

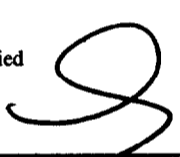
**PERMIT ISSUED**

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

|                       |                                   |                      |
|-----------------------|-----------------------------------|----------------------|
| Permit No:<br>03-0393 | Issue Date:<br><b>MAY 22 2003</b> | CBL:<br>106C B019001 |
|-----------------------|-----------------------------------|----------------------|

|  |                                   |   |                      |
|--|-----------------------------------|---|----------------------|
| Location of Construction:<br>0 Whitehead Ave <i>C.I.</i> | Owner Name:<br>Spencer Richard A  | Owner Address:<br>52 Bowdoin St <b>CITY OF PORTLAND</b> | Phone:<br>773-5874   |
| Business Name:   | Contractor Name:<br>Philip Payson | Contractor Address:<br>13 March Road Freeport           | Phone:<br>2078654574 |
| Lessee/Buyer's Name                                      | Phone:                            | Permit Type:<br>Additions - Dwellings                   | Zone:<br><b>1R-1</b> |

|  |                                |   |  |                    |
|--|--------------------------------|---|--|--------------------|
| Past Use:<br>Single Family   | Proposed Use:<br>Single Family | Permit Fee:<br>\$317.00   | Cost of Work:<br>\$42,000.00   | CEO District:<br>2 |
| Proposed Project Description:<br>Addition of 3 Season Enclosed Porch |                                | FIRE DEPT:<br><input type="checkbox"/> Approved<br><input type="checkbox"/> Denied  | INSPECTION:<br>Use Group: <b>R3</b> Type: <b>5B</b><br><b>BOCA 1999</b><br>Signature: <b>JMB 5/21/03</b> |                    |
|  |                                | PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)<br>Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied<br>Signature: _____ Date: _____ |  |                    |

|  |                                 |   |   |   |
|--|---------------------------------|---|---|---|
| Permit Taken By:<br>gad  | Date Applied For:<br>04/18/2003 | <b>Zoning Approval</b>  |   |   |
| 1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.<br>2. Building permits do not include plumbing, septic or electrical work.<br>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.. |                                 | Special Zone or Reviews<br><input type="checkbox"/> Shoreland<br><input type="checkbox"/> Wetland<br><input type="checkbox"/> Flood Zone<br><input type="checkbox"/> Subdivision<br><input type="checkbox"/> Site Plan<br><br>Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/><br>Date: <b>5/19/03</b> | Zoning Appeal<br><input type="checkbox"/> Variance<br><input type="checkbox"/> Miscellaneous<br><input type="checkbox"/> Conditional Use<br><input type="checkbox"/> Interpretation<br><input type="checkbox"/> Approved<br><input type="checkbox"/> Denied | Historic Preservation<br><input checked="" type="checkbox"/> Not in District or Landmark <i>per D.A.</i><br><input type="checkbox"/> Does Not Require Review<br><input type="checkbox"/> Requires Review<br><input type="checkbox"/> Approved<br><input type="checkbox"/> Approved w/Conditions<br><input type="checkbox"/> Denied<br>Date:  |

**CERTIFICATION**

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

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

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| Location of Construction:<br>0 Whitehead Ave - C. I. | Owner Name:<br>Spencer Richard A  | Owner Address:<br>52 Bowdoin St               | Phone:<br>( ) 773-5874  |
| Business Name:                                       | Contractor Name:<br>Philip Payson | Contractor Address:<br>13 March Road Freeport | Phone<br>(207) 865-4574 |
| Lessee/Buyer's Name                                  | Phone:                            | Permit Type:<br>Additions - Dwellings         |                         |

|                                |  |
|--------------------------------|--|
| Proposed Use:<br>Single Family | Proposed Project Description:<br>Addition of 3 Season Enclosed Porch |
|--------------------------------|--|

**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 05/09/2003

**Note:** **Ok to Issue:**

- 1) The attached affidavit shall be recorded at the registry of deeds within thirty (30) days of issuance of the building permit.
- 2) This addition shall be made maintained as a porch only in order to comply with 14-438.
- 3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

**Dept:** Building      **Status:** Approved      **Reviewer:** Jeanine Bourke      **Approval Date:** 05/21/2003

**Note:** 5/13/03 Spoke w/Scott Teas about submissions on deck framing, stair construction, guards/handrails, and porch floor framing as the joists run parallel to the beam. He will send new drawings. **Ok to Issue:**

- 1) Updated plans submitted ok to issue permit

*Alice and Dick Spencer  
Cushings Island  
Portland, Maine*

August 16, 2002

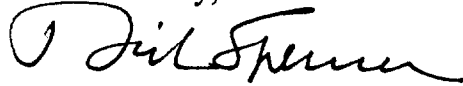
Marge Schmuckal  
City of Portland  
Zoning Administrator  
Portland City Hall  
389 Congress Street  
Portland, Maine 04101

Re: Porch/Deck Addition to Spencer Property on Cushings Island

Dear Marge:

After the mail went out yesterday, I realized that the sketch of the building area for our proposed porch and deck was not drawn to scale. For that reason I am enclosing a revised sketch drawn to scale. Thanks again for taking the time to meet with me.

Sincerely,



Richard A. Spencer

cc: T. Scott Teas

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# MORTGAGE LOAN INSPECTION PLAN

WHITEHEAD AVENUE  
CUSHING'S ISLAND  
PORTLAND, MAINE

No. 711-67

TO THE LENDING INSTITUTION AND ITS TITLE INSURER  
I hereby certify that the location of the dwelling shown  
on this plan did ~~not~~ conform with the local zoning  
laws in effect at the time of construction. The property  
does not fall within a special flood hazard zone.

BOOK 8947 PAGE 231 COUNTY CUMBERLAND

SELLER: PEOPLES HERITAGE BANK

BUYER: PETER J. & MICHELLE A. GAUSER

PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ LOT \_\_\_\_\_

NOTE: SEE DEED FOR EASEMENTS, CONDITIONS, RESTRICTIONS, AND COVENANTS

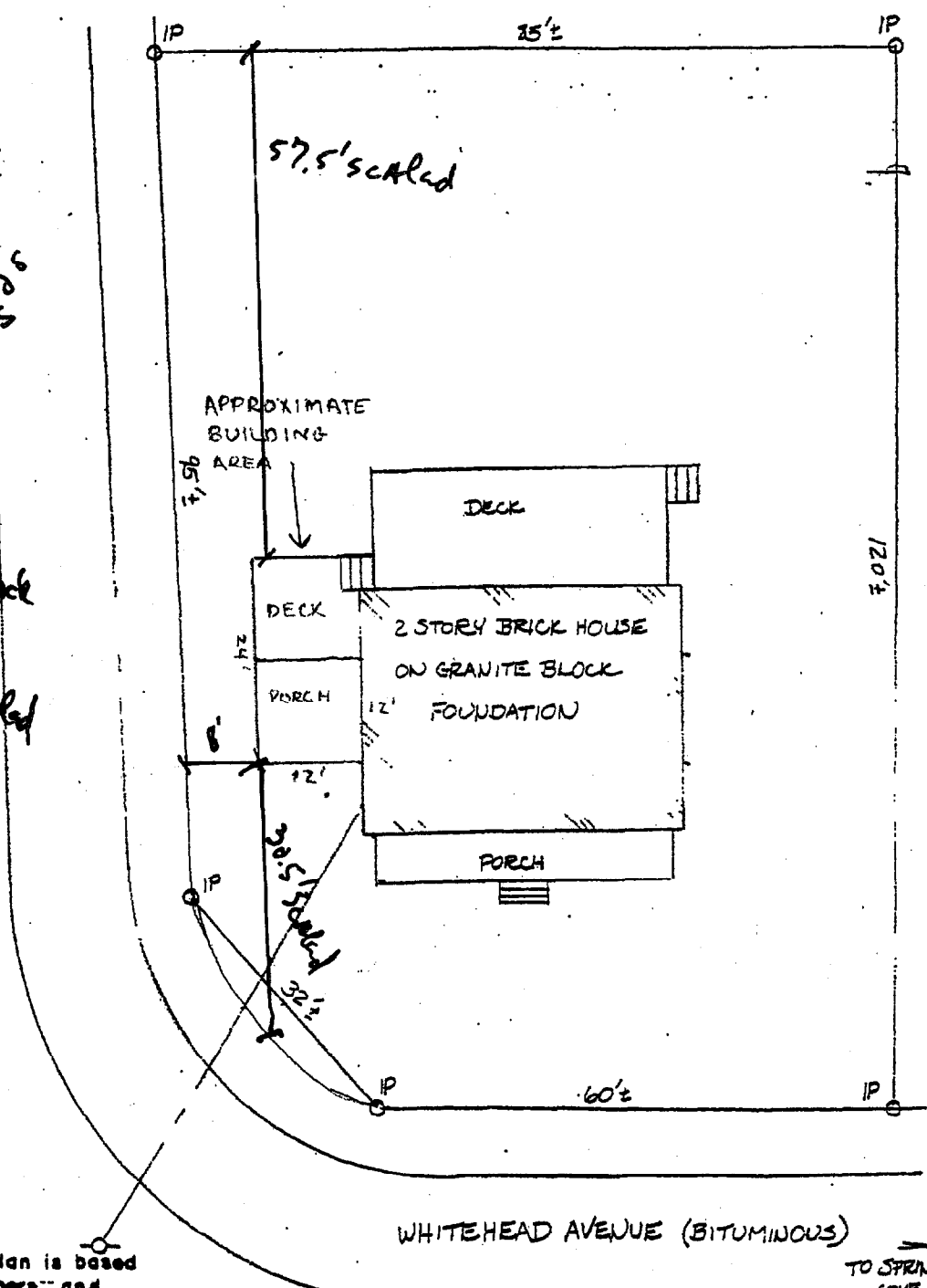
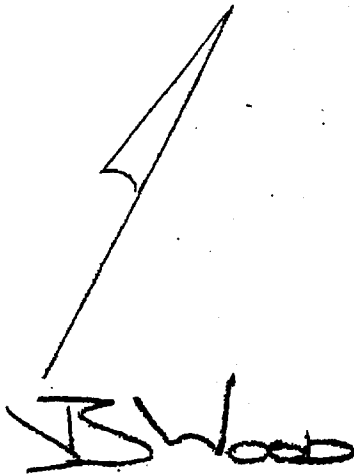
*Received Affidavit from  
Cushing Island Trust  
That there will never be  
development of buildings  
or other structures*

*14-438 allows*

*2' min on side setback  
8' scaled*

*30' min front yard setback  
req - 30.5' shown*

*30' min REAR req - 57.5' scaled*



**THIS IS NOT A BOUNDARY SURVEY.** This plan is based strictly on information provided by others and does not take into consideration any conflicts which abutting descriptions may contain. This plan was not made from an instrument survey. The certifications are for mortgage purposes only. This plan applies only to conditions existing as of the date shown hereon. This plan is not for recording.

Date 11-10-92 Scale 1" = 20'

TITCOMB ASSOCIATES, INC. Falmouth, Maine

Drawn By CWK

Side yard: Five (5) feet

- (4) No relief may be granted under this section in cases where the building authority determines that the setback violation was the result of a willful act by either the applicant or a prior owner.
- (5) This section shall only apply to the inadvertent misplacement of a structure.
- (6) Recording of setback reduction: The zoning administrator shall provide a signed instrument in recordable form, indicating any setback reduction granted under the terms of this section. The applicant for such reduction shall be responsible for recording this instrument in the Cumberland County Registry of Deeds.

