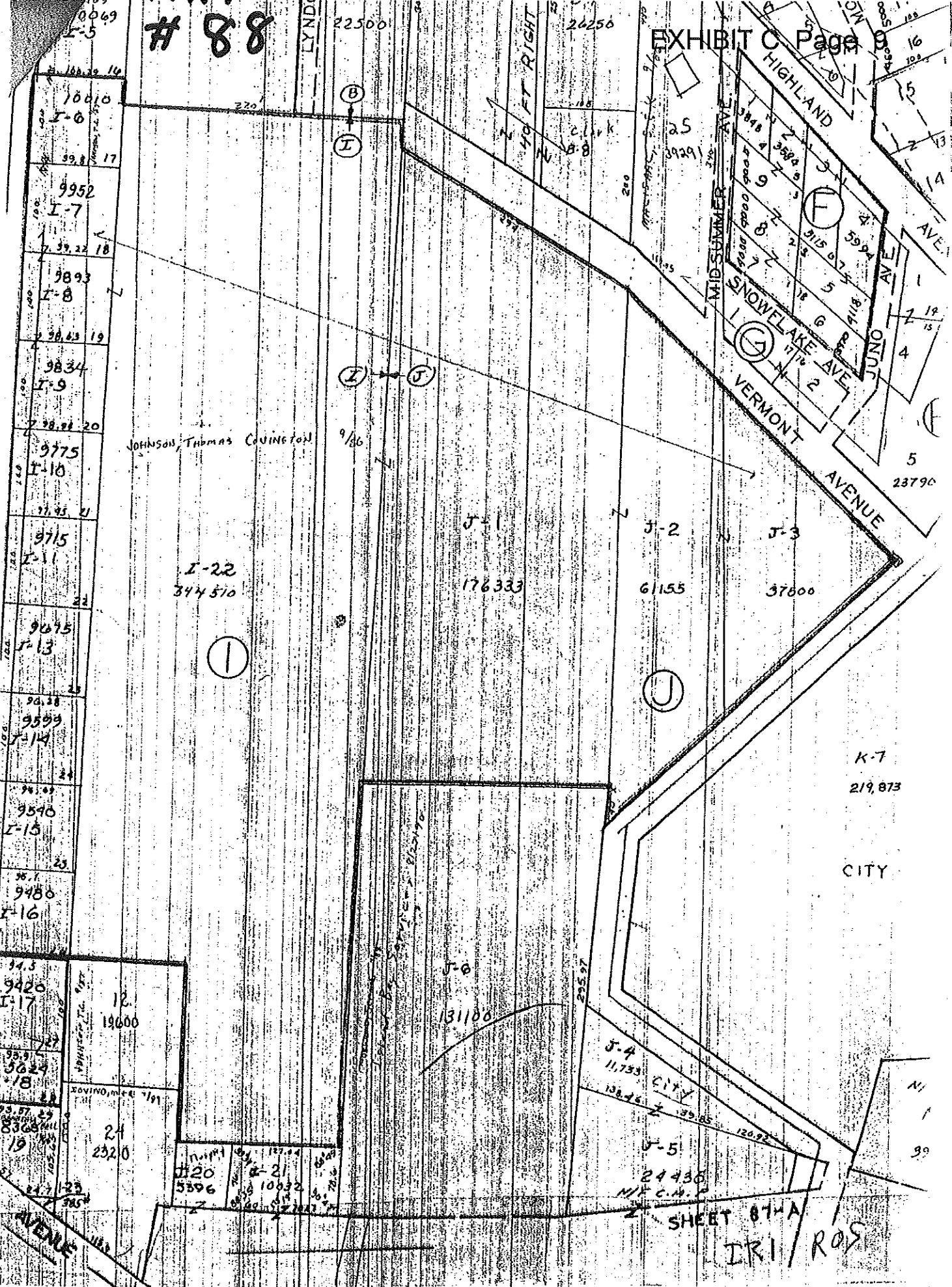
# 88

EXHIBIT C Page 16

LYNDI

22500

26250



Johnson, Thomas Covington

I-22  
344510

J-1  
176333

J-2  
61155

J-3  
37600

K-7  
219,873

CITY

J-6  
13100

J-4  
11,733

J-5  
24,430

SHEET 874A

IRI ROS

EXHIBIT C

110 PROPERTY ADDRESS 0000000 VERMONT AVE  
 901 OWNER NAME1 JOHNSON THOMAS COVINGTON (1, f, i)  
 902 NAME2 PLEASANT AVE  
 903 ADDRESS  
 904 CITY/STATE/ZIP PEAKS ISLAND ME 04108

106 ENTRANCE: CODE 1 INFO 1 DATE 11/30/90 INITIALS LEG  
 107 OPERATOR: LAST SMD PREV FIX DATE 07/30/91  
 114 DEED BOOK 115 PAGE 116 DATE / /

