

City of Portland, Maine - Building or Use Permit Application

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

Permit No. 01-1252	CBL: 105 G005001
Owner Address: 235 Gown Vetch Ln	Phone: 770-569-1915
Contractor Address: 10 Allen Ave Falmouth	Phone: 2078783696
Permit Type: Single Family	Zone: IR-2

Location of Construction: 0 Anderson Ave, <i>Little Diamond Is.</i>	Owner Name: Hotchkiss Douglass P &
Business Name: n/a	Contractor Name: Scotts Dale Construction
Lessee/Buyer's Name: n/a	Phone: n/a

Past Use: Vacant	Proposed Use: Build New Single Family; 26' x 48' Cape with attached covered porch <i>site plan # 2001-0283</i>
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Permit Fee: \$1,524.00	Cost of Work: \$250,000.00	CEO District: 1
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FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>B4</i> Type: <i>5B</i> <i>Boca 99</i>
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Proposed Project Description:
Build 26' x 48' New Single Family

PERMIT ISSUED
NOV 20 2001
CITY OF PORTLAND

Action: Approved Approved w/Conditions Denied

Signature: _____ Date: _____

Permit Taken By: *gg* Date Applied For: 10/09/2001

Zoning Approval

- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
- Building permits do not include plumbing, septic or electrical work.
- 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

Shoreland *well over 175' from HUm but within 250'*

Wetland

Flood Zone *panel 14 zone C*

Subdivision

Site Plan *# 2001-0283*

Maj Minor MM

Date: *ok with conditions 11/8/01*

Zoning Appeal

Variance

Miscellaneous

Conditional Use

Interpretation

Approved

Denied

Historic Preservation

Not in District or Landmark

Does Not Require Review

Requires Review

Approved

Approved w/Conditions

Denied

Date: *S*

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.

<i>[Signature]</i>	<i>10 Allen Avenue Ext Falmouth</i>	<i>11-16-01</i>	<i>878-3696</i>
SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
<i>Dale Freudenberg</i>	<i>Scottsdale Construction owner</i>	<i>11-16-01</i>	<i>Same</i>
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

232-1326 cell

011252

THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED

**Building or Use Permit Pre-Application
Additions/Alterations/Accessory Structures
To Detached Single Family Dwelling**

2001 0283

In the interest of processing your application in the quickest possible manner, please complete the information below for a Building or Use Permit.

NOTEIf you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.**

Location/Address of Construction: Anderson Avenue Little Diamond Island

Tax Assessor's Chart, Block & Lot Number Char# <u>105</u> Block# <u>6-5</u> Lot# <u>34.5</u>	Owner: <u>Douglas & Linda Hutchins</u>	Telephone#: <u>770-569-1915</u> 478-3096
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Owner's Address: <u>235 Eason Vetch Lane Alpharette GA 30005</u>	Lessee/Buyer's Name (If Applicable)	Cost Of Work: <u>\$250,000.00</u>	Fee: <u>\$1,524.00</u>
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Proposed Project Description: (Please be as specific as possible)

Build single family house with attached covered porch

300.00
1,824.00

Contractor's Name, Address & Telephone <u>See H's & L's Construction 10 Allen Avenue East Fairbanks</u>	Rec'd By: <u>tt Goff</u> <u>878-3696</u>
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Separate permits are required for Internal & External Plumbing, HVAC and Electrical installation.

- All construction must be conducted in compliance with the 1996 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All Electrical Installation must comply with the 1996 National Electrical Code as amended by Section 6-Art III.
- HVAC (Heating, Ventilation and Air Conditioning) installation must comply with the 1993 BOCA Mechanical Code.

You must include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) A Copy of your Construction Contract, if available
- 3) A Plot Plan (Sample Attached)

Site fee 1,524.
Site fee 300.
1,824.

If there is expansion to the structure, a complete plot plan (Site Plan) must include:

- The shape and dimension of the lot, all existing buildings (if any), the proposed structure and the distance from the actual property lines. Structures include decks porches, a bow windows cantilever sections and roof overhangs, as well as, sheds, pools, garages and any other accessory structures.
- Scale and required zoning district setbacks

4) Building Plans (Sample Attached)

A complete set of construction drawings showing all of the following elements of construction:

- Cross Sections w/Framing details (including porches, decks w/ railings, and accessory structures)
- Floor Plans & Elevations
- Window and door schedules
- Foundation plans with required drainage and dampproofing
- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

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/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: <u>[Signature]</u>	DEPT. OF BUILDING PERMITS Date: <u>10-9-01</u>
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Building Permit Fee: \$25.00 for the 1st \$1000.cost plus \$5.00 per \$1,000.00 construction cost thereafter.

O:\INSP\CORRESP\MNUGENT\APADSF.D.WPD

OCT 9 2001

RECEIVED

10/9/01
Goff

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 2001 State House Station, 15
 Augusta, ME 04402 FAX (207) 537-4172

PROPERTY LOCATION		>> Caution: Permit Required - Attach in Space Below <<	
City, Town, or Plantation	PORTLAND, LITTLE DIAMOND ISLAND	The Subsurface Wastewater Disposal System shall not be installed until a Permit is attached HERE by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.	
Street or Road	ANDERSON ROAD		
Subdivision, Lot #			
OWNER/APPLICANT INFORMATION			
Name (last, first, MI)	HOTCHKISS DOUGLAS & LINDA	Owner <input checked="" type="checkbox"/> Applicant	
Mailing Address of	3009 ASHLAND TERRACE		
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Applicant	CLEARWATER, FL 33764		
Daytime Tel. #	727-785-1830	Municipal Tax Map #	105 Lot # K 3-4-5
Owner or Applicant Statement		Caution: Inspections Required	
I state that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a permit.		I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.	
_____ Signature of Owner / Applicant		_____ Local Plumbing Inspector Signature	
_____ Date		<i>Amuling</i> 1-3-01 (1st) Date Approved	
_____ Date		_____ (2nd) Date Approved	