(Ord. No. 138-93, 11-15-93)

**Sec. 14-438. Setback reductions for porches and other similar uses.**

(a) Porches, decks and sheds which are accessory to single-family dwellings built five (5) years prior to the date of application will be eligible for setback reductions as provided in this section. Such structures are not subject to the limitations in section 14-437, ~~must be set back two (2) feet from the rear and side property lines, and must comply with the front yard setback required for the applicable zone.~~ A reduced setback may be permitted only when the applicant can show that there will be no development within the setback required by the zoning ordinance on adjacent property which abuts the area for which a reduced setback is sought. The applicant will demonstrate compliance with the above requirement by providing an affidavit from the abutting property owner stating that the area in question will never be developed. Reduced setbacks will not be permitted when the area proposed for such setbacks abuts either city or state owned property. No setback reduction may be granted which would permit any structure on the lot which is the subject of the application to be within fifteen (15) feet of any existing residential structure on an adjacent lot.

(b) Recording of setback reduction. The zoning administrator shall provide a signed instrument in recordable form, indicating any setback reduction granted under the terms of this section. The applicant for such reduction shall be responsible for recording

*Alice and Dick Spencer  
Cushings Island  
Portland, Maine*

August 15, 2002

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

Re: Porch/Deck Addition to Spencer Property on Cushings Island

Dear Marge:

To follow up on our conversation this morning, I am enclosing a copy of a portion of the original Olmstead Plan of Cushings Island which shows the private way which is now known as Whitehead Avenue making a curve to the left around the southwest corner of what is now our house and lot. I apologize for the poor quality of the copies but they reflect the quality of the copy which I obtained from the City's Engineer.

I am also enclosing for your files a copy of the sketch which we discussed at our meeting. As the sketch shows, it makes a difference to our plan whether our 32'+ southerly boundary is interpreted as a curve following the curve of the road or as a straight line from point to point. It is my understanding from our conversation that based on the enclosed Olmstead Plan you will interpret our southerly boundary as a curve following the curve of the road. That interpretation will allow us to locate a 12' x 12' porch within the setback lines and avoid the need to cut off the southwest corner of the porch. I am enclosing a revised sketch which depicts the curved setback line and a 12' by 12' porch. The porch will still be well within the reduced 2' setback requirement in Section 14-438 of the Ordinance.

We also discussed the enclosed motion and affidavit and you agreed that it will be acceptable for the affidavit to state that the portion of Whitehead Avenue adjacent to our southwest boundary "will never be developed for buildings and structures." This clarification is helpful in that it makes it clear that Cushings Island Trust will still be able to fill potholes and make improvements to the road.

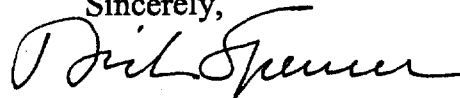
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I am sending a copy of this letter and the attachments to Scott Teas our architect so that he has them in his file if the island approves our request.

I appreciate your taking the time to work through these issues with me and will let you know what happens at the island meetings.

Thanks for meeting with me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard A. Spencer".

Richard A. Spencer

---

Plan Book # 4 Page # 56  
Received 6/23/1884 at 5h 59m PM

# PRELIMINARY STUDY

FOR LAYING OUT

# JSHING'S ISLAND

PORTLAND, MAINE.

SCALE

0 100 200 300 400 500 600 700 800 900 1000

FREDERICK LAW OLMSTED,

LANDSCAPE ARCHITECT,

BROOKLINE, MASS. MAY 1883.

LOTS NUMBERED ARE TO BE SOLD

OTHER SPACES ARE PUBLIC GROUND

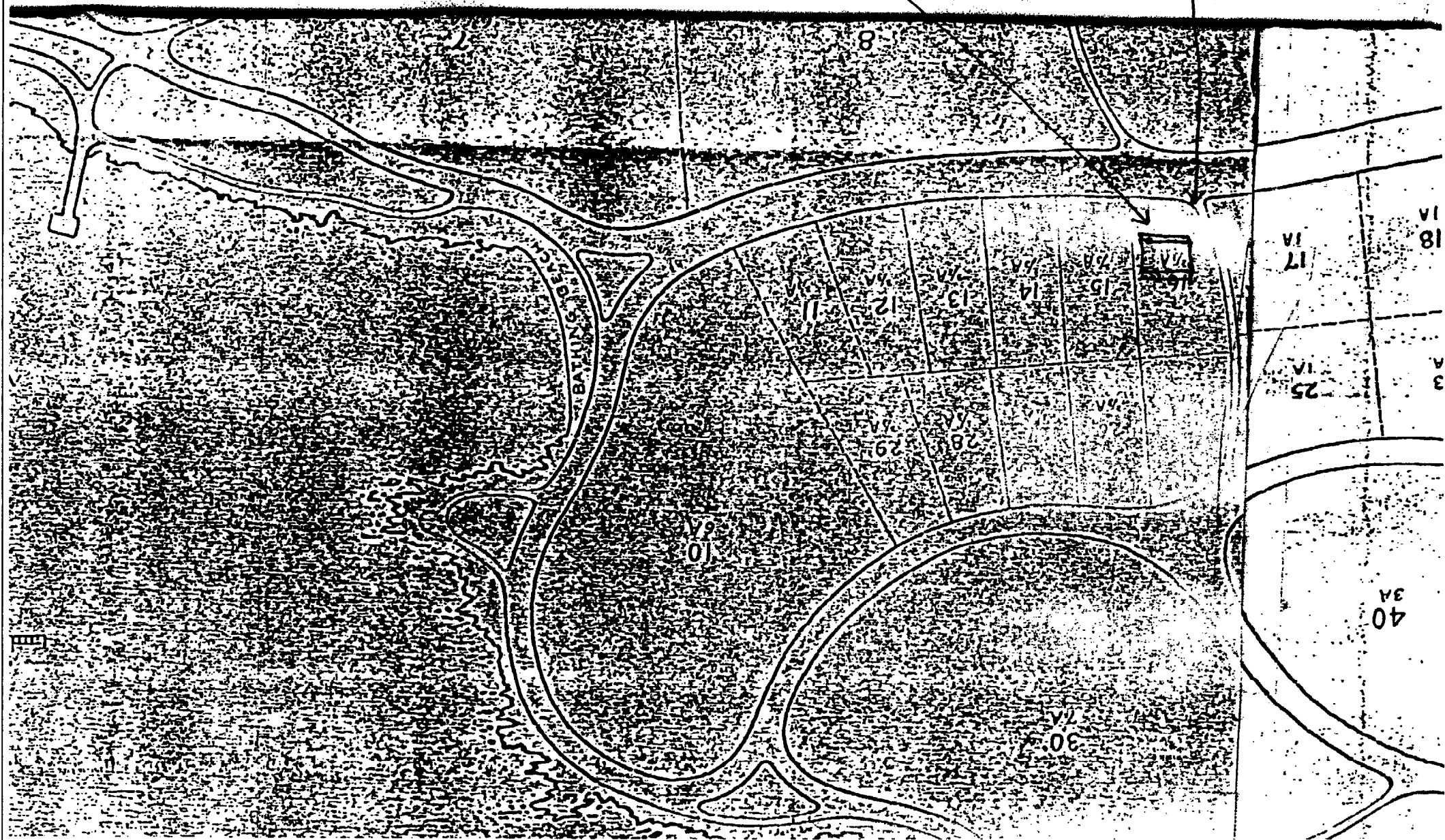


57



APPROXIMATE LOCATION  
OF OUR HOUSE

CURVE ALONG THE ROAD



# MORTGAGE LOAN INSPECTION PLAN

WHITEHEAD AVENUE  
CUSHING'S ISLAND  
PORTLAND, MAINE

No. 711-67

TO THE LENDING INSTITUTION AND ITS TITLE INSURER  
I hereby certify that the location of the dwelling shown  
on this plan did not conform with the local zoning  
laws in effect at the time of construction. The property  
does not fall within a special flood hazard zone.

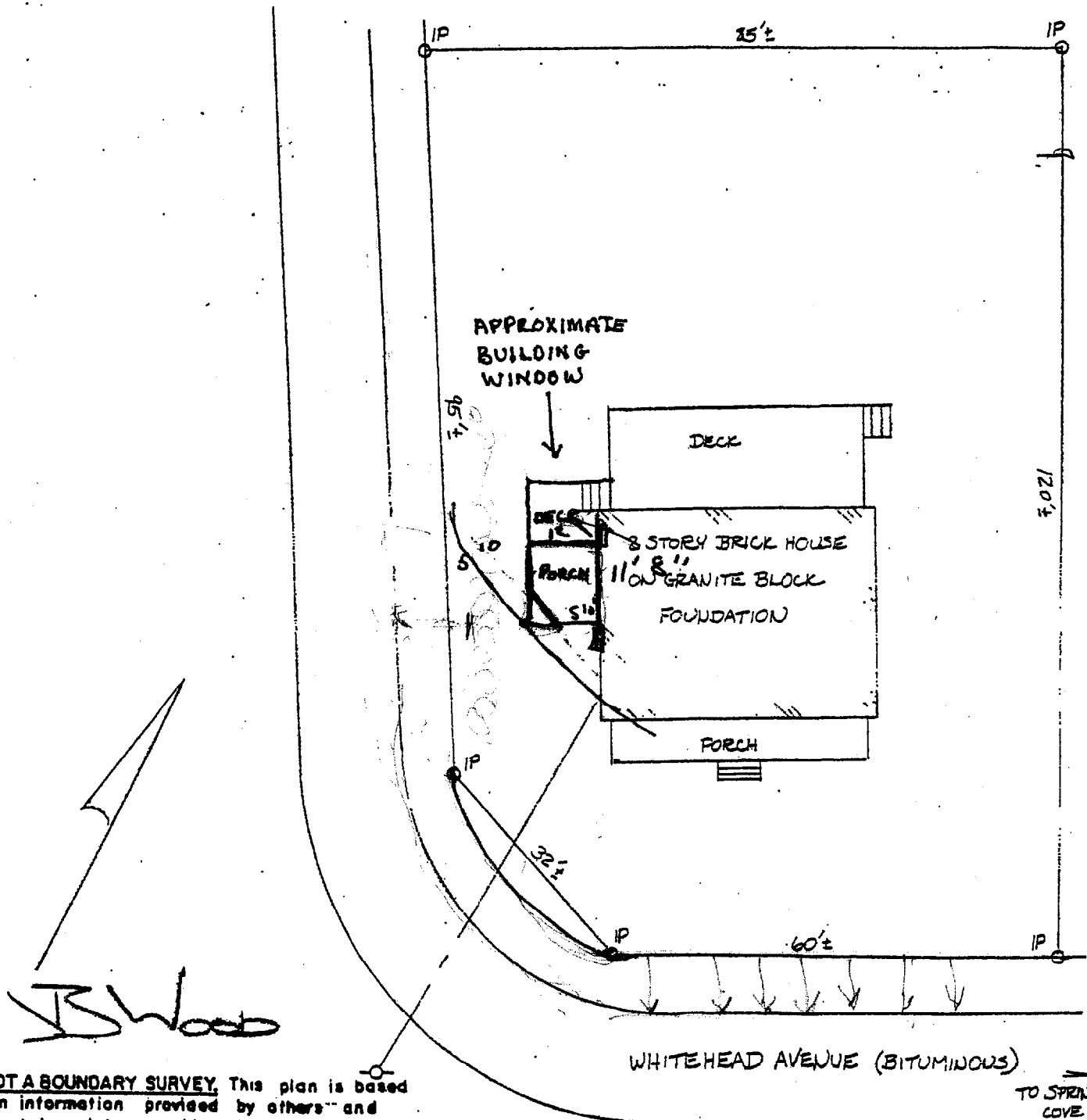
SELLER: PEOPLES HERITAGE BANK

BUYER: PETER J. & MICHELLE A. GAUSER

BOOK 8947 PAGE 231 COUNTY CUMBERLAND

PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ LOT \_\_\_\_\_

NOTE: SEE DEED FOR EASEMENTS, CONDITIONS, RESTRICTIONS, AND COVENANTS



*J. Wood*

**THIS IS NOT A BOUNDARY SURVEY.** This plan is based strictly on information provided by others and does not take into consideration any conflicts which obutting descriptions may contain. This plan was not made from an instrument survey. The certifications are for mortgage purposes only. This plan applies only to conditions existing as of the date shown hereon. This plan is not for recording.