	CURRENT VALUE	PREVIOUS VALUE
LAND	\$68,600	\$340
BUILDING	\$26,800	\$0
TOTAL	\$95,400	\$340

961 FINAL VALUE \$95,400 REAS 3 DATE 02/05/91 REVR  
 971 EXEMPT VALUE \$0 REAS YEAR 90

RPPM22 PORTLAND, ME OPTNS(N,P,Q): XMIT: [ ]  
 RPPP22 PARCEL ID: 088 I 006 001 01/01 ACCT: J0865393 5/21/92 13:44

101 CLASS RA 111 ST CD 2000 112 STR NO 102 LAND USE 19  
 113 ROUTE 080- 103 LIV UNTS 000 104 ZONE IRI 105 NBHD 100  
 108 PARTL 120 FRAME 451 PLAN DST 17  
 401 TOPOG I 411 UTILS 7 421 STR/RD 8 441 TRAFFIC 4

	MO	YR	TYPE	AMOUNT	SOURCE	VALIDITY	DELETE
200 SALE 1							
201 SALE 2							
202 SALE 3							

461 PERMIT 1:	NO		DATE	/	AMOUNT	
462 PERMIT 2:	NO		DATE	/	AMOUNT	
463 PERMIT 3:	NO		DATE	/	AMOUNT	
464 PERMIT 4:	NO		DATE	/	AMOUNT	
465 PERMIT 5:	NO		DATE	/	AMOUNT	








471 DESC 88-I-6 TO 11-13 TO 16- 472 DESC 22 88-J-1-2-3 MARINER  
 473 DESC CT VERMONT AVE 474 DESC PEAKS IS 716971 SF  
 981 NEED MAILER 982 NEED NTP M 983 NEED COMP

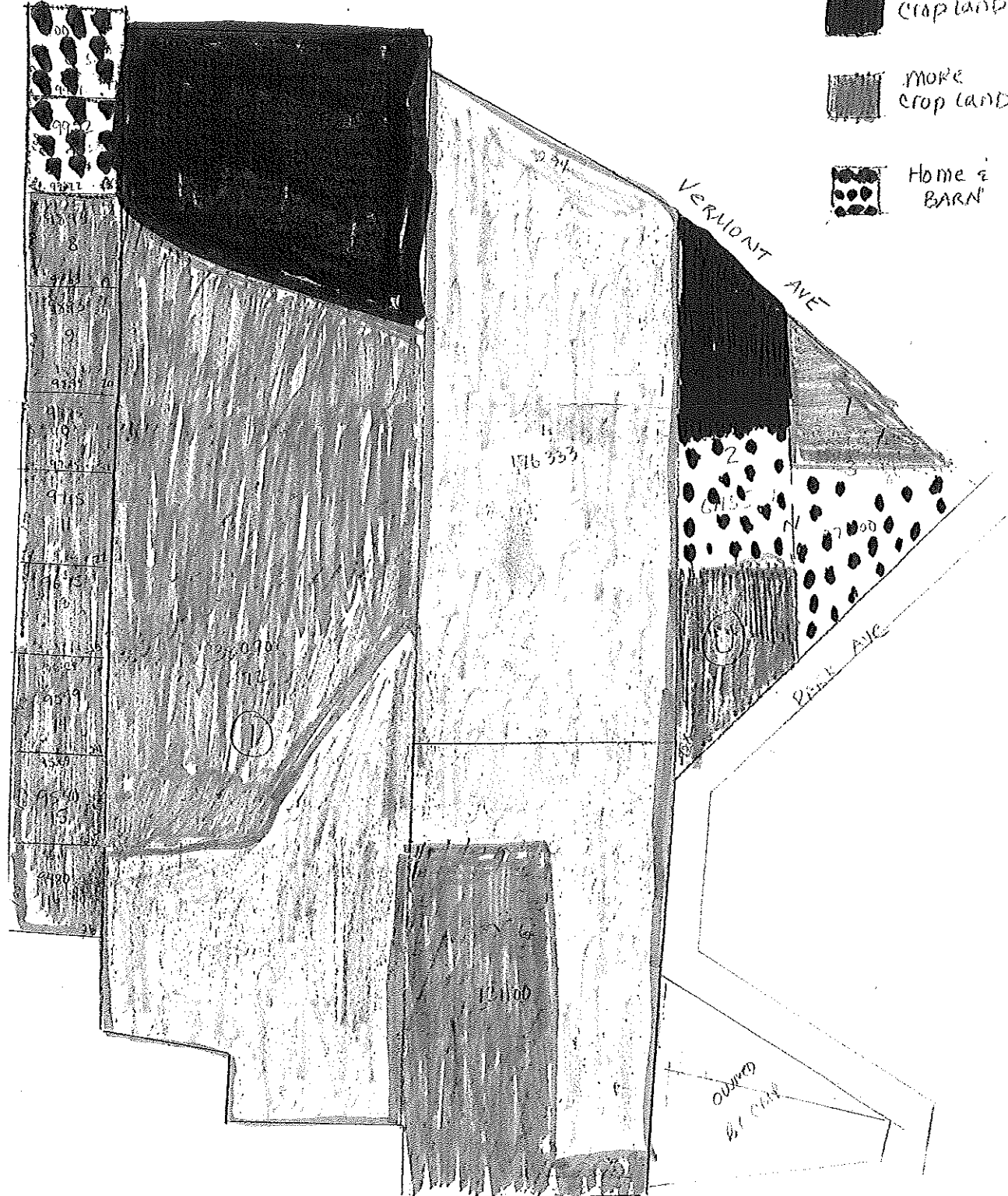
OPTNS(N,P,Q): XMIT [ ]