PERMIT INFORMATION

TYPE OF APPLICATION 1. <input checked="" type="checkbox"/> First Time System 2. <input type="checkbox"/> Replacement System Type Replaced: _____ Year Installed: _____ 3. <input type="checkbox"/> Expanded System a. <input type="checkbox"/> One-time exempted b. <input type="checkbox"/> Non exempted 4. <input type="checkbox"/> Experimental System 5. <input type="checkbox"/> Seasonal Conversion	THIS APPLICATION REQUIRES 1. <input checked="" type="checkbox"/> No Rule Variance 2. <input type="checkbox"/> First Time System Variance a. <input type="checkbox"/> Local Plumbing Inspector Approval b. <input type="checkbox"/> State & Local Plumbing Inspector Approval 3. <input type="checkbox"/> Replacement System Variance a. <input type="checkbox"/> Local Plumbing Inspector Approval b. <input type="checkbox"/> State & Local Plumbing Inspector Approval 4. <input type="checkbox"/> Minimum Lot Size Variance 5. <input type="checkbox"/> Seasonal Conversion Approval	DISPOSAL SYSTEM COMPONENT(S) 1. <input checked="" type="checkbox"/> Complete Non-Engineered System 2. <input type="checkbox"/> Primitive System (graywater & all toilet) 3. <input type="checkbox"/> Alternative Toilet, specify: _____ 4. <input type="checkbox"/> Non-Engineered Treatment Tank (only) 5. <input type="checkbox"/> Holding Tank, _____ Gallons 6. <input type="checkbox"/> Non-Engineered Disposal Field (only) 7. <input type="checkbox"/> Separated Laundry System 8. <input type="checkbox"/> Complete Engineered System (2000 gpd) 9. <input type="checkbox"/> Engineered Treatment Tank (only) 10. <input type="checkbox"/> Engineered Disposal field (only) 11. <input type="checkbox"/> Pre-treatment, specify: _____ 12. <input type="checkbox"/> Miscellaneous components
SIZE OF PROPERTY ± 17,700 <input checked="" type="checkbox"/> sq. ft. <input type="checkbox"/> acres	DISPOSAL SYSTEM TO SERVE 1. <input checked="" type="checkbox"/> Single Family Dwelling Unit, No. of Bedrooms: <u>3</u> 2. <input type="checkbox"/> Multiple Family Dwelling, No. of Units: _____ 3. <input type="checkbox"/> Other: _____ SPECIFY _____	TYPE OF WATER SUPPLY 1. <input type="checkbox"/> Drilled Well 2. <input type="checkbox"/> Dug Well 3. <input type="checkbox"/> Private 4. <input checked="" type="checkbox"/> Public 5. <input type="checkbox"/> Other: (SEASONAL)
SHORELAND ZONING <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK 1. <input checked="" type="checkbox"/> Concrete a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Low Profile 2. <input type="checkbox"/> Plastic 3. <input type="checkbox"/> Other: _____ CAPACITY <u>1000</u> gallons	DISPOSAL FIELD TYPE & SIZE 1. <input type="checkbox"/> Stone Bed 2. <input type="checkbox"/> Stone Trench 3. <input checked="" type="checkbox"/> Proprietary Device a. <input type="checkbox"/> Cluster array c. <input checked="" type="checkbox"/> Linear b. <input checked="" type="checkbox"/> Regular d. <input type="checkbox"/> H-20 loaded 4. <input type="checkbox"/> Other: _____ SIZE <u>960</u> <input checked="" type="checkbox"/> sq. ft. <input type="checkbox"/> lin. ft. 20 ELJEN IN-DRAIN UNITS	GARBAGE DISPOSAL UNIT 1. <input checked="" type="checkbox"/> No 3. <input type="checkbox"/> Maybe 2. <input type="checkbox"/> Yes >> Specify one below: a. <input type="checkbox"/> Multi-compartment tank b. <input type="checkbox"/> Tank in series c. <input type="checkbox"/> Increase in tank capacity d. <input type="checkbox"/> Filter on tank outlet	DESIGN FLOW 270 gallons per day BASED ON: 1. <input checked="" type="checkbox"/> Table 501.1 (dwelling unit(s)) 2. <input type="checkbox"/> Table 501.2 (other facilities) SHOW CALCULATIONS - for other facilities - 3 BEDROOMS AT 90 GALLONS PER DAY EACH = 270 GPD 3. <input type="checkbox"/> Section 503.0 (meter readings) ATTACH WATER-METER DATA
SOIL DATA & DESIGN CLASS PROFILE <u>3</u> / <u>A/C</u> / <u>I</u> AT Observation Hole # <u>TB A</u> Depth <u>24</u> " Elevation _____" OF MOST LIMITING SOIL FACTOR	DISPOSAL FIELD SIZING 1. <input type="checkbox"/> Small - 2.0 sq.ft./gpd 2. <input type="checkbox"/> Medium - 2.6 sq.ft./gpd 3. <input checked="" type="checkbox"/> Medium-Large - 3.3 sq.ft./gpd 4. <input type="checkbox"/> Large - 4.1 sq.ft./gpd 5. <input type="checkbox"/> Extra-Large - 5.0 sq.ft./gpd	PUMPING 1. <input type="checkbox"/> Not required 2. <input checked="" type="checkbox"/> May be required 3. <input type="checkbox"/> Required >> Specify only for engineered or experimental systems: DOSE: _____ Gallons	

SITE EVALUATOR STATEMENT

I certify that on 5/25/00 (date) I completed a site evaluation on this property and state that the data reported is accurate and that the proposed system is in compliance with the Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Albert Frick