Date 11-10-92 Scale 1" = 20'

TITCOMB ASSOCIATES, INC. Falmouth, Maine

Drawn By CWK

**Sec. 14-438. Setback reductions for porches and other similar uses.**

(a) Porches, decks and sheds which are accessory to single-family dwellings built five (5) years prior to the date of application will be eligible for setback reductions as provided in this section. Such structures are not subject to the limitations in section 14-437, must be set back two (2) feet from the rear and side property lines, and must comply with the front yard setback required for the applicable zone. A reduced setback may be permitted only when the applicant can show that there will be no development within the setback required by the zoning ordinance on adjacent property which abuts the area for which a reduced setback is sought. The applicant will demonstrate compliance with the above requirement by providing an affidavit from the abutting property owner stating that the area in question will never be developed. \*  
Reduced setbacks will not be permitted when the area proposed for such setbacks abuts either city or state owned property. No setback reduction may be granted which would permit any structure on the lot which is the subject of the application to be within fifteen (15) feet of any existing residential structure on an adjacent lot.

(b) Recording of setback reduction. The zoning administrator shall provide a signed instrument in recordable form, indicating any setback reduction granted under the terms of this section. The applicant for such reduction shall be responsible for recording this instrument in the Cumberland County Registry of Deeds. The abutter's affidavit will also be recorded.

(Ord. No. 139-93, 11-15-93)

copy to remain with Permit file

Zoning Administrator  
Marge Schmuckal



Department of Planning & Development

**CITY OF PORTLAND**

**CERTIFICATE OF SETBACK REDUCTION**

I, *Marge Schmuckal*, Zoning Administrator for the City of Portland, Cumberland County, State of Maine, Hereby certify that on the 9th day of May, 2003, the following setback reduction was granted pursuant to the provisions of section 14-438 of the City of Portland's Land Use Code.

1. Property Owner: Richard A. Spencer
2. Chart-Block-Lot: 106C-B-019 Whitehead Avenue, Cushings Island, Portland, ME
3. Property: Cumberland County Registry Book 15208, Page 237. Last recorded in a Chain of Title 12/6/99
4. Setback reduction granted: This is to allow an approximate eight (8) foot side yard setback instead of the twenty (20) foot side yard setback as required under section 14-145.5 of the IR-1 residential zone as allowed under section 14-438 (Setback Reductions for porches).

In Witness Whereof, I have hereto set my hand and seal this 9 day of May, 2003.

*Marge Schmuckal*  
Zoning Administrator

STATE OF MAINE  
Cumberland, ss

Then personally appeared the above-named Marge Schmuckal and acknowledged the above certificate to be her free act and deed in her capacity as Zoning Administrator for the City of Portland.

*Mary P. Davis*  
Mary P. Davis, Notary Public  
Printed or Typed Name of Notary Public  
My Commission Expires 7/27/2003

**THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS FOR THE SETBACK REDUCTION TO BE VALID.**

03-0393

# All Purpose Building Permit Application

If 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.

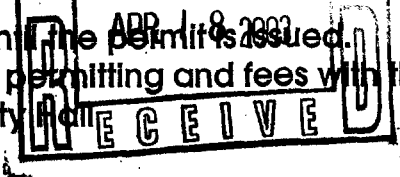
|  |   |  |
|--|---|--|
| Location/Address of Construction: <del>45</del> <u>Whitehead Ave</u>   |   |  |
| Total Square Footage of Proposed Structure<br><u>220 sqft. Porch plus 100 sqft. Deck</u>   | Square Footage of Lot<br><u>9636 sq.ft.</u>   |  |
| Tax Assessor's Chart, Block & Lot<br>Chart# <u>106-C</u> Block# <u>B</u> Lot# <u>19</u>  | Owner: <u>RICHARD A. SPENCER</u><br><u>52 BOWDOIN ST.</u><br><u>PORTLAND, ME 04102</u>      | Telephone:<br><u>(207) 773-5874 (H)</u><br><u>(207) 772-1941 (W)</u> |
| Lessee/Buyer's Name (If Applicable)  | Applicant name, address & telephone:<br><u>RICHARD A. SPENCER</u><br><u>(SAME AS ABOVE)</u> | Cost Of Work: \$ <u>42,000</u><br>Fee: \$ <u>317.00</u>              |
| Current use: <u>Residence / None</u> <u>S / F</u>  |   |  |
| If the location is currently vacant, what was prior use: <u>Lawn</u>   |   |  |
| Approximately how long has it been vacant: <u>Area never built upon</u>  |   |  |
| Proposed use: <u>Porch</u>   |   |  |
| Project description: <u>Addition: Three Season enclosed porch added to residence.</u>  |   |  |
| Contractor's name, address & telephone: <u>Philip Payson 13 Murch Rd. Freeport, ME 04032</u>   |   |  |
| Who should we contact when the permit is ready: <u>Philip Payson</u> <u>(207) 865-4574</u>   |   |  |
| Mailing address: <u>Same as Above</u>  |   |  |
| We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. PHONE: <u>(207) 865-4574</u> |   |  |

IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work 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>Richard A. Spencer</u> | Date: <u>07 18 2003</u> | DEPT. OF BUILDING INSPECTION<br>CITY OF PORTLAND, ME |
|---|-------------------------|--|

This is NOT a permit, you may not commence ANY work until the permit is issued. If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4th floor of City Hall.





AFFIDAVIT

The undersigned, P. Schuyler Thaxter, being a Trustee of Cushings Island Trust formed under a Declaration of Trust dated December 30, 1981 and recorded in the Cumberland County Registry of Deeds in book 4905, Page 171, hereby states as follows:

1. By deed dated December 31, 1981 and recorded in the Cumberland County Registry of Deeds in Book 4903, Page 60, a copy of which is attached hereto as Exhibit A, Martin R. Johnson and Peter L. Murray, Trustees, conveyed to Cushings Island Trust certain properties on Cushings Island including "any right, title or interest of Grantors in or to the roads or ways on Cushings Island subject, however, to the right in common with others to use the roads and ways." One of the private ways on Cushings Island which Cushing's Island Trust acquired by this deed was Whitehead Avenue, a portion of which is depicted on the plan attached to this Affidavit as Exhibit B. Whitehead Avenue abuts the southwesterly side of the lot shown on Exhibit B which is now owned by Richard A. Spencer (the "Spencer property").
2. At a duly called meeting of the beneficiaries of Cushings Island Trust held on September 2, 2002, I was duly elected as a Trustee of Cushings Island Trust. The beneficiaries of Cushings Island Trust also voted to authorize an affidavit on behalf of Cushings Island Trust stating that the portion of Whitehead Avenue which is located within twenty feet of the southwest side of the Spencer property will never be developed for buildings or other structures.

Dated this 4 day of ~~September~~ <sup>October</sup>, 2002.

*P. Schuyler Thaxter*  
P. Schuyler Thaxter, Trustee,  
Cushings Island Trust

STATE OF ~~MAINE~~ <sup>Massachusetts</sup>  
CUMBERLAND, ss.  
*Plymouth*

*October*  
September 4, 2002

Personally appeared the above-named P. Schuyler Thaxter, Trustee of Cushings Island Trust and swore under oath that the statements in the foregoing affidavit are true and that the foregoing affidavit is his free act and deed in said capacity and the free act and deed of Cushings Island Trust.

*[Signature]*  
Notary Public/Attorney-at-Law  
MASSACHUSETTS  
Notary Public  
My Comm. Expires Dec. 13, 2002.

60

34473

## TRUSTEES' DEED

KNOW ALL MEN BY THESE PRESENTS, That Martin R. Johnson and Peter L. Murray, Trustees under Declaration of Trust dated July 27, 1970 and recorded in Cumberland County Registry of Deeds in Book 3137, Page 47, in consideration of One Dollar (\$1.00) and other valuable consideration paid by W. Bradford Chase, Martin R. Johnson, Norma J. Balsar, Sidney St. F. Thaxter II, John R. Davy and Diane K. Nolan, all of Portland, County of Cumberland and State of Maine, as Trustees of Cushings Island Trust under a Declaration of Trust dated DECEMBER 30, 1981 to be recorded in Cumberland County Registry of Deeds, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey and forever quitclaim unto the said W. Bradford Chase, Martin R. Johnson, Norma J. Balsar, Sidney St. F. Thaxter II, John R. Davy and Diane K. Nolan, as Trustees as aforesaid, the following described real estate:

A certain lot or parcel of land, with any buildings or improvements thereon, situated on Cushings Island, in the City of Portland, County of Cumberland and State of Maine, being a portion of the "Quadrangle", so-called, and being the same premises described in a deed from Grantors herein to the Trustees of the Casco Bay Island Conservation Trust, dated December 30, 1976, recorded in Cumberland County Registry of Deeds in Book 3991, Page 171, to which deed reference is hereby made for a more particular description of the premises, and including all rights and easements conveyed by said deed.

Meaning and intending to convey and hereby conveying the same premises conveyed to Grantors herein by deed of the Trustees of Casco Bay Island Conservation Trust, to be recorded in said Registry of Deeds.

This conveyance includes any right, title or interest of Grantors in or to the roads or ways on Cushings Island subject, however, to the right in common with others to use the roads and ways.

This conveyance also includes the following rights and easements insofar as Grantors may lawfully convey the same:

A. The right to reasonable use, in common with Grantors, their successors and assigns, of the "Government Pier" at Spring Cove and the "Mule Barn" adjacent thereto.



B. The right in common with the Grantors, their successors and assigns, to pass over the shores and beaches of Cushings Island, including those not owned by the Grantors.

C. The right to use, in common with the Grantors, their successors and assigns, the roads, avenues, ways, landings, wharves, piers and public grounds on Cushings Island.

D. The right, in common with Grantors and others, to enforce all covenants, agreements, easements and restrictions which Grantors may enforce by virtue of any deeds or agreements to which Grantors are parties and which touch and concern land on Cushings Island.

This conveyance is subject to the exceptions, restrictions, covenants, or reservations set forth in said deed from Fort Christopher Levett Company to Martin R. Johnson and Peter L. Murray, Trustees, dated August 7, 1970, and recorded at the Cumberland County Registry of Deeds, Book 3138, Page 467, and an easement to Central Maine Power Company dated September 17, 1970 and recorded at said Registry of Deeds, Book 3152, Page 774. The premises conveyed hereunder are further subject to the restriction that no new dwelling shall be built thereon within 150 feet of the boundary line of any parcel on which a dwelling exists at the time of the beginning of such construction unless the owner of such parcel consents in writing to such construction.

The within conveyed premises are in close proximity to remaining land conveyed to Grantors herein by said deed of Fort Christopher Levett Company. The within conveyed premises are conveyed together with the benefit of the following covenants and restrictions, which shall be construed as real covenants running with the land, not as conditions or restraints on alienability, and to remain in force in perpetuity and binding upon Grantors herein, their successors and assigns. The following covenants and restrictions are imposed upon the remaining land conveyed to Grantors herein by said deed of Fort Christopher Levett Company, for the benefit of the within conveyed premises and other land conveyed to Cushings Associates, Inc. by deed of Grantors to be recorded in said Registry of Deeds. All of said covenants and restrictions shall be enforceable either in law or equity by Grantees herein, their successors or assigns, which covenants and restrictions are as follows:

1. The Grantors agree that no motor vehicles will be kept for personal use upon the remaining land of Grantors.
2. No part of the remaining land of Grantors shall be used for commercial or industrial purposes as long as other land on Cushings Island is not used for such purposes.
3. No new dwelling shall be constructed on the remaining land of Grantors on a lot of less than one (1) acre.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said W. Bradford Chase, Martin R. Johnson, Norma J. Balsar,

Sidney St. P. Thaxter II, John R. Davy and Diane K. Nolan, at Trustees as aforesaid, their successors and assigns forever, to them and their use and behoof forever.