EXHIBIT D

MAP: BLUEBERRY HILL FARM  
PEAKS ISLAND  
MAINE

PROPERTY OF: T.C. JOHNSON & L. JOHNSON

-  PASTURE
-  MIXED WOOD
-  SOFT WOOD
-  SWAMP/BAY
-  CROPLAND
-  MORE CROPLAND
-  HOME & BARN



# EXHIBIT E Page 1



## Albert Frick Associates, Inc.

Soil Scientists & Site Evaluators

95A County Road Corham, Maine 04038  
(207) 839-5563 FAX (207) 839-5564

Albert Frick SS, SE  
James Logan SS, SE  
Matthew Logan SE

November 14, 1997

Rod Howe  
Army Corps of Engineers

Dawn Hallowell  
Department of Environmental Protection

Re: Covey Johnson, Peaks Island

Dear Rod/Dawn:

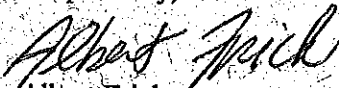
I spoke with you on November 11, 1997 and Dawn Hallowell on November 14, 1997 concerning the above-referenced property.

Covey Johnson owns property with an existing barn and has draft horses, poultry, pasture fields, etc. Covey Johnson proposed to construct an irrigation pond to water his pasture and livestock.

I understand that Mr. Johnson's wetland alteration, for agricultural purposes is exempt from wetland regulations.

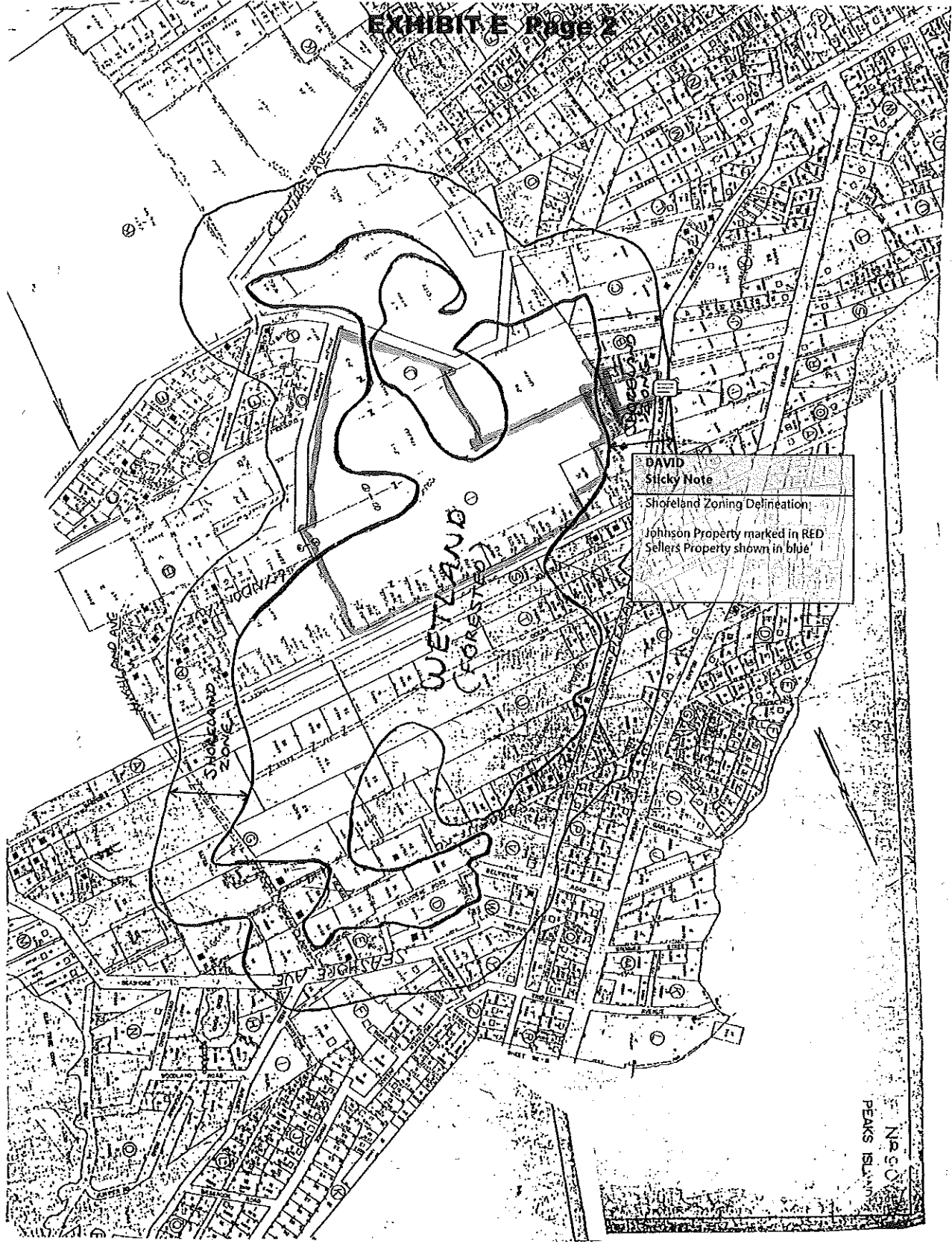
Please contact Mr. Johnson or me if there is any question or matters for additional discussion.