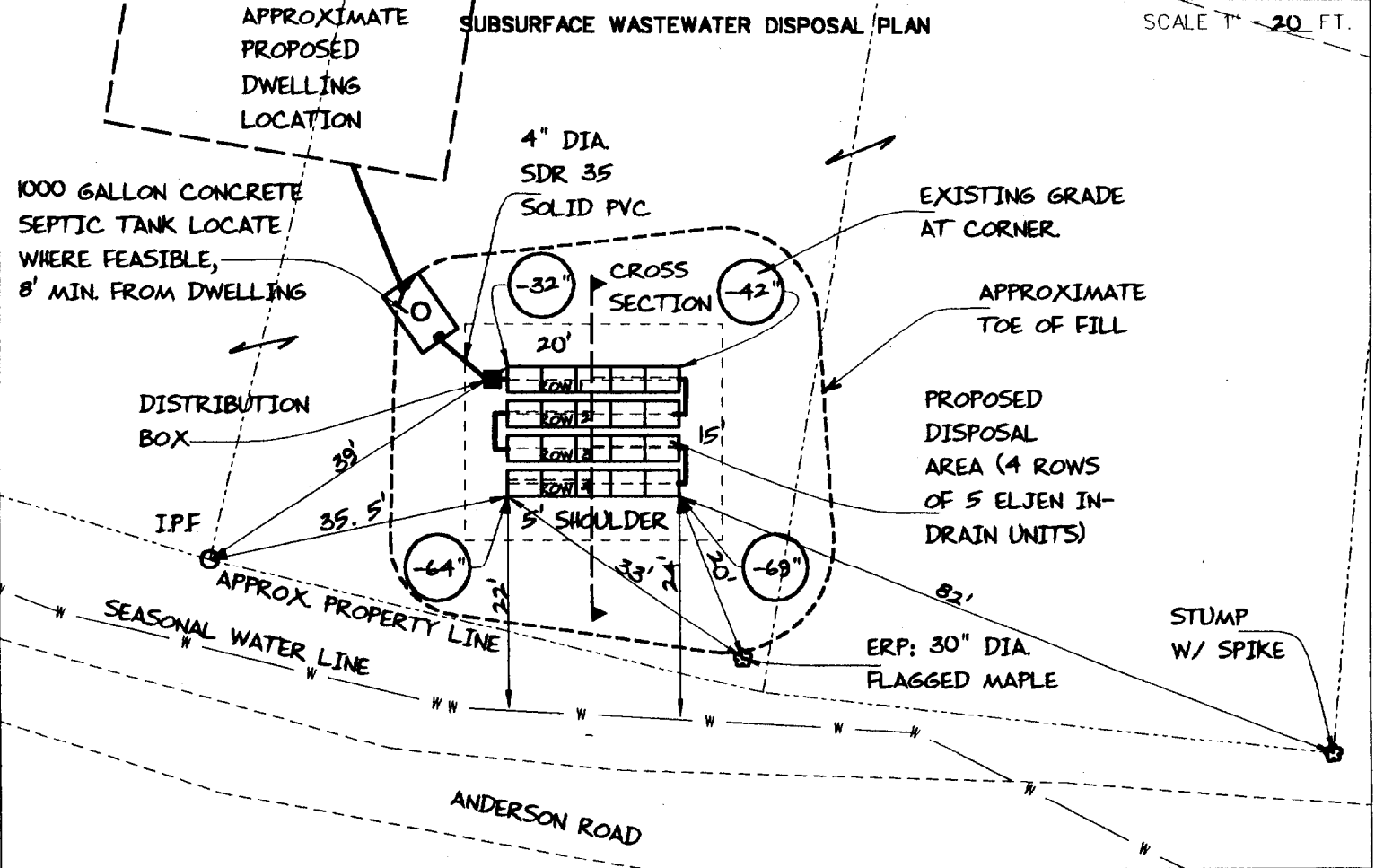
163
SE #

10/16/2000

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering

Town, City, Plantation PORTLAND, LITTLE DIAMOND ISLAND	Street, Road, Subdivision ANDERSON ROAD	Owner's Name DOUGLAS & LINDA HOTCHKISS
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FILL REQUIREMENTS

Depth of Fill (Upslope) ± 19" - 29"
Depth of Fill (Downslope) ± 26" - 31"

CONSTRUCTION ELEVATIONS

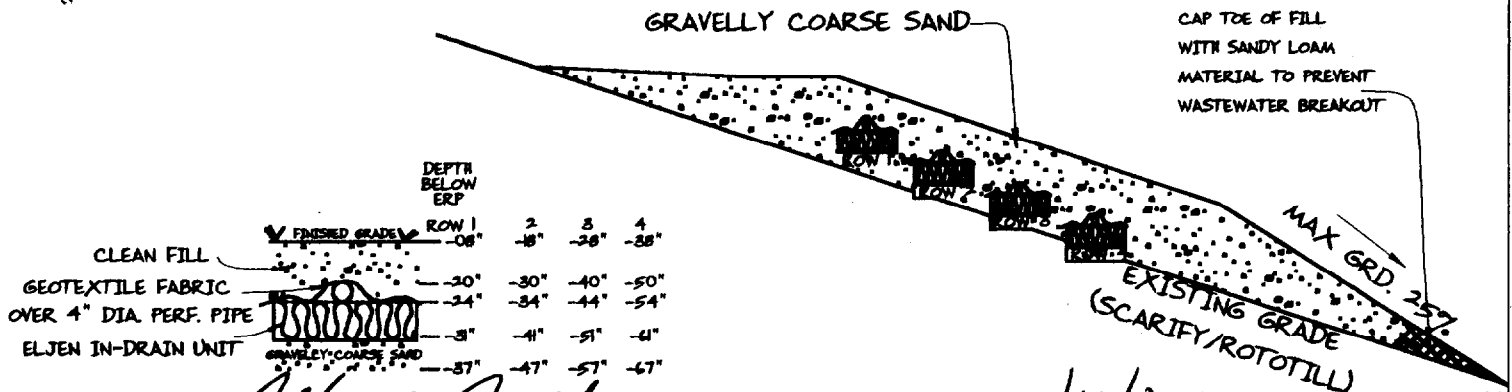
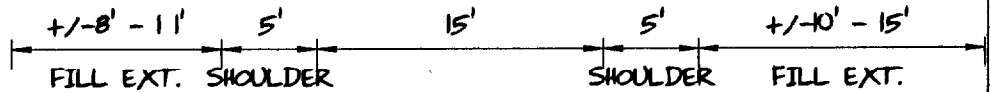
Finished Grade Elevation
Top of Distribution Pipe or Proprietary Device
Bottom of Disposal Area (ELJEN IN-DRAIN UNIT)

ELEVATION REFERENCE POINT

SEE Location & Description NAIL 9" ABOVE
DETAIL BASE OF 30" DIA. FLAGGED MAPLE
BELOW Reference Elevation 00"

DISPOSAL AREA CROSS SECTION

SCALE:
VERTICAL: 1" = 5 FT
HORIZONTAL: 1" = 10 FT



Site Evaluator Signature

163
SE *

Date

Page 3 of 3
HHE-200 Rev. 7/97



Albert Frick Associates, Inc.

Soil Scientists & Site Evaluators

95A County Road Gorham, Maine 04038

(207) 839-5563

Portland, Little Diamond Island
TOWN

Anderson Road
LOCATION

Hotchkiss
APPLICANT'S NAME

1) The Plumbing and Subsurface Wastewater Disposal Rules adopted by the State of Maine, Department of Human Services pursuant to 22 M.R.S.A. § 42 (the "Rules") are incorporated herein by reference and made a part of this application and shall be consulted by the owner/applicant, the system installer and/or building contractor for further construction details and material specifications. The system installer should contact Albert Frick Associates, Inc. 839-5563, if there are any questions concerning materials, procedures or designs. The system installer and/or building contractor installing the system shall be solely responsible for compliance with the Rules and with all state and municipal laws and ordinances pertaining to the permitting, inspection and construction of subsurface wastewater disposal systems.

2) This application is intended to represent facts pertinent to the Rules only. It shall be the responsibility of the owner/applicant, system installer and/or building contractor to determine compliance with and to obtain permits under all applicable local, state and/or federal laws and regulations (including, without limitation, Natural Resources Protection Act, wetland regulations, zoning ordinances, subdivision regulations, Site Location of Development Act and minimum lot size laws) before installing this system or considering the property on which the system is to be installed a "buildable" lot. It is recommended that a wetland scientist be consulted regarding wetland regulations.

Prior to the commencement of construction/installation, the local plumbing inspector shall inform the owner/applicant and Albert Frick Associates, Inc. of any local ordinances which are more restrictive than the Rules in order that the design may be amended. All designs are subject to review by local, state and/or federal authorities. Albert Frick Associates, Inc.'s liability shall be limited to revisions required by regulatory agencies pursuant to laws or regulations in effect at the time of preparation of this application.

3) All information shown on this application relating to property lines, well locations, subsurface structures and underground facilities (such as, utility lines, drains, septic systems, water lines, etc.) are based solely upon information provided by the owner/applicant and has been relied upon by Albert Frick Associates, Inc. in preparing this application. The owner/applicant shall review this application prior to the start of construction and confirm this information.

4) Installation of a garbage (grinder) disposal is not recommended. If one is installed, an additional 1000 gallon septic tank or a septic tank filter should be connected in series to the proposed septic tank.

5) The system user shall avoid introducing kitchen grease or fats into this system. Chemicals such as septic tank cleaners and/or chlorine (such as from water treatment) and controlled or hazardous substances shall not be disposed of in this system.