AND we, the said Martin R. Johnson and Peter L. Murray, Trustees as aforesaid, in our said capacity, do covenant with the Grantees, their successors and assigns, that we are all the Trustees pursuant to the said Declaration of Trust; that said Trust is still in full force and effect; that we have the power thereunder to sell and convey as aforesaid; and that, in making this conveyance, we have in all respects acted in pursuance of the authority vested in and granted to us therein.

IN WITNESS WHEREOF, we, the said Martin R. Johnson and Peter L. Murray, in our capacity as Trustees as aforesaid, have hereunto set our hands and seals this 31<sup>st</sup> day of DECEMBER in the year of our Lord one thousand nine hundred and eighty-one.

Signed, Sealed and Delivered in presence of:

Martin R. Johnson  
Peter L. Murray, Trustees

*Joseph L. Delapfield III*

By *Peter L. Murray*  
Peter L. Murray, Trustee



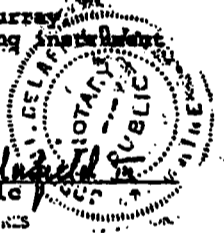
STATE OF MAINE  
Cumberland, ss.

Dec. 31, 1981

Personally appeared the above named Peter L. Murray, Trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

*Joseph L. Delapfield III*  
Notary Public



MY COMMISSION EXPIRES  
NOVEMBER 5, 1985

DEC 31 1981

REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE  
Received at 1:57 PM, and recorded in  
BOOK 4903 PAGE 60

*Edward D. Austin* Registrar

# MORTGAGE LOAN INSPECTION PLAN

WHITEHEAD AVENUE  
CUSHING'S ISLAND  
PORTLAND, MAINE

No. 711-67

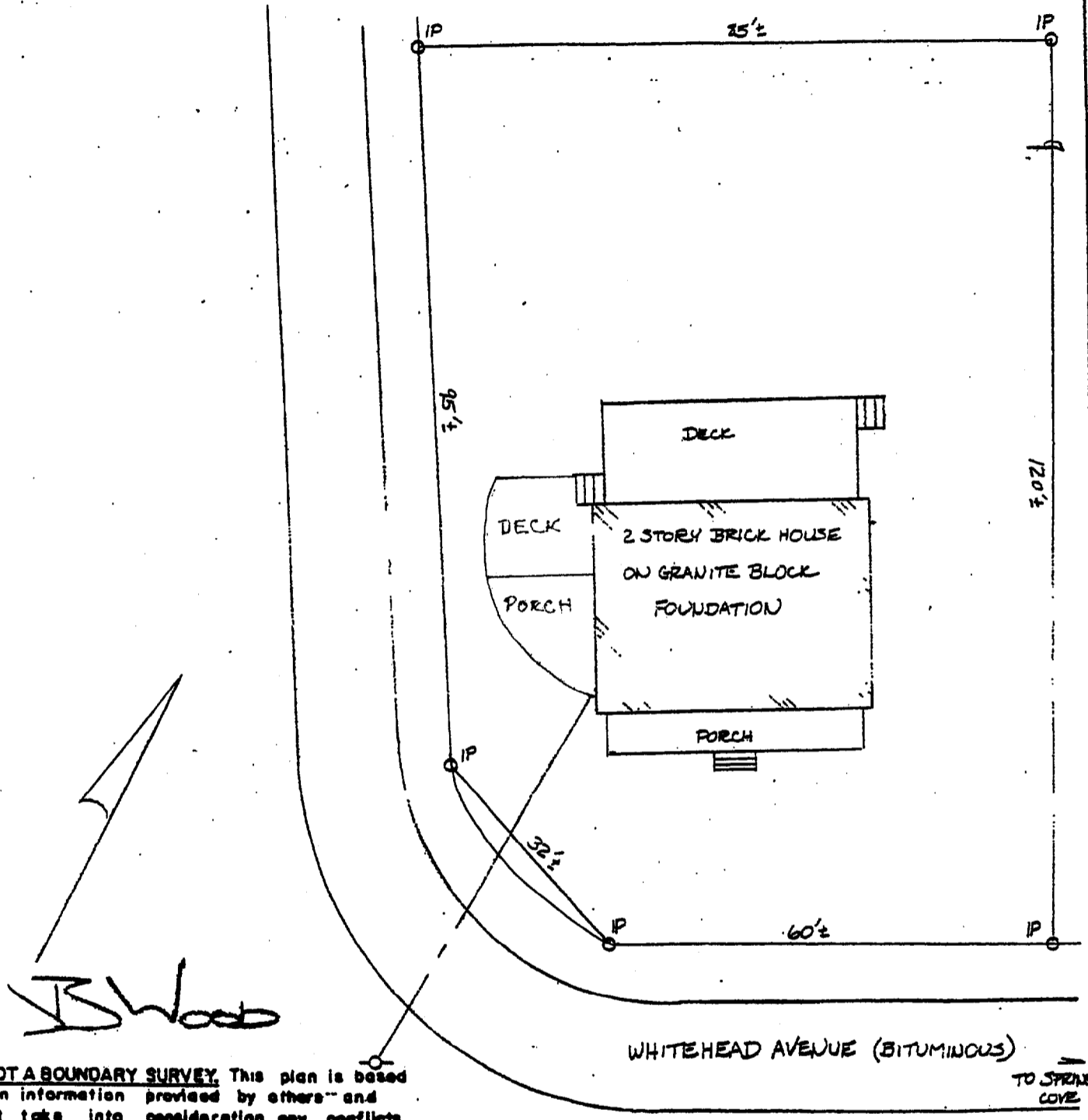
THE LENDING INSTITUTION AND ITS TITLE INSURER  
hereby certify that the location of the dwelling shown  
on this plan did ~~not~~ conform with the local zoning  
laws in effect at the time of construction. The property  
does not fall within a special flood hazard zone.

SELLER: PEOPLES HERITAGE BANK  
BUYER: PETER J. & MICHELLE A. GAUSER

BOOK 8947 PAGE 231 COUNTY CUMBERLAND

PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ LOT \_\_\_\_\_

NOTE: SEE DEED FOR EASEMENTS, CONDITIONS, RESTRICTIONS, AND COVENANTS



**THIS IS NOT A BOUNDARY SURVEY.** This plan is based strictly on information provided by others and does not take into consideration any conflicts which abutting descriptions may contain. This plan was not made from an instrument survey. The certifications are for mortgage purposes only. This plan applies only to conditions existing as of the date shown hereon. This plan is not for recording.

Date 11-10-92 Scale 1" = 20'

TITCOMB ASSOCIATES, INC. Falmouth, Maine

Drawn By CLK

TO SPINE  
COVER

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK  
**CITY OF PORTLAND**

Please Read Application And Notes, If Any, Attached

BUILDING DEPARTMENT

**PERMIT ISSUED**

Permit Number: 030393

**MAY 22 2003**

This is to certify that Spencer Richard A/Philip P

has permission to Addition of 3 Season Enclosure porch

**CITY OF PORTLAND**

AT 0 Whitehead Ave 106C B019001

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.

Notification of inspection must be given and written permission procured before this building or part thereof is leased or closed-in. **48 HOUR NOTICE IS REQUIRED.**

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

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

*Janice Bourke* 5/21/03  
Director - Building & Inspection Services

**PENALTY FOR REMOVING THIS CARD**

# Transmittal Letter

Project No.: 213  
 Date: 05/16/03  
 Phone No.: 207-874-8715  
 Fax No.:

To: **Jeannie Bourke**  
 Code Enforcement Officer/Plan Reviewer  
 Planning and Development Department

If enclosures are not as noted, please inform us immediately.

**We transmit:**

- Herewith  Under separate cover via \_\_\_\_\_  
 In accordance with your request \_\_\_\_\_

**For your:**

- Approval  Distribution to Parties  Information  
 Record  Review and Comment  
 Use  \_\_\_\_\_

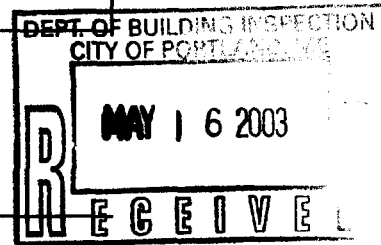
**The following:**

- Drawings  Shop Drawing Prints  Samples  
 Specifications  Shop Drawing Reproduces  Product Literature  
 Change Order  Other:

| Copies | Date    | Rev. No. | Description              | Action |
|--------|---------|----------|--------------------------|--------|
| 2      | 4-18-03 |          | A1-1 - 18x24 blue prints | E      |
| 2      | 5-16-03 |          | A2-1 - 18x24 blue prints | E      |
| 2      | 5-16-03 |          | A3-1 - 18x24 blue prints | E      |
| 2      | 5-15-03 |          | A3-2 - 18x24 blue prints | E      |
|        |         |          |                          |        |
|        |         |          |                          |        |
|        |         |          |                          |        |
|        |         |          |                          |        |

**Action Code:**

- A. Action indicated on item transmitted D. For signature and forwarding as noted below under Remarks  
 B. No action required E. See Remarks below  
 C. For signature and return to this office



**Remarks:**

**Jeannie,**

**Here are two sets of prints for the Spencer Residence porch addition with revisions and an added detail sheet (A3-2) including a deck framing plan and stair and railing details.**