Respectfully,

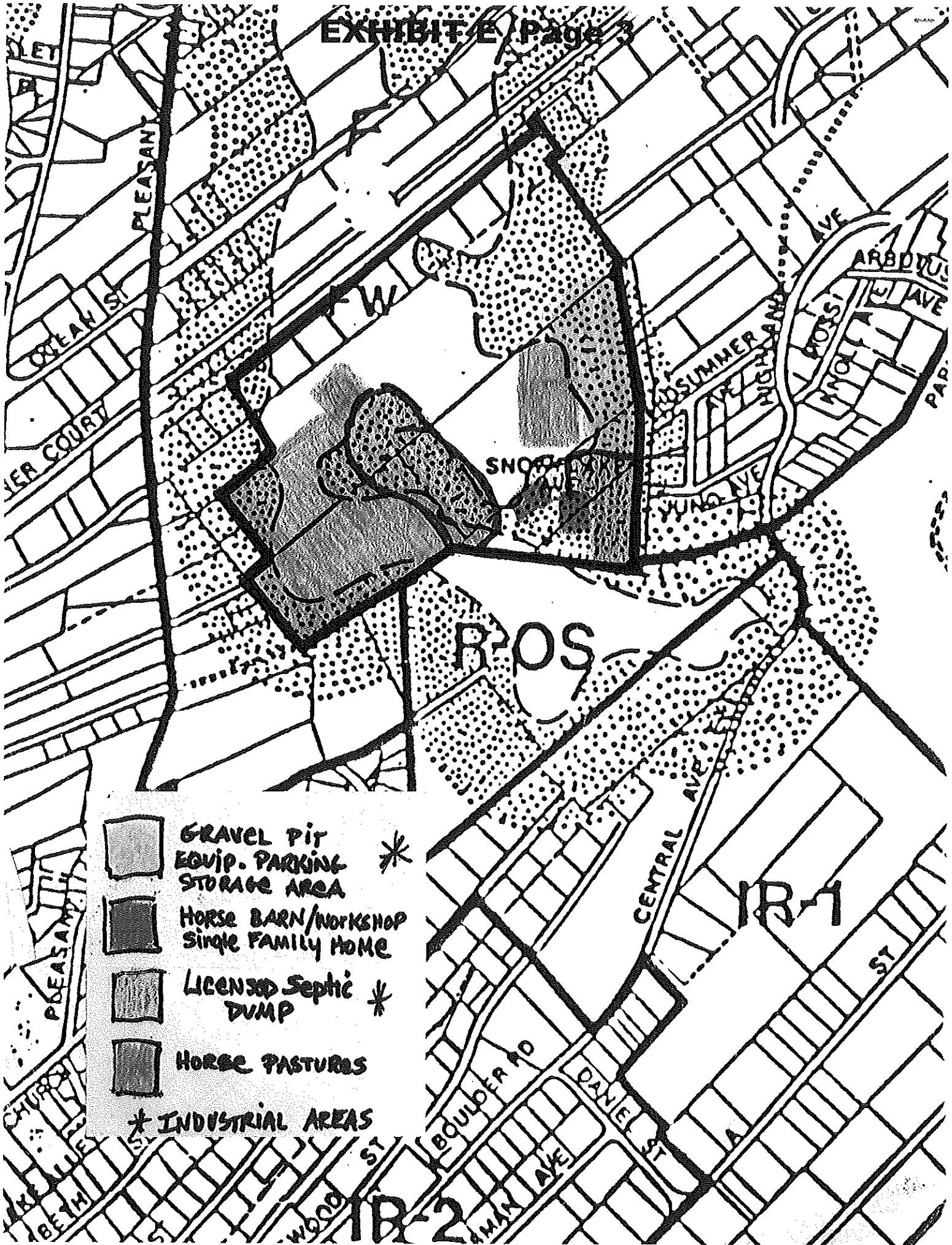
  
Albert Frick

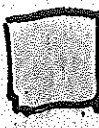



AF/nd

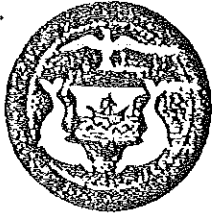
cc. Sam Hoffses, CEO  
Covey Johnson







-  GRAVEL PIT  
EQUIP. PARKING  
STORAGE AREA \*
-  HORSE BARN/WORKSHOP  
SINGLE FAMILY HOME
-  LICENSED SEPTIC  
DUMP \*
-  HORSE PASTURES
- \* INDUSTRIAL AREAS



CITY OF PORTLAND

CONDITIONAL USE APPEAL

APPLICATION

Applicant's name and address: T. Covington Johnson  
Pleasant Ave, Peaks Island, Maine 04108

Applicant's interest in property (e.g., owner, purchaser, etc.):  
Owner of 10 1/2 acres on Peaks Island

Owner's name and address (if different):  
Same as above

Address of property (or Assessor's chart, block and lot number):  
Vermont Avenue, Peaks Island