ATTACHMENT TO SUBSURFACE WASTEWATER DISPOSAL APPLICATION

Portland, Little Diamond Island	Anderson Road	Hotchkiss
TOWN	LOCATION	APPLICANT'S NAME

- 6) The septic tank should be pumped within two years of installation and subsequently as recommended by the pump service, but in no event should the septic tank be pumped less often than once every three years.
- 7) The actual water flow or number of bedrooms shall not exceed the design criteria indicated on this application without a re-evaluation of the system as proposed. If the system is supplied by public water or a private service with a water meter, the water consumption per period should be divided by the number of days to calculate the average daily water consumption (water usage (cu.ft.) x 7.48 cu.ft.(gallons per cu.ft.) + # of days in period).
- 8) The general minimum setbacks between a well and septic system serving a single family residence is 100-300 feet, unless the local municipality has a more stringent requirement. A well installed by an abutter within the minimum setback distances prior to the issuance of a permit for the proposed disposal system may void this design.
- 9) When a gravity system is proposed: **BEFORE CONSTRUCTION/INSTALLATION BEGINS**, the system installer or building contractor shall review the elevations of all points given in this application and the elevation of the existing and/or proposed building drain and septic tank inverts for compatibility to minimum slope requirements. In gravity systems, the invert of the septic tank(s) outlet(s) shall be at least 4 inches above the invert of the distribution box outlet at the disposal area. When an effluent pump is required, provisions shall be made to make certain that surface ground water does not enter the septic tank or pump station. An alarm device warning of a pump failure shall be installed. Also, when pumping is required to a chamber system, install a "T" connection in the distribution box and place 3 inches of stone or a splash plate in the first chamber. Insulate gravity pipes, pump lines and the distribution box as necessary to prevent freezing.
- 10) On all systems, remove the vegetation, organic duff and old fill material from under the disposal area and any fill extension. On sites where the proposed system is to be installed in natural soil, scarify the bottom and sides of the excavated disposal area with a rake. Do not use wheeled equipment on the scarified soil surface. For systems installed in fill, scarify the native soil by roto-tilling to a depth of at least 8 inches over the entire disposal and fill extension area to prevent glazing and to promote fill bonding. Place fill in loose layers no deeper than 8 inches and compact thoroughly before placing more fill (this ensures that voids and loose pockets are eliminated to minimize the chance of leakage). Do not use wheeled equipment on the scarified soil area until after 12 inches of fill is in place. Keep equipment off the chambers. Divert the surface water away from the disposal area by ditching or shallow swales.
- 11) Unless noted otherwise, fill shall be gravelly coarse sand which contains no more than 5% fines (silt and clay).
- 12) Do not install systems on loamy, silty, or clayey soils during wet periods since soil smearing/glazing may seal off the soil interface.
- 13) Seed all filled and disturbed surfaces with perennial grass seed, then mulch with hay or equivalent material to prevent erosion.



Albert Frick Associates, Inc.
Soil Scientists & Site Evaluators
95A County Road, Gorham, Maine 04038
(207) 839-5563

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Zoning Copy**

2001-0283

Application I. D. Number

10/12/2001

Application Date

Anderson Ave. Little Diamond Island

Project Name/Description

Hotchkiss Douglass P &

Applicant

235 Gown Vetch Ln , Alpharetta , GA 30005

Applicant's Mailing Address

Anderson Ave, Portland, Maine

Address of Proposed Site

105 G005001

Assessor's Reference: Chart-Block-Lot

Consultant/Agent

Applicant Ph: (770) 569-1915 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Proposed Development (check all that apply):

New Building Building Addition Change Of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking Lot

Other (specify) _____

28' x 48' sq. ft.

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

Site Plan (major/minor) Subdivision # of lots _____ PAD Review 14-403 Streets Review

Flood Hazard Shoreland Historic Preservation DEP Local Certification

Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Plan \$50.00 Subdivision _____ Engineer Review \$250.00 Date: 10/09/2001

Zoning Approval Status:

Reviewer Marge Schmuckal

Approved Approved w/Conditions See Attached Denied

Approval Date 11/08/2001 Approval Expiration 11/08/2002 Extension to _____ Additional Sheets Attached

Condition Compliance Marge Schmuckal 11/08/2001 signature date

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit Issued	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)	_____
	date		expiration date
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM**

2001-0283

Application I. D. Number

10/12/2001

Application Date

Anderson Ave. Little Diamond Island

Project Name/Description

Hotchkiss Douglass P &

Applicant

235 Gown Vetch Ln , Alpharetta , GA 30005

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (770) 569-1915

Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Anderson Ave, Portland, Maine

Address of Proposed Site

105 G006001

Assessor's Reference: Chart-Block-Lot

Approval Conditions of Zoning

- 1 This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 2 Separate permits shall be required for future decks, sheds, pools, and/or garages.
- 3 The signed Conservation Easement SHALL BE RECORDED AND A COPY PROVIDED TO THE CITY PRIOR TO THE FINAL APPROVAL OF THIS BUILDING PERMIT.

Application ID Number: 1-1252

Department: Zoning

Status: Approved with Conditions

Reviewer:

Marge Schmuckal

Comments:

11/08/2001 The City has reviewed and approved the wording of the Conservation Easement. It has been signed by the owners. Now the City Manager must sign as accepting the CE (in his office right now to sign). It shall be recorded prior to the issuance of this permit. MES

Approval Date:

11/08/2001

Given On Date:

10/24/2001

OK to Issue Permit

Name:

Marge Schmuckal

Date:

11/08/2001

Date 2:

Conditions Section:

This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Separate permits shall be required for future decks, sheds, pools, and/or garages.

The signed Conservation Easement SHALL BE RECORDED AND A COPY PROVIDED TO THE CITY PRIOR TO THE FINAL APPROVAL OF THIS BUILDING PERMIT.

Create Date: 10/24/2001

By:

jodinea

Update Date:

11/08/2001

By:

mes

Applicant: Douglass, Linda Hatch/Kiss

Date: 10/25/01

Address: Anderson Ave, Little Island C-B-L: 105-K-3,45 → where house locat.
105-G-5

CHECK-LIST AGAINST ZONING ORDINANCE

Date - New Bldg permit # 01-1252

Zone Location - IR-2

Interior of corner lot - 28 x 46
Proposed Use/Work - Construct New Single Family Home with wrap around porch

Sewage Disposal - Private - M/JN to get NHE 200

Lot Street Frontage - 70' min - 200.99' shown

Front Yard - 25' req - 32' shown - 25' scaled to apparent measurement for Coffin Deed line

Rear Yard - 25' req - 32' shown

Side Yard - 20' req - 29' & 105' scaled

Projections - porch around front & side 10 x 46' 10 x 38' - 3.5 x 16' front steps

Width of Lot - 80' min - 200' + shown

Height - 35' max - 25.5' scaled

Conservation easement OK table recorded
Lot Area - 20,000 sq ft min ~~19,068 sq ft~~ 19,068 sq ft + conservation easement lot 6,785 = 25,853

Lot Coverage/Impervious Surface - 20% max of 3913.6 sq ft max

Area per Family - 20,000 sq ft

Off-street Parking - 2 cars

Loading Bays - N/A

Site Plan - minor/minor # 2001-0283

Shoreland Zoning/Stream Protection - within 250' of H/Wm - but over 175' from H/Wm