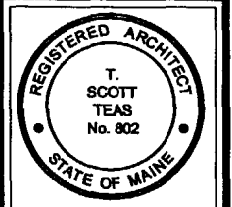
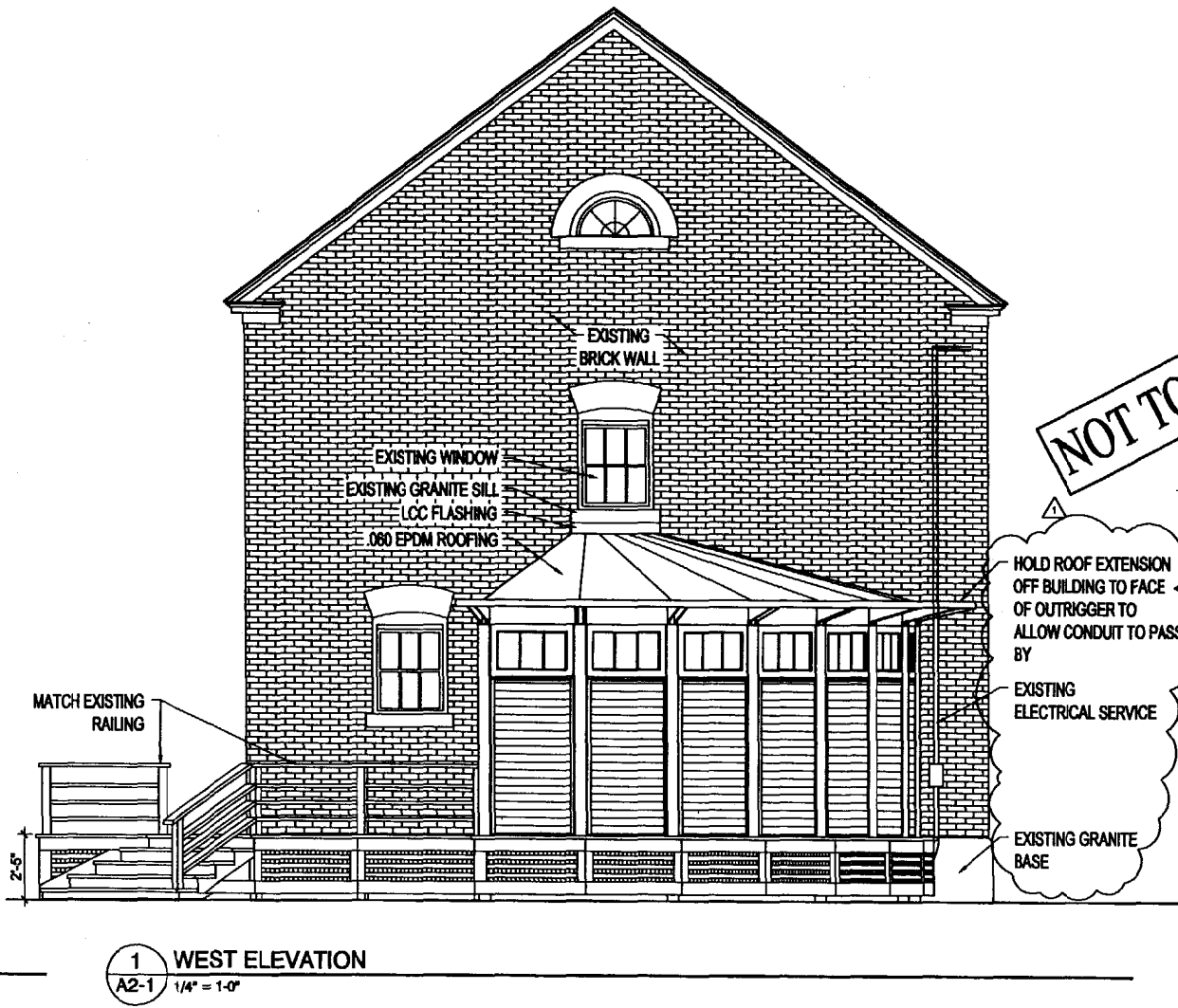
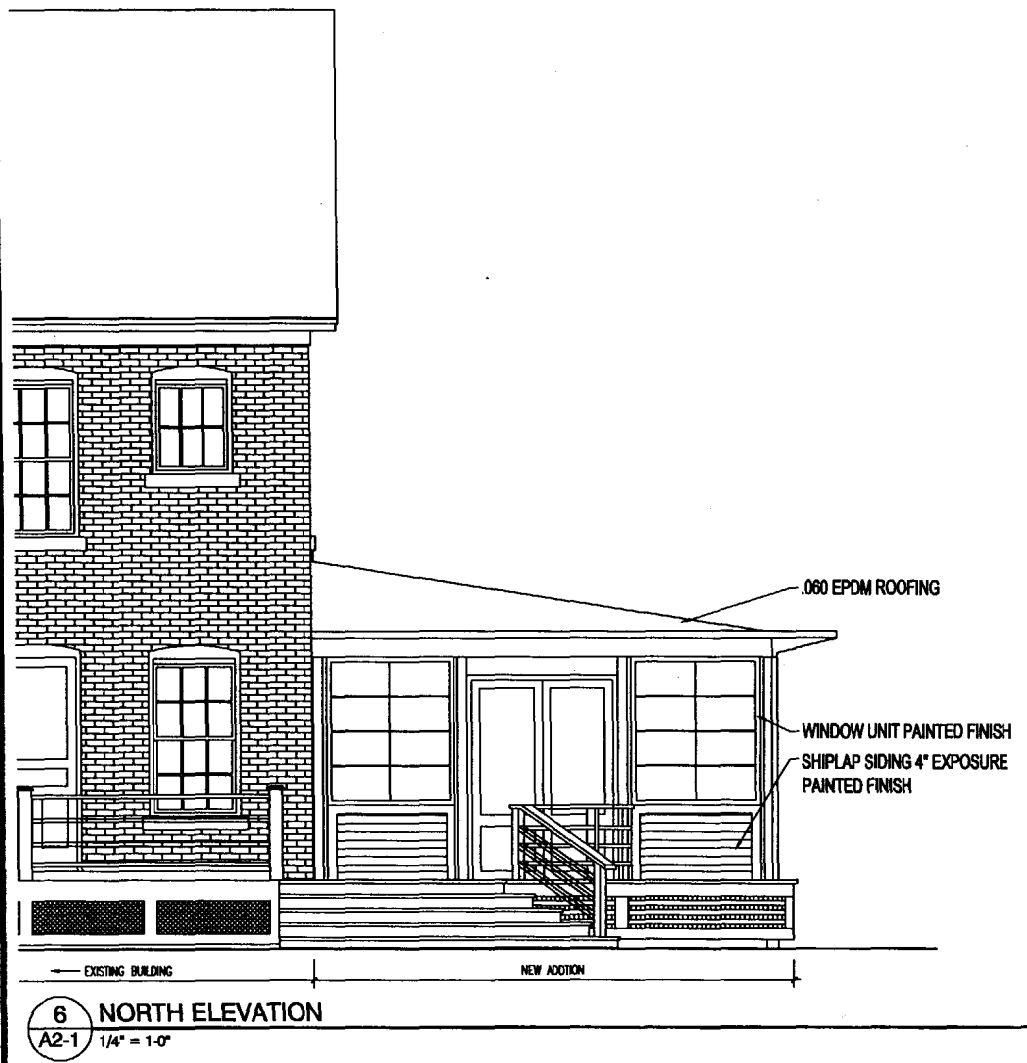
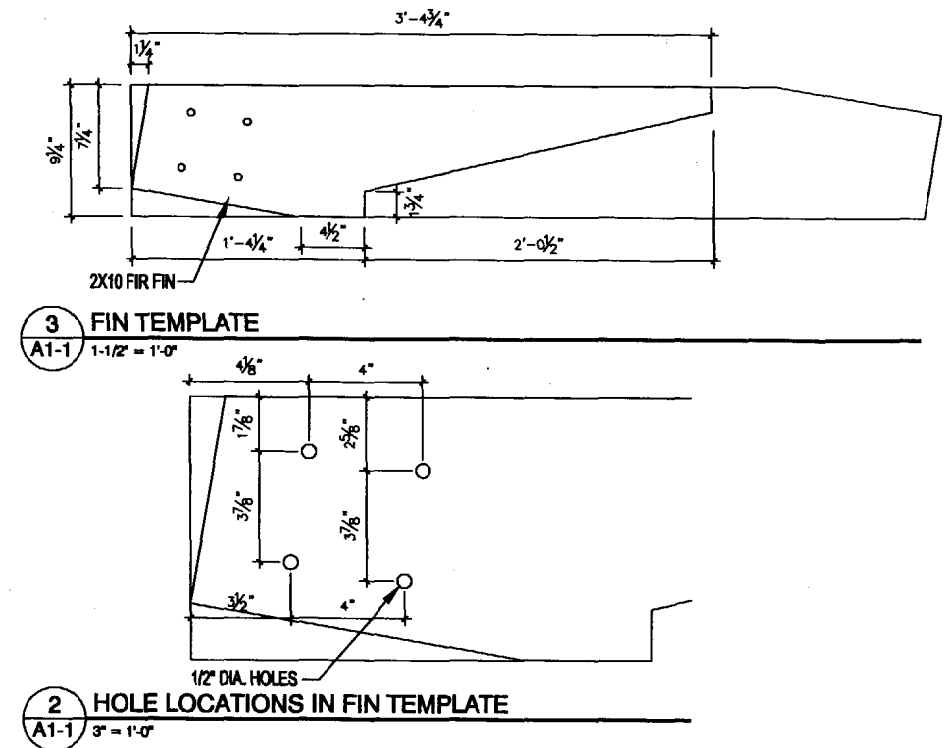
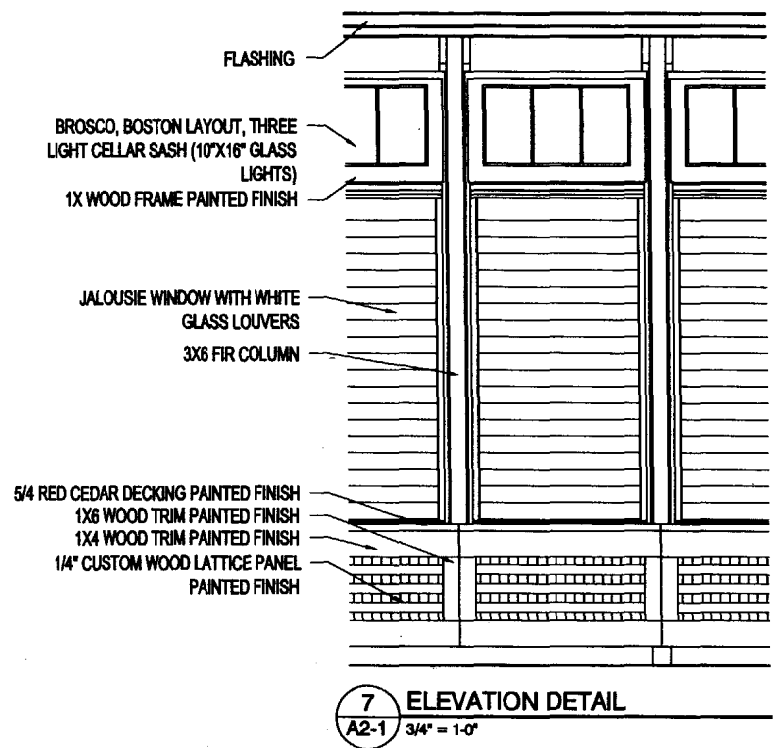
**Call with any questions**

**Thanks,**

**Ryan Senator**

**Copies to:**

**TFH Architects, P. A.**  
 100 Commercial Street  
 Portland Maine 04101  
 Telephone 207-775-6141  
 Fax No.: 207-773-0194  
 By: Ryan Senator



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**SPENCER RESIDENCE**  
CUSHING ISLAND  
PORTLAND, MAINE

**TFH ARCHITECTS**  
100 COMMERCIAL STREET  
PORTLAND MAINE 04101  
TELEPHONE 207 775 6141  
ARCHITECTURE PLANNING

CONSULTANTS:

**NOT TO SCALE**

REVISIONS:

△ General Revisions 4/18/03

DATE: February 19, 2003

PROJECT No. 0213

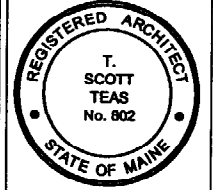
DRAWN BY: RJS

CHECKED BY:

SCALE: As Noted

SHEET TITLE:  
**ELEVATIONS  
DETAILS**

**A2-1**



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 TELEPHONE 207 775 6141  
 ARCHITECTURE PLANNING

CONSULTANTS:

REVISIONS:  
 ▲ General Revisions 4/18/03

DATE: February 19, 2003

PROJECT No. 0213

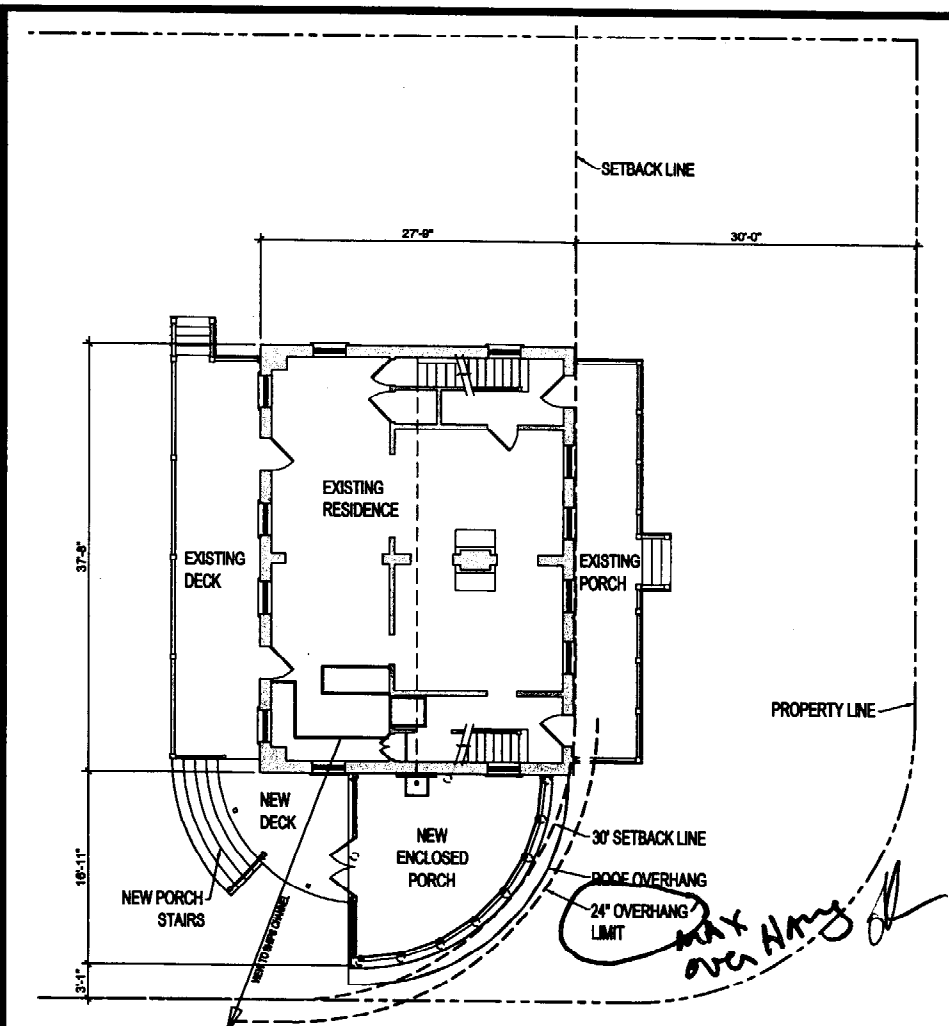
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CHECKED BY:

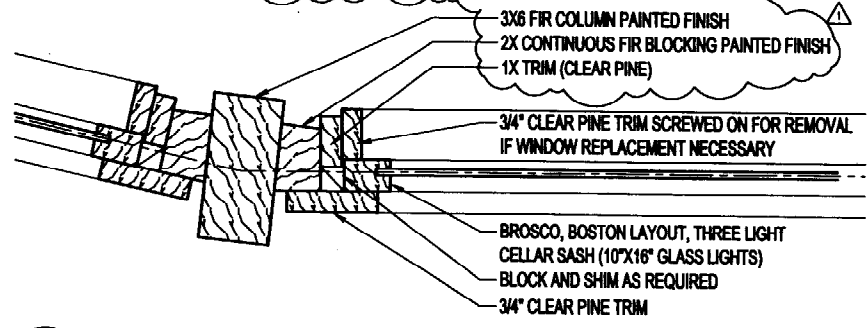
SCALE: As Noted

SHEET TITLE:  
 SITE PLAN  
 PLAN  
 DETAILS

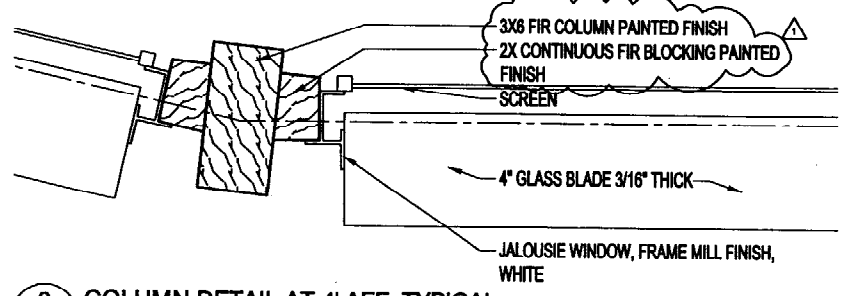
**A1-1**



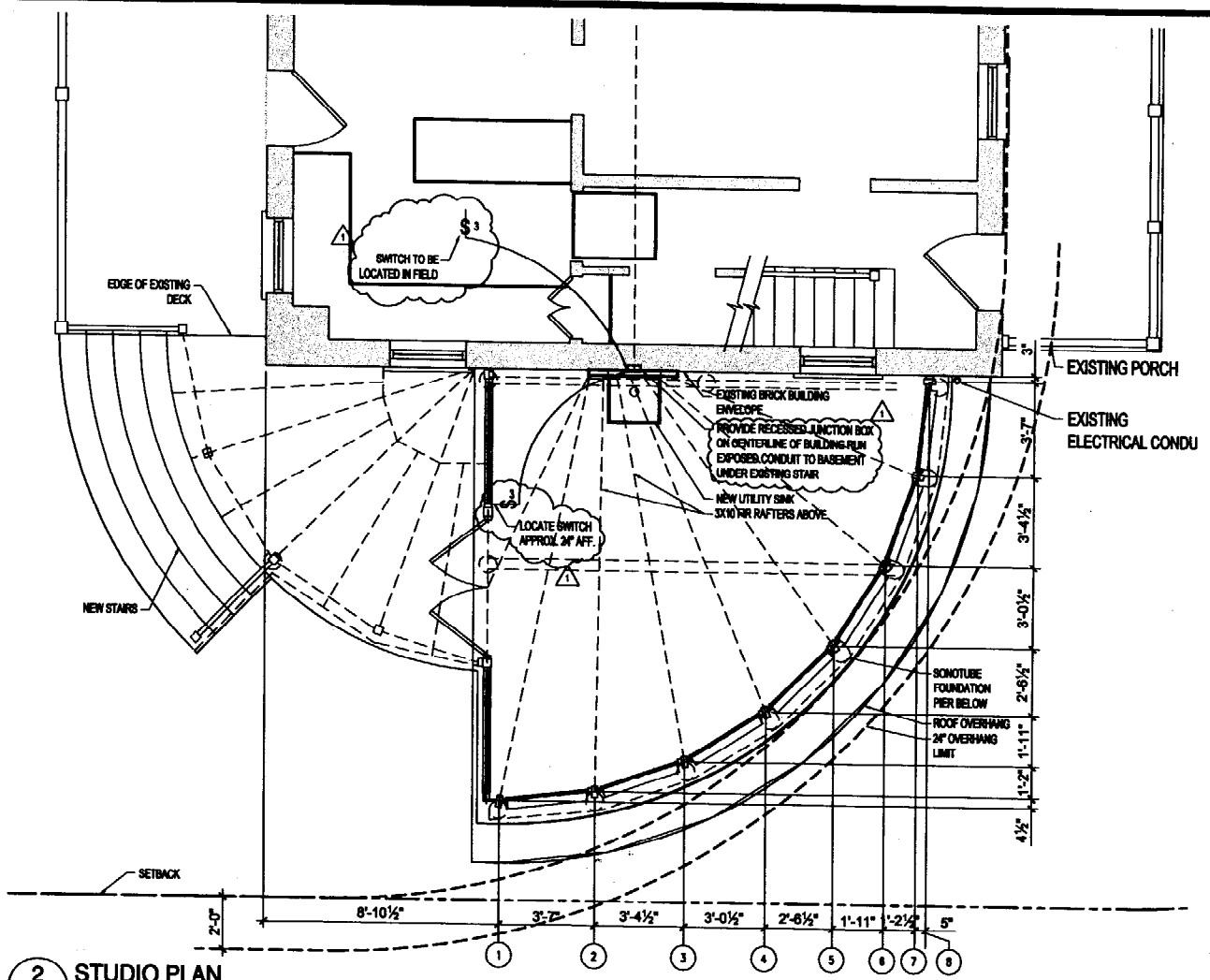
**5 SITE PLAN**  
 A1-1 1" = 10'-0"  
 SETBACKS AS APPROVED BY ZONING ADMINISTRATOR AUGUST 2002



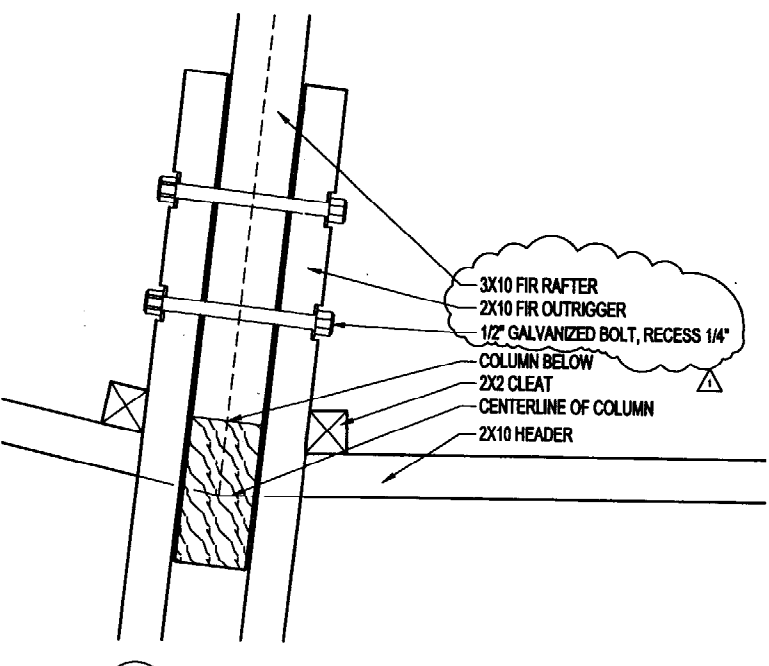
**4 COLUMN DETAIL AT 7' AFF. TYPICAL**  
 A1-1 3" = 1'-0"



**3 COLUMN DETAIL AT 4' AFF. TYPICAL**  
 A1-1 3" = 1'-0"



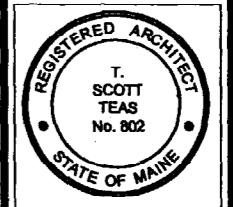
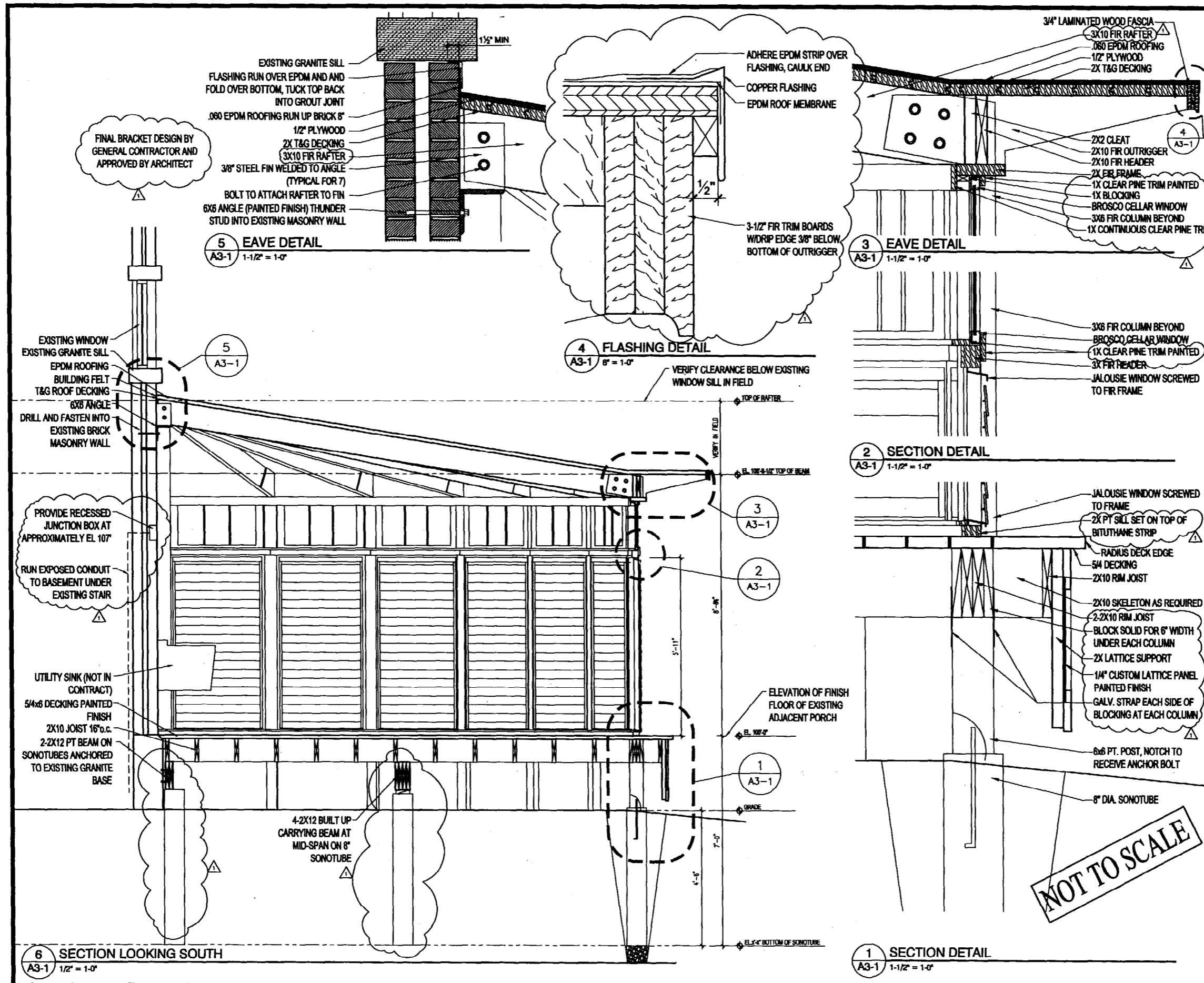
**2 STUDIO PLAN**  
 A1-1 1/4" = 1'-0"