Zone: I.R-1 Present use: Vacant Land

Type of conditional use proposed: Raising of Domestic Animals

Conditional use authorized by: Section 14-145.3(3)d  
Approval on conditional use to permit

NOTE: If site plan approval is required, attach preliminary or final site plan.  
the raising of domesticated animals on a lot containing more than 3 acres  
The undersigned hereby makes application for a conditional use permit as above-described, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Dated: 6-7, 1988

T. Covington Johnson  
Signature of Applicant

T. Covington Johnson & Laurie Jean Johnson



DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

# CITY OF PORTLAND

## BUILDING INSPECTION

No. 001208

# PERMIT

### PERMIT ISSUED

Please Read Application And Notes, If Any, Attached

This is to certify that T. Covington Johnson  
has permission to Change Use from vacant property to raising of Domestic Animals  
AT Vermont Avenue, Blueberry Hill Farm, Peaks Island **City Of Portland**

OCT 9 1988

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification for inspection must be given and written permission procured before this building or part thereof is lathed or otherwise closed-in.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

#### OTHER REQUIRED APPROVALS

- Fire Dept. \_\_\_\_\_
- Health Dept. \_\_\_\_\_
- Appeal Board \_\_\_\_\_
- Other \_\_\_\_\_  
Department Name

*[Signature]*  
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD 12 *Mr. Adalat*

DISPLAY THIS (

ON THIS JOB - Place NO CONCRETE in Foundation Forms  
and  
Do NOT START Laying Stone or Unit Masonry  
UNTIL

EXHIBIT F Page 3  
PAGE OF WORK

Please Read  
Application And  
Notes, If Any,  
Attached

FIELD INSPECTOR HAS INDICATED APPROVAL ON PERMIT CARD

YOU are required BY LAW  
to NOTIFY OF READINESS for INSPECTION

- WHEN:
1. Concrete Forms are Completed
  2. Lot Boundaries are ACCURATELY MARKED, and without OBSTRUCTION to Prevent Checking
  3. Permit Card is POSTED on Stout Stake at FRONT of Lot

No. 002408

PERMIT ISSUED

AUG 9 1989

This is to certify that T. Coving  
has permission to construct new barn  
AT 88-J-2 & 3, Vermont Avenue, Peaks Island **City Of Portland**

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification for inspection must be given and written permission procured before this building or part thereof is lathed or otherwise closed-in.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

- Fire Dept. \_\_\_\_\_
  - Health Dept. \_\_\_\_\_
  - Appeal Board \_\_\_\_\_
  - Other \_\_\_\_\_
- Department Name \_\_\_\_\_

PERMIT ISSUED  
WITH LETTER

*[Signature]*  
Director - Building & Inspection Services  
*[Signature]*

PENALTY FOR REMOVING THIS CARD

DISPLAY THIS CARD ON PRINCIPAL FROM EXHIBIT OF BOOK 4

# CITY OF PORTLAND

PERMIT ISSUED

BUILDING INSPECTION

No. MAY 31 1990

## PERMIT

No. # 89/2408

City Of Portland

Please Read  
Application And  
Notes, If Any,  
Attached

This is to certify that T. Covington Johnson  
has permission to Amendment - added cost for roof of barn  
AT Vermont Ave; Peaks Island - 88-J-2,3.

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

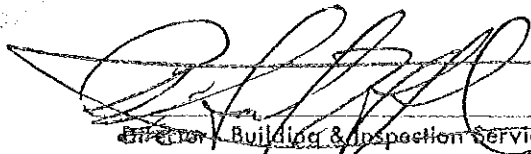
Apply to Public Works for street line and grade if nature of work requires such information.

Notification for inspection must be given and written permission procured before this building or part thereof is lathed or otherwise closed-in.

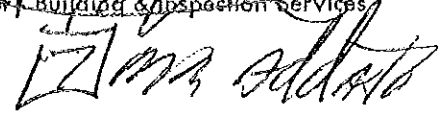
A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. \_\_\_\_\_  
Health Dept. \_\_\_\_\_  
Appeal Board \_\_\_\_\_  
Other \_\_\_\_\_  
Department Name \_\_\_\_\_