Flood Plains - Panel 14 Zone C in shoreland

105-K-3,45
105-G-5

conservation easement lot
6,785 = 25,853

28 x 46 = 1288
10 x 46 = 460
10 x 38 = 380
3.5 x 16 = 56

2104 sq ft

OK

→ IS There A dispute over where rear lot line is? vs Coffin lot line? NO - received A Scaled site plan

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
DRC Copy**

2001-0283
Application I. D. Number
10/12/2001
Application Date
Anderson Ave. Little Diamond Island
Project Name/Description

Hotchkiss Douglass P &
Applicant
235 Gown Vetch Ln , Alpharetta , GA 30005
Applicant's Mailing Address

Consultant/Agent
Applicant Ph: (770) 569-1915 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

Anderson Ave, Portland, Maine
Address of Proposed Site
105 G005001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Other (specify) _____

28' x 48' sq. ft.
Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

Site Plan (major/minor) Subdivision # of lots _____ PAD Review 14-403 Streets Review
 Flood Hazard Shoreland Historic Preservation DEP Local Certification
 Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Plan **\$50.00** Subdivision _____ Engineer Review **\$250.00** Date **10/09/2001**

DRC Approval Status:

Reviewer **Jay Reynolds**

Approved **Approved w/Conditions** See Attached Denied

Approval Date **11/28/2001** Approval Expiration **11/28/2002** Extension to _____ Additional Sheets Attached
 Condition Compliance **Jay Reynolds** signature **11/28/2001** date

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit Issue	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)	_____
	date		expiration date
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____	_____	
	date	signature	

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM**

2001-0283

Application I. D. Number

10/12/2001

Application Date

Anderson Ave. Little Diamond Island

Project Name/Description

Hotchkiss Douglass P &

Applicant

235 Gown Vetch Ln , Alpharetta , GA 30005

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (770) 569-1915 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Anderson Ave, Portland, Maine

Address of Proposed Site

105 G005001

Assessor's Reference: Chart-Block-Lot

Approval Conditions of DRC

- 1 SILT FENCE SHALL BE INSTALLED PRIOR TO CONSTRUCTION, ALONG THE FRONT OF THE PROPERTY FOR EROSION CONTROL.
- 2 THE ONLY NEW GRADING PROPOSED IS TO 'SWALE AS NEEDED AROUND HOUSE'. ANY CHANGE IN EXISTING/PROPOSED GRADES SHALL BE RESUBMITTED TO THE CITY FOR REVIEW.
- 3 ALL SITE WORK WILL CONFORM TO THE CITY OF PORTLAND ORDINANCE ON SHORELAND REGULATIONS (DIVISION 26), IF APPLICABLE.
- 4 All damage to sidewalk, curb, street, or public utilities shall be repaired to City of Portland standards prior to issuance of a Certificate of Occupancy.
- 5 Two (2) City of Portland approved species and size trees must be planted on your street frontage prior to issuance of a Certificate of Occupancy.
- 6 Your new street address is now #25 ANDERSON AVENUE, the number must be displayed on the street frontage of your house prior to issuance of a Certificate of Occupancy.
- 7 The Development Review Coordinator (874-8632) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.
- 8 A street opening permit(s) is required for your site. Please contact Carol Merritt ay 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
- 9 As-built record information for sewer and stormwater service connections must be submitted to Public Works Engineering Section (55 Portland Street) and approved prior to issuance of a Certificate of Occupancy.
- 10 The site contractor shall establish finish grades at the foundation, bulkhead and basement windows to be in conformance with the first floor elevation (FFE) and sill elevation (SE) set by the building contractor to provide for positive drainage away from entire footprint of building.
- 11 A drainage plan shall be submitted to and approved by Development Review Coordinator showing first floor elevation (FFE), sill elevation (SE), finish street/curb elevation, lot grading, existing and proposed contours, drainage patterns and paths, drainage swales, grades at or near abutting property lines, erosion control devices and locations and outlets for drainage from the property.
- 12 The Development Review Coordinator reserves the right to require additional lot grading or other drainage improvements as necessary due to field conditions.

Approval Conditions of Zoning

- 1 This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 2 Separate permits shall be required for future decks, sheds, pools, and/or garages.
- 3 The signed Conservation Easement SHALL BE RECORDED AND A COPY PROVIDED TO THE CITY PRIOR TO THE FINAL APPROVAL OF THIS BUILDING PERMIT.



Residential Construction
 10 Allen Avenue Ext.
 Falmouth, Maine 04105-1802
 Tel/Fax (207) 878-3696

PROPOSAL

TO: Douglass and Linda Hotchkiss
 Little Diamond Island
 Portland, ME 04109

PHONE	DATE
770 569 1915	09-24-01
JOB NAME / LOCATION	

JOB NUMBER	JOB PHONE

We hereby submit specifications and estimates for:

Construction of a wood framed 26'X48' cape with porch as per plans by Paul J. Beal.

All transportation costs of material, equipment, and crew are included.

Scottsdale will continue coverage for Workers' compensation and general liability insurance. Douglass and Linda Hotchkiss will provide homeowners protection as needed.

Construction to start October 2001 and be completed by late spring 2002.

Construction cost will be \$250,000.00 (Two Hundred Fifty Thousand Dollars).

Any changes to design or costs will be agreed upon in writing by Douglass, Linda and Scottsdale Construction.

WE PROPOSE hereby to furnish material and labor - complete in accordance with the above specifications, for the sum of:

Two Hundred Fifty Thousand Dollars

dollars (\$ 250,000.00)

Payment to be made as follows:

By Bank draw- schedule to be determined

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation insurance.

Authorized Signature _____

Note: This proposal may be withdrawn by us if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____

File	105 G005001	1 of 1	Property Address	ANDERSON AVE
Owner Name 1	HOTCHKISS DOUGLASS P &		Property Type	RESIDENTIAL
Name 1	LINDA C JTS		Residential	105-G-5
Mailing Address	235 GOWN VETCH LN			ANDERSON AVE -
City/State/Zip	ALPHARETTA	GA 30005		ELMWOOD RD
				LITTLE DIA IS 6785 SF

VACANT LAND	0	NONE
IR2	010	
LITTLE DIAMOND ISLAND	0	
NONE	NONE	NONE
0 ANDERSON AVE		
12/28/2000	vjm	

CONSERVATION EASEMENT DEED AND INDENTURE

THIS DEED AND INDENTURE, made by and among DOUGLASS P. HOTCHKISS and LINDA C. HOTCHKISS, both of Alpharetta, County of Fulton and State of Georgia, with a mailing address of 235 Crown Vetch Lane, Alpharetta, Georgia 30005, "Grantor", and the CITY OF PORTLAND, a municipal corporation organized and existing under the laws of the State of Maine, and having an address of 389 Congress Street, Portland, Maine 04101 (hereinafter, with its successors and assigns, referred to as the "Holder").