**1 COLUMN DETAIL AT RAFTER TYPICAL**  
 A1-1 3" = 1'-0"

**GENERAL NOTES:**  
 1.) 3X10 FIR RAFTERS TO HAVE A MINIMUM FIBERSTRESS OF 1600 PSI  
 2.) ○ DENOTES 6" SONOTUBES (TYPICAL FOR 12)

**NOT TO SCALE**



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TELEPHONE 207 775 6141  
ARCHITECTURE PLANNING

CONSULTANTS:

REVISIONS:  
General Revisions 4/18/03

DATE: February 18, 2003

PROJECT No. 0213

DRAWN BY: RJS

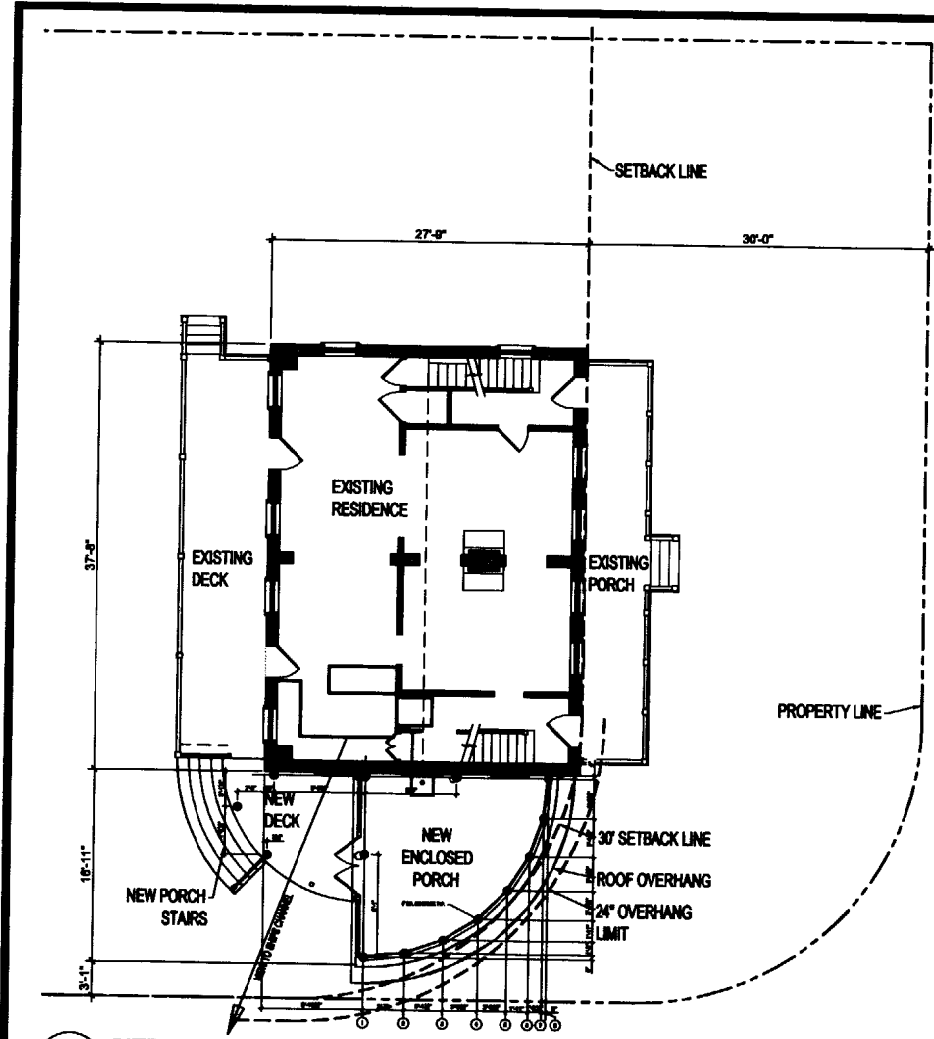
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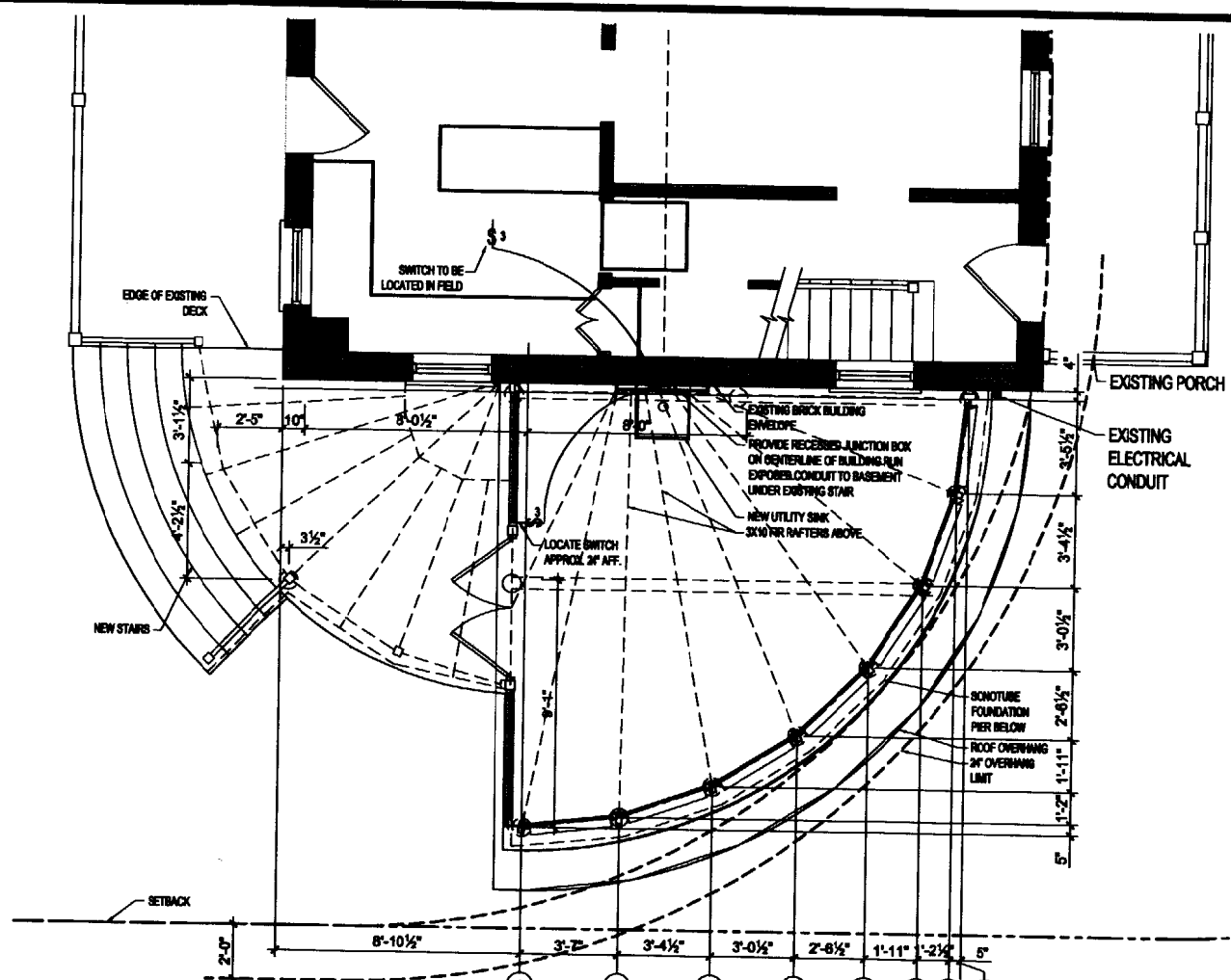
SHEET TITLE:  
SECTION DETAILS

**A3-1**

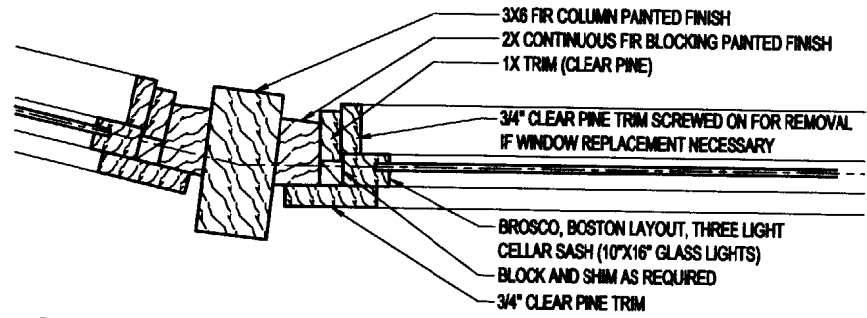




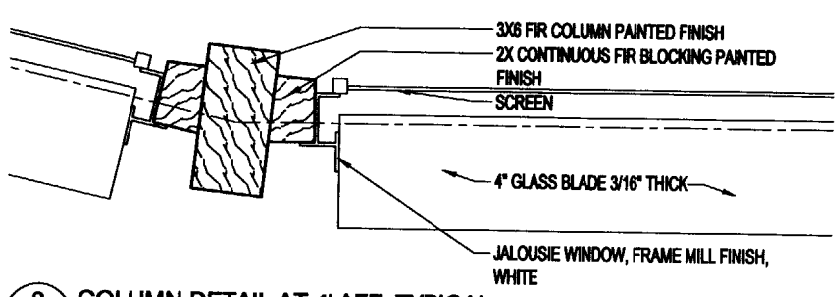
**5 SITE PLAN**  
A1-1 1" = 10'-0"  
SETBACKS AS APPROVED BY ZONING ADMINISTRATOR AUGUST 2002



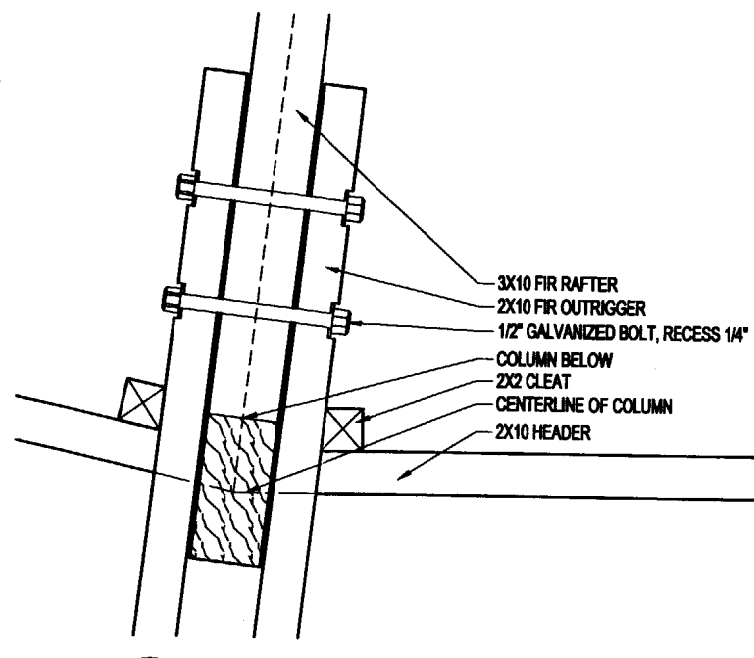
**2 STUDIO PLAN**  
A1-1 1/4" = 1'-0"