  
Superintendent Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

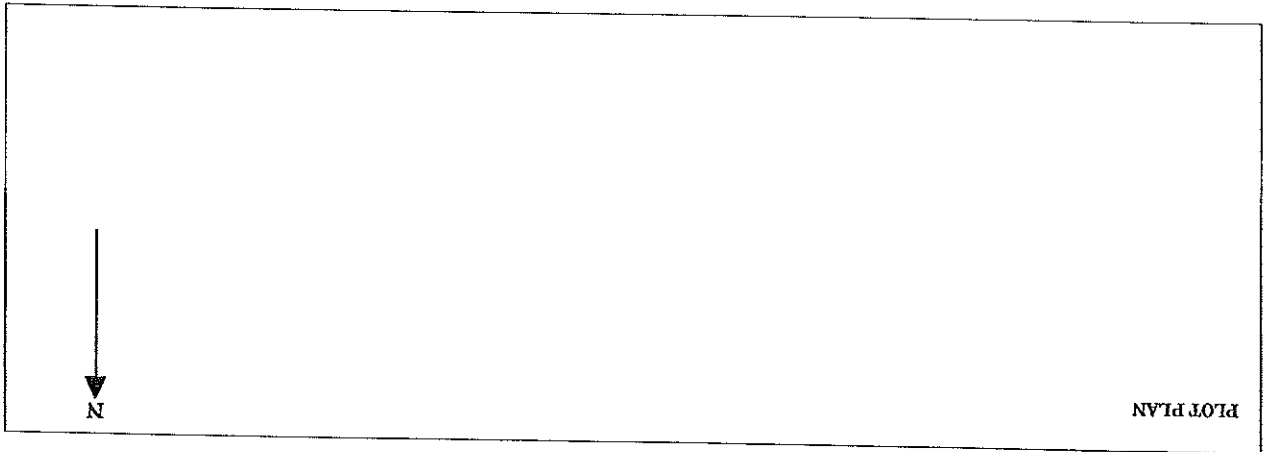


Date 9/17/90

for owner

COMMENTS

Base Fee \$ 60.00	Subdivision Fee \$	Site Plan Review Fee \$	Other Fees \$	(Explain)	Late Fee \$
Fees (Breakdown From Front)					
Inspection Record	Type	Date			



Permit # \_\_\_\_\_ City of \_\_\_\_\_ **BUILDING PERMIT APPLICATION Fee \$60.00** Zone \_\_\_\_\_ Map # \_\_\_\_\_ Lot# \_\_\_\_\_

Please fill out any part which applies to job. Proper plans must accompany form.

Owner: Thomas Covington Johnson Phone # 766-2108  
 Address: Peaks Island, Maine  
 LOCATION OF CONSTRUCTION 88-J-1, 2, 3 Park Ave. Corner Vermont Ave.  
 Contractor: Phillip Cincotta Builders, P.I.  
 Address: 88 Welch St., P. I. 04108 Phone # 766-2479  
 Est. Construction Cost: 8,000.00 Proposed Use: Sin. Fam.  
 Past Use: same  
 # of Existing Res. Units \_\_\_\_\_ # of New Res. Units \_\_\_\_\_  
 Building Dimensions L \_\_\_\_\_ W \_\_\_\_\_ Total Sq. Ft. \_\_\_\_\_  
 # Stories: \_\_\_\_\_ # Bedrooms \_\_\_\_\_ Lot Size: \_\_\_\_\_  
 Is Proposed Use: Seasonal \_\_\_\_\_ Condominium \_\_\_\_\_ Conversion \_\_\_\_\_  
 Explain Conversion Change of Use from barn to barn with apartment, 2nd.

**For Official Use Only**

Date Sept. 17, 1990  
 Inside Fire Limits \_\_\_\_\_ Name \_\_\_\_\_  
 Big Code \_\_\_\_\_ Lot \_\_\_\_\_  
 Time Limit \_\_\_\_\_ Ownership \_\_\_\_\_ Public \_\_\_\_\_  
 Estimated Cost: \$8,000.00 Private \_\_\_\_\_

Zoning: R-1 Zone  
 Street Frontage Provided: \_\_\_\_\_  
 Provided Setbacks: Front \_\_\_\_\_ Back \_\_\_\_\_ Side \_\_\_\_\_  
 Review Required:  
 Zoning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_  
 Planning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_  
 Conditional Use: Variance \_\_\_\_\_ Site Plan \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Shoreland Zoning Yes \_\_\_\_\_ No \_\_\_\_\_ Floodplain Yes \_\_\_\_\_ No \_\_\_\_\_  
 Special Exception \_\_\_\_\_  
 Other (Explain) OK W.D.H. = 9-11-90

floor with renovations, as per plans.

**Foundation:**  
 1. Type of Soil: \_\_\_\_\_  
 2. Set Backs - Front \_\_\_\_\_ Rear \_\_\_\_\_ Side(s) \_\_\_\_\_  
 3. Footings Size: \_\_\_\_\_  
 4. Foundation Size: \_\_\_\_\_  
 5. Other \_\_\_\_\_

**Floors:**  
 1. Sills Size: \_\_\_\_\_ Sills must be anchored.  
 2. Girder Size: \_\_\_\_\_  
 3. Lally Column Spacing: \_\_\_\_\_ Size: \_\_\_\_\_  
 4. Joists Size: \_\_\_\_\_ Spacing 16" O.C.  
 5. Bridging Type: \_\_\_\_\_ Size: \_\_\_\_\_  
 6. Floor Sheathing Type: \_\_\_\_\_ Size: \_\_\_\_\_  
 7. Other Material: \_\_\_\_\_

**Exterior Walls:**  
 1. Studding Size \_\_\_\_\_ Spacing \_\_\_\_\_  
 2. No. windows \_\_\_\_\_  
 3. No. Doors \_\_\_\_\_  
 4. Header Sizes \_\_\_\_\_ Span(s) \_\_\_\_\_  
 5. Bracing: Yes \_\_\_\_\_ No \_\_\_\_\_  
 6. Corner Posts Size \_\_\_\_\_  
 7. Insulation Type \_\_\_\_\_ Size: \_\_\_\_\_  
 8. Sheathing Type \_\_\_\_\_ Size: \_\_\_\_\_  
 9. Siding Type \_\_\_\_\_ Weather Exposure \_\_\_\_\_  
 10. Masonry Materials \_\_\_\_\_  
 11. Metal Materials \_\_\_\_\_  
 Spacing \_\_\_\_\_