WITNESSETH:

WHEREAS, this Easement Deed and Indenture is created pursuant to Title 33, Maine Revised Statutes, 1964, Sections 476 through 479-B, inclusive, and pursuant to the provisions of Section 14-145.5(1)h of the City of Portland Code of Ordinances, as amended;

WHEREAS, the Grantor seeks development approvals from the Holder for the creation of a residential building lot on property located on the southeasterly side of Anderson Avenue on Little Diamond Island in the City of Portland, Cumberland County, Maine;

WHEREAS, the Grantor has agreed with the Holder to provide permanent protection for other areas in order to meet the minimum lot size requirements under the Ordinance;

WHEREAS, as a condition of such development approvals, the Grantor is to grant an easement over the property as described in APPENDIX A attached hereto and incorporated herein by reference ("the Property") to the Holder;

WHEREAS, the Property is currently undeveloped open space;

WHEREAS, the Property is to remain in a substantially undeveloped open space and it is the purpose of the Grantor and Holder to assure the Property will not be developed; and

WHEREAS, the Grantor and Holder have the common purpose of preserving the Property as open space by the conveyance of a Conservation Easement on, over and across the Property, which Conservation Easement shall benefit, protect and conserve the

open space values of the Property and prevent any use or development which would conflict with its open space condition.

NOW, THEREFORE, in consideration of the foregoing and the covenants herein contained, the Grantor HEREBY GRANTS to the Holder, its successors and assigns, as an absolute and unconditional gift, forever and in perpetuity, a Conservation Easement in gross over the Property on the terms and conditions set forth herein (the "Conservation Easement").

1. Purpose.

It is the dominant purpose of this Conservation Easement to preserve and protect in perpetuity the open space value of the Property. In so doing, it is the purpose of this Conservation Easement to foster responsible conservation practices while permitting passive recreational and conservation uses upon the Property.

2. Conservation Easement.

The affirmative rights conveyed by this Conservation Easement are the following:

- a. The right of the Holder to identify, to preserve and to protect in perpetuity the currently existing open space features and values.
- b. The right of the Holder to enter upon and inspect the Property at any reasonable time in any reasonable manner that will not interfere with the permitted uses being made of the Property at the time of such entry.
- c. The right of the Holder to enforce by proceedings at law or in equity the covenants herein set forth.

2. Use of Property.

- A. Restrictions on Use. The Property shall be used by Grantor for passive recreational and conservation purposes only in connection with the use of the property of Douglass P. Hotchkiss et al described on APPENDIX B attached hereto. Without limiting the generality of the foregoing, the following restrictions shall apply to the Property:

1. No structure shall be permitted on the Property.
2. No parking or storage of vehicles or machinery shall be permitted on the Property at any time.
3. No area of the Property shall be paved.
4. No exterior storage for commercial use shall be permitted on the Property.
5. The benefits of this Conservation Easement deed are solely for the purposes of permitting the development of the premises described on Exhibit B, and the Property shall not be used or encumbered by any similar or duplicative easement for the benefit of any other property.

B. Reserved Uses. Notwithstanding the foregoing, however, and without limiting any of Grantor's rights at common law, the following rights are EXPRESSLY RESERVED AND RETAINED by the Grantor.

1. With respect to the Property, the right of passive recreational and conservation use of the Property.
2. With respect to the Property, the right to do those same things set forth in subparagraphs 2.a, b and c, provided that the same shall be consistent with the Holder's rights.
3. With respect to the Property, the right to erect appropriate signage to indicate the ownership of the Property.

4. Timber Cutting and Vegetation.

Subject to other provisions of this Conservation Easement, the destruction or removal of standing timber and shrubs shall not be permitted on the Property. Grantor may maintain the Property in its current condition, however.

5. Waste Disposal.

The dumping and storage of offal, garbage, debris, abandoned equipment, parts thereof or other waste material on the Property is prohibited.

6. Baseline Data.

Holder acknowledges by acceptance of this easement that Grantor's historical and present use of the Property is compatible with the purposes of this Easement. In order to establish the present condition of the Property so as to be able to properly monitor future uses of the Property and assure compliance with the terms hereof, Grantor shall promptly prepare an inventory of the Property's relevant features and conditions (the "Baseline Data"). The Baseline Data may be photographic or written.

7. Monitoring and Enforcement Rights of Holder.

The Holder shall make reasonable efforts as required from time to time to assure compliance by Grantor with all of the covenants and restrictions herein and shall make periodic inspections of the Property. For such inspection and enforcement purposes, the Holder shall have the right of access to the Property at a reasonable time and in a reasonable manner provided that the time and manner of such inspection does not unreasonably interfere with the uses of the Property permitted hereunder. Holder shall prepare and keep on file a monitoring report for each such inspection and made such reports available to the Grantor.

8. Grant in Perpetuity.

The terms of this Easement Deed and Indenture shall bind the Holder and the Grantor and shall be a burden on the Property running with the land in perpetuity, and this instrument shall be promptly recorded in the Cumberland County Registry of Deeds.

9. Subsequent Transferees.

By acceptance of this Conservation Easement, Holder covenants and agrees, as real covenants running with the land in perpetuity, not as conditions to this Conservation Easement or as restraints or alienability:

- a. That it will hold this Conservation Easement in perpetuity for the purposes set forth herein;
- b. That it will not transfer this Conservation Easement except to another entity able to enforce the rights granted in this Conservation Easement, which entity shall also have purposes similar to that of Holder and which encompass the purposes set forth in this Conservation Easement;

- c. That it is familiar with the generally existing conditions on the Property and will document the conditions on and monitor the Property as provided above. Wherever the term "Holder" appears in the Conservation Easement, including the foregoing covenants, it shall also refer, as appropriate, to any transfer assignee or successor in interest of the Holder to this Conservation Easement.

10. Severability.

If any provision of this Conservation Easement is found to be invalid, the remainder of the provisions of this Conservation Easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected

TO HAVE AND TO HOLD the said Conservation Easement unto the said Holder and to its successors and assigns forever.

IN WITNESS WHEREOF, the said DOUGLASS P. HOTCHKISS and LINDA C. HOTCHKISS have hereunto set their hands this _____ day of November, 2001.

WITNESS:

Douglass P. Hotchkiss

Linda C. Hotchkiss

STATE OF GEORGIA
COUNTY OF FULTON

November , 2001

Then personally appeared the above named Douglass P. Hotchkiss and Linda C.

Hotchkiss, and acknowledged the foregoing instrument to be their free act and deed,

Before me,

Notary Public
Printed Name _____
My commission expires: _____

ACCEPTANCE BY HOLDER

The above and foregoing Conservation Easement was authorized to be accepted by the CITY OF PORTLAND, Holder as aforesaid, and the said Holder does hereby accept the foregoing Conservation Easement by and through _____ Its _____, hereunto duly authorized, on November ____, 2001.

WITNESS:

CITY OF PORTLAND

By _____
Its _____

STATE OF MAINE
CUMBERLAND, ss.

November ____, 2001.

Personally appeared the above named _____ in his said capacity, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of said City of Portland,

Before me,

Notary Public/Attorney at Law

A certain lot or parcel of land, situated on the northwesterly side of Anderson Avenue, on Little Diamond Island, in the City of Portland, County of Cumberland and State of Maine, and being lot numbered 105-G-5 on Assessor's Plan for the year 1952 on file in the Assessor's Office, City Hall, Portland, Maine. Said lot has fifty (50) feet frontage on said Anderson Avenue and being located on the corner of Elmwood Road and Anderson Avenue. Said lot of land is the southeasterly half of Lot No. 94 as shown on a Plan of West End of Little Diamond Island, made by E. C. Jordan & Co., Civil Engineers, and recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 71. Said lot is also subject to restrictions of record.