**Ceiling:**  
 1. Ceiling Joists Size: \_\_\_\_\_  
 2. Ceiling Strapping Size \_\_\_\_\_ Spacing \_\_\_\_\_  
 3. Type Ceiling: \_\_\_\_\_  
 4. Insulation Type \_\_\_\_\_ Size \_\_\_\_\_  
 5. Ceiling Height: \_\_\_\_\_

**Roof:**  
 1. Truss or Rafter Size \_\_\_\_\_ Span \_\_\_\_\_  
 2. Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_  
 3. Roof Covering Type \_\_\_\_\_  
 Action: \_\_\_\_\_ Approved \_\_\_\_\_  
 Approved with Conditions \_\_\_\_\_  
 Date 9/17/90

**Chimneys:**  
 Type: \_\_\_\_\_ Number of Fire Places \_\_\_\_\_  
 Signature: [Signature]

**Heating:**  
 Type of Heat: \_\_\_\_\_

**Electrical:**  
 Service Entrance Size: \_\_\_\_\_ Smoke Detector Required Yes \_\_\_\_\_ No \_\_\_\_\_

**Plumbing:**  
 1. Approval of soil test if required Yes \_\_\_\_\_ No \_\_\_\_\_  
 2. No. of Tubs or Showers \_\_\_\_\_  
 3. No. of Flushes \_\_\_\_\_  
 4. No. of Lavatories \_\_\_\_\_  
 5. No. of Other Fixtures \_\_\_\_\_

**Swimming Pools:**  
 1. Type: \_\_\_\_\_  
 2. Pool Size: \_\_\_\_\_ x \_\_\_\_\_ Square Footage \_\_\_\_\_  
 3. Must conform to National Electrical Code and State Law.

Permit Received By Joyce M. Rinaldi  
 Signature of Applicant Philip G. Cincotta for owner Date 9/17/90

Permit # \_\_\_\_\_ City of \_\_\_\_\_ BUILDING PERMIT APPLICATION Fee \$60.00 Zone \_\_\_\_\_ Map # \_\_\_\_\_ Lot# \_\_\_\_\_

Please fill out any part which applies to job. Proper plans must accompany form.

Owner: Thomas Covington Johnson Phone # 766-2108

Address: Peaks Island, Maine

LOCATION OF CONSTRUCTION 88-J-1, 2, 3 Park Ave. Corner Vermont

Contractor Phillip Cincotta Builders, P.I.

Address: 88 Welch St., P. I. 04108 Phone # 766-2479

Est. Construction Cost: \$8,000.00 Proposed Use: Sin. Fam.

# of Existing Res. Units \_\_\_\_\_ Past Use: same

# of New Res. Units \_\_\_\_\_

Building Dimensions L \_\_\_\_\_ W \_\_\_\_\_ Total Sq. Ft. \_\_\_\_\_

# Stories: \_\_\_\_\_ # Bedrooms \_\_\_\_\_ Lot Size: \_\_\_\_\_

Is Proposed Use: Seasonal \_\_\_\_\_ Condominium \_\_\_\_\_ Conversion \_\_\_\_\_

Explain Conversion Change of Use from barn to barn with apartment, 2nd.

floor with renovations, as per plans.

Foundation:

- 1. Type of Soil: \_\_\_\_\_
- 2. Set Backs - Front \_\_\_\_\_ Rear \_\_\_\_\_ Side(s) \_\_\_\_\_
- 3. Footings Size: \_\_\_\_\_
- 4. Foundation Size: \_\_\_\_\_
- 5. Other \_\_\_\_\_

Floor:

- 1. Sills Size: \_\_\_\_\_ Sills must be anchored.
- 2. Girder Size: \_\_\_\_\_
- 3. Lally Column Spacing: \_\_\_\_\_ Size: \_\_\_\_\_ Spacing 16" O.C.
- 4. Joists Size: \_\_\_\_\_ Size: \_\_\_\_\_
- 5. Bridging Type: \_\_\_\_\_ Size: \_\_\_\_\_
- 6. Floor Sheathing Type: \_\_\_\_\_ Size: \_\_\_\_\_
- 7. Other Material: \_\_\_\_\_

Exterior Walls:

- 1. Studding Size \_\_\_\_\_ Spacing \_\_\_\_\_
- 2. No. windows \_\_\_\_\_
- 3. No. Doors \_\_\_\_\_
- 4. Header Sizes Yes \_\_\_\_\_ No \_\_\_\_\_ Spant(s) \_\_\_\_\_
- 5. Bracing: \_\_\_\_\_
- 6. Corner Posts Size \_\_\_\_\_
- 7. Insulation Type \_\_\_\_\_ Size \_\_\_\_\_
- 8. Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_
- 9. Siding Type \_\_\_\_\_ Weather Exposure \_\_\_\_\_
- 10. Masonry Materials \_\_\_\_\_
- 11. Metal Materials \_\_\_\_\_

Interior Walls:

- 1. Studding Size \_\_\_\_\_ Spacing \_\_\_\_\_
- 2. Header Sizes \_\_\_\_\_ Spant(s) \_\_\_\_\_
- 3. Wall Covering Type \_\_\_\_\_
- 4. Fire Wall if required \_\_\_\_\_
- 5. Other Materials \_\_\_\_\_

**For Official Use Only**

Date: Sept 17, 1990  
 Inside Fire Limits  
 Bid Code \_\_\_\_\_ Lot \_\_\_\_\_  
 Time Limit \_\_\_\_\_ Ownership: \_\_\_\_\_ Public \_\_\_\_\_  
 Estimated Cost: \$8,000.00 Private \_\_\_\_\_

Zoning: R-1 Zone  
 Street Frontage Provided: \_\_\_\_\_ Back \_\_\_\_\_ Side \_\_\_\_\_  
 Provided Setbacks: Front \_\_\_\_\_ Back \_\_\_\_\_ Side \_\_\_\_\_  
 Zoning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_  
 Planning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_  
 Conditional Use: Variance \_\_\_\_\_ Site Plan \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Shoreland Zoning Yes \_\_\_\_\_ No \_\_\_\_\_ Floodplain Yes \_\_\_\_\_ No \_\_\_\_\_  
 Special Exception (explain) \_\_\_\_\_  
 Other \_\_\_\_\_

Ceiling:  
 1. Ceiling Joists Size: \_\_\_\_\_ Not in District nor Landmark  
 2. Ceiling Strapping Size \_\_\_\_\_ Spacing \_\_\_\_\_ Does not require review.  
 3. Type Ceilings: \_\_\_\_\_  
 4. Insulation Type \_\_\_\_\_ Size \_\_\_\_\_ Requires Review.  
 5. Ceiling Height: \_\_\_\_\_

Roof:  
 1. Truss or Rafter Size \_\_\_\_\_ Span \_\_\_\_\_ Approved  
 2. Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_ Approved with Conditions  
 3. Roof Covering Type \_\_\_\_\_  
 Chimneys: Type: \_\_\_\_\_ Number of Fire Places \_\_\_\_\_  
 Signature: Phillip Cincotta

Heating:  
 Type of Heat: \_\_\_\_\_  
 Electrical:  
 Service Entrance Size: \_\_\_\_\_ Smoke Detector Required Yes \_\_\_\_\_ No \_\_\_\_\_

Plumbing:  
 1. Approval of soil test if required Yes \_\_\_\_\_ No \_\_\_\_\_  
 2. No. of Tubs or Showers \_\_\_\_\_  
 3. No. of Flushes \_\_\_\_\_  
 4. No. of Lavatories \_\_\_\_\_  
 5. No. of Other Fixtures \_\_\_\_\_

Swimming Pools:  
 1. Type: \_\_\_\_\_  
 2. Pool Size: \_\_\_\_\_ x \_\_\_\_\_ Square Footage \_\_\_\_\_  
 3. Must conform to National Electrical Code and State Law.

Permit Received By Joyce M. Rinaldi  
 Signature of Applicant Phillip Cincotta for owner Date 9/17/90  
 Signature of CEO \_\_\_\_\_ Date \_\_\_\_\_  
 Inspection Dates \_\_\_\_\_

9077-61333

006024

QUITCLAIM DEED  
Maine Statutory Short Form

JACKSON and CASEY CORP., a Maine Corporation with a principal place of business at Peaks Island, Portland, County of Cumberland, and State of Maine, for consideration paid, grants to THOMAS COVINGTON JOHNSON, of Peaks Island, and State of Maine, with Quitclaim Covenants the land described as follows:

Land located at Peaks Island, Portland, Maine, consisting of Lots identified on the City of Portland Tax Maps as follows:

Map 88 I Lot # 12; and Map 88 I Lot #6, as described in a deed dated September 17, 1987 from the Grantor herein to the Grantee herein. Said deed is recorded at the Cumberland Registry of Deeds at Book 8113, Page 89.

The purpose of this deed is to correct the name of the Grantor which was transposed in the original deed above from Casey and Jackson Corp. to Jackson and Casey Corp.

IN WITNESS WHEREOF, Jackson and Casey Corp., as Grantor, does release all rights by descent and all other rights in the above described premises, have hereto set my hand and seal this 8th day of September, 1988.

*Andrew J. Doukas*  
Witness *Andrew J. Doukas*

*Edward L. Casey*  
Jackson and Casey Corp.  
Edward L. Casey



*Ed. L. Casey*  
Capacity of Signer

State of Maine,  
Cumberland, SS

Personally appeared before me, the above named Edward L. Casey in his capacity as President of Jackson and Casey Corp., acknowledged the foregoing instrument to be his free act and deed, and subscribed same.

Before me,

*9/8/88*  
Date

*Ratner M. M. Jr.*  
Notary Public/Attorney at Law

SEAL

RECEIVED  
RECORDED REGISTRY OF DEEDS  
1990 FEB -9 PH 1:05  
CUMBERLAND COUNTY

*[Signature]*

STATE OF MAINE REGISTRY OF DEEDS