Reference is made to deed of Mary C. Thurston to Douglass P. Hotchkiss et al, dated June 30, 2000, and recorded in said Registry of Deeds in Book 15575, Page 316.

APPENDIX A

A certain lot or parcel of land, with any buildings thereon, situated on Little Diamond Island in the City of Portland, County of Cumberland and State of Maine, and being part of Lots number 81, 81a and 82 as shown on Plan of the West End of Little Diamond Island, made by E. C. Jordan & Co., Civil Engineers, and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 71. Said lot is subject to restrictions of record.

Reference is made to deed of Mary C. Thurston to Douglass P. Hotchkiss et al, dated June 30, 2000, and recorded in said Registry of Deeds in Book 15575, Page 316.

APPENDIX B

Revised deed. O.K.
10/05/01. Cal

RICHARD A. DAVIS
ATTORNEY AT LAW

313 Spurwink Avenue
Cape Elizabeth, Maine 04107-9606

Telephone (207) 799-2300
FAX (207) 799-2399

FAX TRANSMISSION

To: Charles A. Lane, Esq.
City of Portland
389 Congress Street
Portland, ME 04101

FAX No. 874-8497

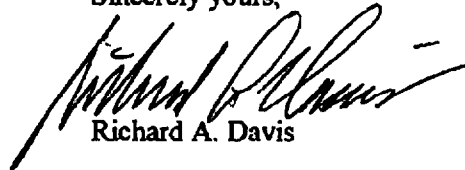
No. of copies (including
this cover sheet: 9

Date: November 5, 2001

Re: Douglass P. Hotchkiss et al (Conservation Easement)

Enclosed is a Conservation Easement Deed and Indenture from Douglass P. and Linda C. Hotchkiss to the City of Portland. Since their builder is waiting to start construction of their cottage, your earliest dispatch and approval of the same would be appreciated.

Sincerely yours,



Richard A. Davis

RAD:mn

Enclosure

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone and return the original message to us at the above address via the U. S. Postal Service. Thank you.

CONSERVATION EASEMENT DEED AND INDENTURE

THIS DEED AND INDENTURE, made by and among DOUGLASS P. HOTCHKISS and LINDA C. HOTCHKISS, both of Alpharetta, County of Fulton and State of Georgia, with a mailing address of 235 Crown Vetch Lane, Alpharetta, Georgia 30005, "Grantor", and the CITY OF PORTLAND, a municipal corporation organized and existing under the laws of the State of Maine, and having an address of 389 Congress Street, Portland, Maine 04101 (hereinafter, with its successors and assigns, referred to as the "Holder").

WITNESSETH:

WHEREAS, this Easement Deed and Indenture is created pursuant to Title 33, Maine Revised Statutes, 1964, Sections 476 through 479-B, inclusive, and pursuant to the provisions of Section 14-145.5(1)h of the City of Portland Code of Ordinances, as amended;

WHEREAS, the Grantor seeks development approvals from the Holder for the creation of a residential building lot on property located on the southeasterly side of Anderson Avenue on Little Diamond Island in the City of Portland, Cumberland County, Maine;

WHEREAS, the Grantor has agreed with the Holder to provide permanent protection for other areas in order to meet the minimum lot size requirements under the Ordinance;

WHEREAS, as a condition of such development approvals, the Grantor is to grant an easement over the property as described in APPENDIX A attached hereto and incorporated herein by reference ("the Property") to the Holder;

WHEREAS, the Property is currently undeveloped open space;

WHEREAS, the Property is to remain in a substantially undeveloped open space and it is the purpose of the Grantor and Holder to assure the Property will not be developed; and

WHEREAS, the Grantor and Holder have the common purpose of preserving the Property as open space by the conveyance of a Conservation Easement on, over and across the Property, which Conservation Easement shall benefit, protect and conserve the

open space values of the Property and prevent any use or development which would conflict with its open space condition.

NOW, THEREFORE, in consideration of the foregoing and the covenants herein contained, the Grantor HEREBY GRANTS to the Holder, its successors and assigns, as an absolute and unconditional gift, forever and in perpetuity, a Conservation Easement in gross over the Property on the terms and conditions set forth herein (the "Conservation Easement").

1. Purpose.

It is the dominant purpose of this Conservation Easement to preserve and protect in perpetuity the open space value of the Property. In so doing, it is the purpose of this Conservation Easement to foster responsible conservation practices while permitting passive recreational and conservation uses upon the Property.

2. Conservation Easement.

The affirmative rights conveyed by this Conservation Easement are the following:

- a. The right of the Holder to identify, to preserve and to protect in perpetuity the currently existing open space features and values.
- b. The right of the Holder to enter upon and inspect the Property at any reasonable time in any reasonable manner that will not interfere with the permitted uses being made of the Property at the time of such entry.
- c. The right of the Holder to enforce by proceedings at law or in equity the covenants herein set forth.

2. Use of Property.

- A. Restrictions on Use. The Property shall be used by Grantor for passive recreational and conservation purposes only in connection with the use of the property of Douglass P. Hotchkiss et al described on APPENDIX B attached hereto. Without limiting the generality of the foregoing, the following restrictions shall apply to the Property:

1. No structure shall be permitted on the Property.
2. No parking or storage of vehicles or machinery shall be permitted on the Property at any time.
3. No area of the Property shall be paved.
4. No exterior storage for commercial use shall be permitted on the Property.
5. The benefits of this Conservation Easement deed are solely for the purposes of permitting the development of the premises described on Exhibit B, and the Property shall not be used or encumbered by any similar or duplicative easement for the benefit of any other property.

B. Reserved Uses. Notwithstanding the foregoing, however, and without limiting any of Grantor's rights at common law, the following rights are EXPRESSLY RESERVED AND RETAINED by the Grantor.

1. With respect to the Property, the right of passive recreational and conservation use of the Property.
 2. With respect to the Property, the right to do those same things set forth in subparagraphs 2.a, b and c, provided that the same shall be consistent with the Holder's rights.
 3. With respect to the Property, the right to erect appropriate signage to indicate the ownership of the Property.
4. **Timber Cutting and Vegetation.**

Subject to other provisions of this Conservation Easement, the destruction or removal of standing timber and shrubs shall not be permitted on the Property. Grantor may maintain the Property in its current condition, however.

5. Waste Disposal.

The dumping and storage of offal, garbage, debris, abandoned equipment, parts thereof or other waste material on the Property is prohibited.

6. Baseline Data.

Holder acknowledges by acceptance of this easement that Grantor's historical and present use of the Property is compatible with the purposes of this Easement. In order to establish the present condition of the Property so as to be able to properly monitor future uses of the Property and assure compliance with the terms hereof, Grantor shall promptly prepare an inventory of the Property's relevant features and conditions (the "Baseline Data"). The Baseline Data may be photographic or written.

7. Monitoring and Enforcement Rights of Holder.

The Holder shall make reasonable efforts as required from time to time to assure compliance by Grantor with all of the covenants and restrictions herein and shall make periodic inspections of the Property. For such inspection and enforcement purposes, the Holder shall have the right of access to the Property at a reasonable time and in a reasonable manner provided that the time and manner of such inspection does not unreasonably interfere with the uses of the Property permitted hereunder. Holder shall prepare and keep on file a monitoring report for each such inspection and make such reports available to the Grantor.

8. Grant in Perpetuity.

The terms of this Easement Decd and Indenture shall bind the Holder and the Grantor and shall be a burden on the Property running with the land in perpetuity, and this instrument shall be promptly recorded in the Cumberland County Registry of Deeds.

9. Subsequent Transferees.

By acceptance of this Conservation Easement, Holder covenants and agrees, as real covenants running with the land in perpetuity, not as conditions to this Conservation Easement or as restraints or alienability:

- a. That it will hold this Conservation Easement in perpetuity for the purposes set forth herein;
- b. That it will not transfer this Conservation Easement except to another entity able to enforce the rights granted in this Conservation Easement, which entity shall also have purposes similar to that of Holder and which encompass the purposes set forth in this Conservation Easement;

- c. That it is familiar with the generally existing conditions on the Property and will document the conditions on and monitor the Property as provided above. Wherever the term "Holder" appears in the Conservation Easement, including the foregoing covenants, it shall also refer, as appropriate, to any transfer assignee or successor in interest of the Holder to this Conservation Easement.

10. Severability.

If any provision of this Conservation Easement is found to be invalid, the remainder of the provisions of this Conservation Easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected

TO HAVE AND TO HOLD the said Conservation Easement unto the said Holder and to its successors and assigns forever.

IN WITNESS WHEREOF, the said DOUGLASS P. HOTCHKISS and LINDA C. HOTCHKISS have herunto set their hands this _____ day of November, 2001.

WITNESS:

Douglass P. Hotchkiss

Linda C. Hotchkiss

STATE OF GEORGIA
COUNTY OF FULTON

November , 2001

Then personally appeared the above named Douglass P. Hotchkiss and Linda C.

Hotchkiss, and acknowledged the foregoing instrument to be their free act and deed,

Before me,

Notary Public
Printed Name _____
My commission expires: _____

ACCEPTANCE BY HOLDER

The above and foregoing Conservation Easement was authorized to be accepted by the CITY OF PORTLAND, Holder as aforesaid, and the said Holder does hereby accept the foregoing Conservation Easement by and through _____ Its _____, hereunto duly authorized, on November _____, 2001.

WITNESS:

CITY OF PORTLAND

By _____
Its _____

STATE OF MAINE
CUMBERLAND, ss.

November _____, 2001.

Personally appeared the above named _____ in his said capacity, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of said City of Portland,

Before me,

Notary Public/Attorney at Law

A certain lot or parcel of land, situated on the northwesterly side of Anderson Avenue, on Little Diamond Island, in the City of Portland, County of Cumberland and State of Maine, and being lot numbered 105-G-5 on Assessor's Plan for the year 1952 on file in the Assessor's Office, City Hall, Portland, Maine. Said lot has fifty (50) feet frontage on said Anderson Avenue and being located on the corner of Elmwood Road and Anderson Avenue. Said lot of land is the southeasterly half of Lot No. 94 as shown on a Plan of West End of Little Diamond Island, made by E. C. Jordan & Co., Civil Engineers, and recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 71. Said lot is also subject to restrictions of record.

Reference is made to deed of Mary C. Thurston to Douglass P. Hotchkiss et al, dated June 30, 2000, and recorded in said Registry of Deeds in Book 15575, Page 316.

APPENDIX A

A certain lot or parcel of land, with any buildings thereon, situated on Little Diamond Island in the City of Portland, County of Cumberland and State of Maine, and being part of Lots number 81, 81a and 82 as shown on Plan of the West End of Little Diamond Island, made by E. C. Jordan & Co., Civil Engineers, and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 71. Said lot is subject to restrictions of record.

Reference is made to deed of Mary C. Thurston to Douglass P. Hotchkiss et al, dated June 30, 2000, and recorded in said Registry of Deeds in Book 15575, Page 316.

APPENDIX B

City of Portland
INSPECTION SERVICES

Room 315
389 Congress Street
Portland, Maine 04101

Phone: (207) 874-8703 or 874-8693
Fax : (207) 874-8716

FAX TRANSMISSION COVER SHEET

Date: 10/29/01

To: Linda Hotchkiss

Fax: 770-569-5516

Re: IR-2 Conservation Easement

Sender: Marge Schumaker

YOU SHOULD RECEIVE 5 PAGE(S), INCLUDING THIS COVER SHEET.

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 874-8693 or 874-8703.

- v. The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
- vi. Off-street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;
- vii. The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and
- viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

(Ord. No. 28-85, § 1, 7-15-85; Ord. No. 161-89, § 2, 12-11-89; Ord. No. 235-91, § 15, 2-4-91; Ord. No. 133-96, § 9, 11-18-96)

Sec. 14-145.10. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

(Ord. No. 28-85, § 1, 7-15-85)

starts
Sec. 14-145.11. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk

regulations and exceptions) of this article, lots in an IR-2 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Twenty thousand (20,000) square feet, except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.9(a)1 of this article.
2. Schools and other educational facilities: Twenty thousand (20,000) square feet.
3. Churches and other places of worship: Twenty thousand (20,000) square feet.
4. Private clubs, fraternal organizations: Twenty thousand (20,000) square feet.
5. Lodging houses: Thirty thousand (30,000) square feet for three (3) lodging rooms, plus ten thousand (10,000) square feet for each additional lodging room in excess of three (3).
6. In issuing any permit for new development, the building or planning authority shall require that any lot located in an IR-2 zone shall be at least twenty thousand (20,000) square feet in area when the lot is to be serviced by a subsurface wastewater disposal system, except those lots which are located in a subdivision approved by the planning board after June 8, 1968, [and excluding Peaks Island].
- 7. [Excluding Peaks Island from this subsection 7.,] any property owner whose lot does not meet the minimum lot size requirements outlined in subsection f. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot

or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The building authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the building authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

- a. No structure shall be permitted on this property.
- b. No parking or storage of vehicles or machinery shall be permitted on this property at any time.
- c. No area of this property shall be paved.
- d. No exterior storage for commercial use shall be permitted on this property.
- e. The easement deed shall reference the lot which is benefited by this conservation easement. No conservation easement shall be used to benefit more than one (1) lot.

Conservation easements shall only be granted over lots which conform either to the provisions of section 14-433 or to the minimum lot sizes set forth in (a)1 of this section. Conservation easements shall not be granted over any lot which is encumbered by any other easement which prohibits all construction on that lot.

A conservation easement may also name as a holder or grant a third-party right of enforcement to a nonprofit corporation or charitable trust, the

purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property.

Nothing in this section shall be construed to allow an owner of a currently existing and developed lot to convey or permit a portion of that lot to be used to fulfill the requirements of this section if such conveyance would render the existing lot nonconforming under the terms of this chapter. The lot upon which a building is to be constructed shall meet the minimum lot size requirements of section 14-433.

8. 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.

(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