**4 COLUMN DETAIL AT 7' AFF. TYPICAL**  
A1-1 3" = 1'-0"



**3 COLUMN DETAIL AT 4' AFF. TYPICAL**  
A1-1 3" = 1'-0"

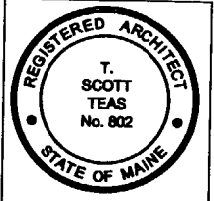


**1 COLUMN DETAIL AT RAFTER TYPICAL**  
A1-1 3" = 1'-0"

**GENERAL NOTES:**  
1) 3X10 FIR RAFTERS TO HAVE A MINIMUM FIBERSTRESS OF 1800 PSI  
2) ○ DENOTES 8" SONOTUBES (TYPICAL FOR 12)

DEPT. OF BUILDING INSPECTION  
CITY OF PORTLAND, ME  
MAY 2 | 2003  
RECEIVED

**NOT TO SCALE**



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PORTLAND, MAINE

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PORTLAND MAINE 04101  
TELEPHONE 207 775 6141  
ARCHITECTURE PLANNING

CONSULTANTS:

REVISIONS:

△ General Revisions 4/18/03

DATE: February 19, 2003

PROJECT No. 0213

DRAWN BY:

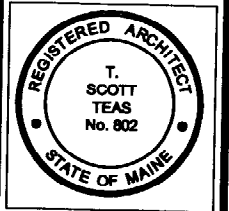
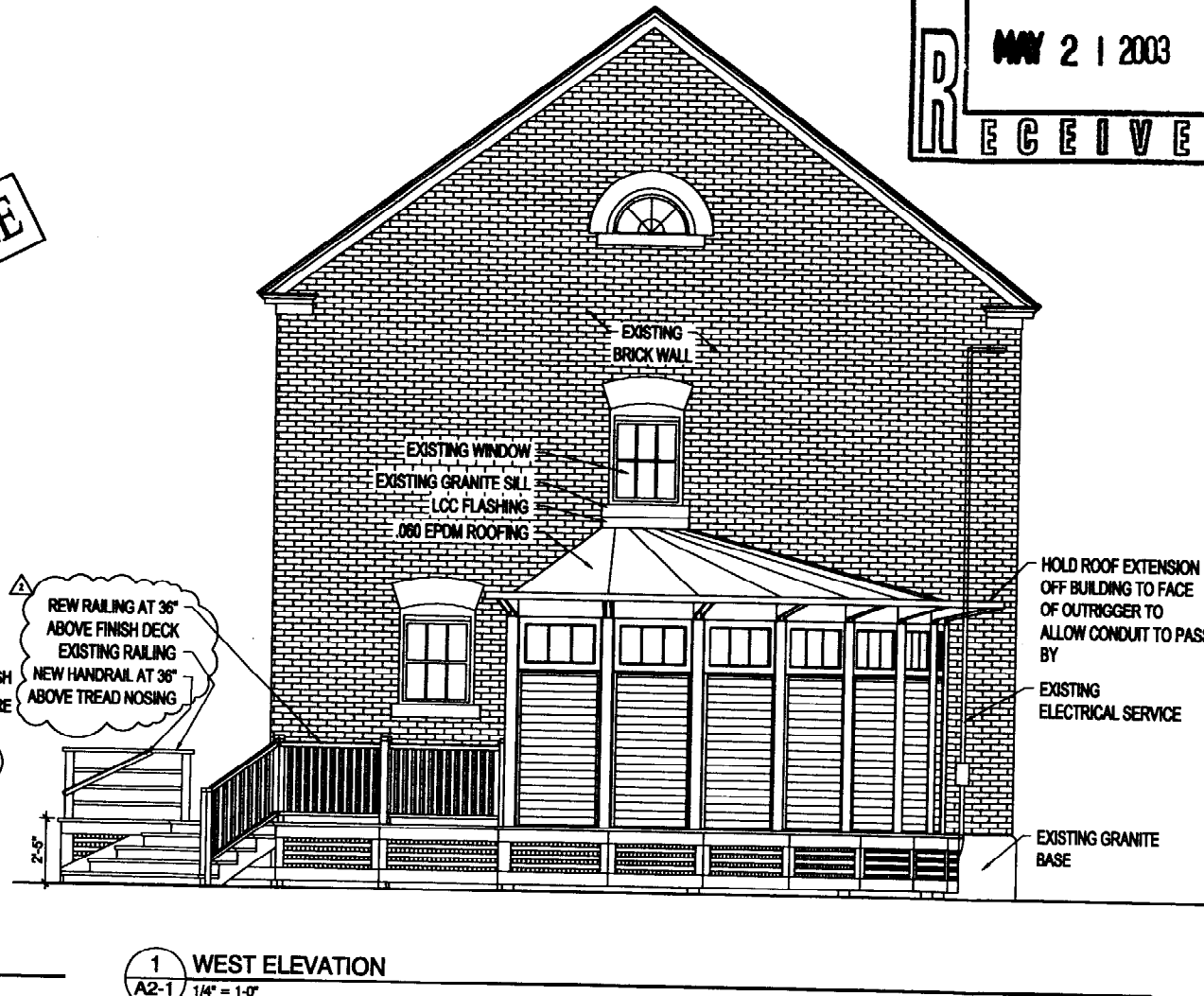
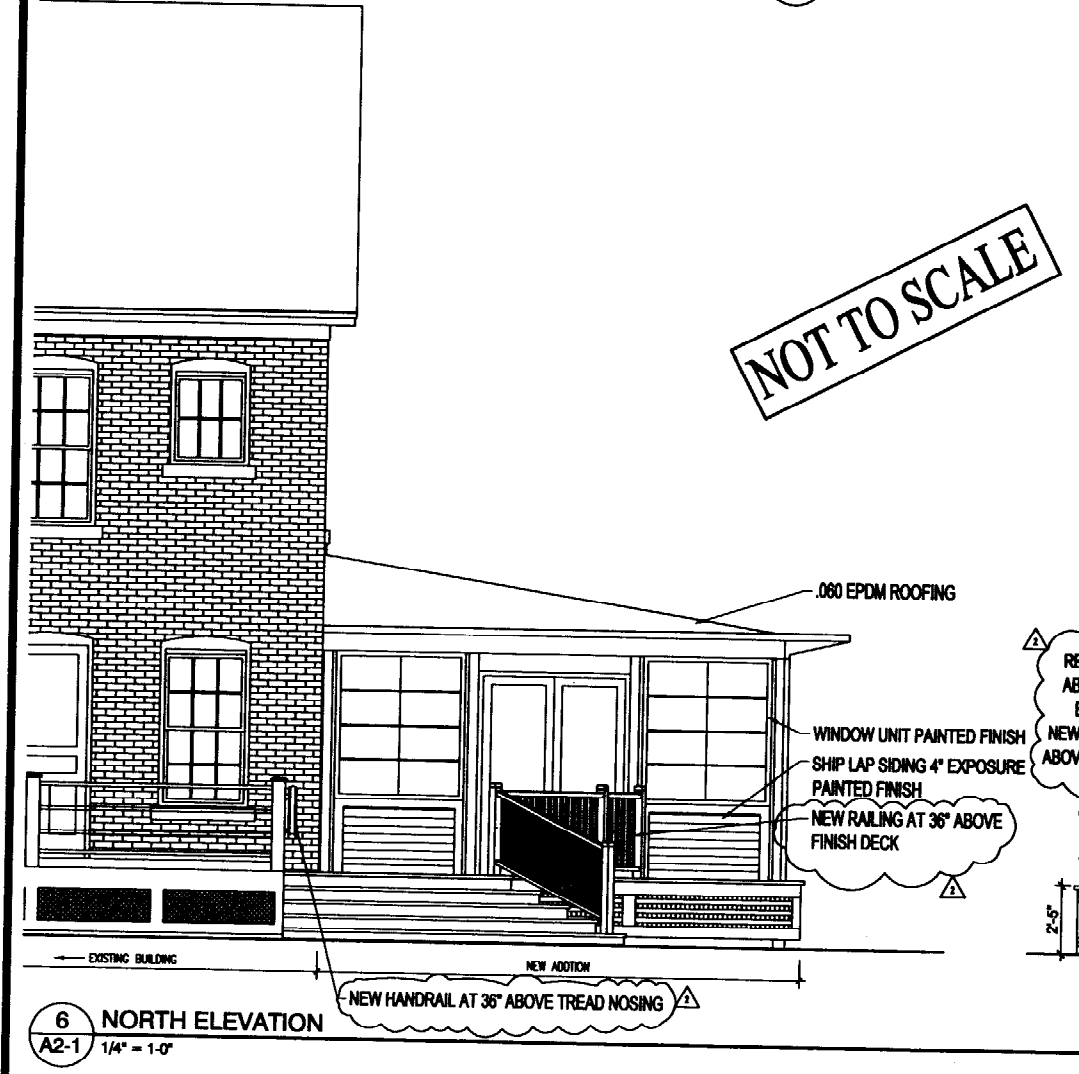
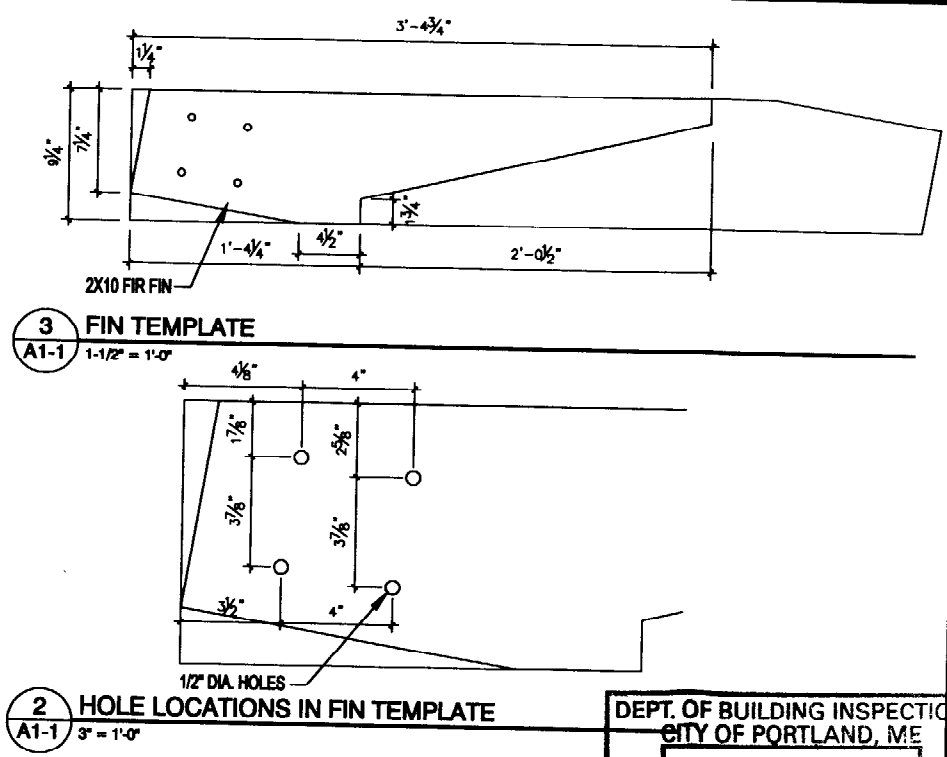
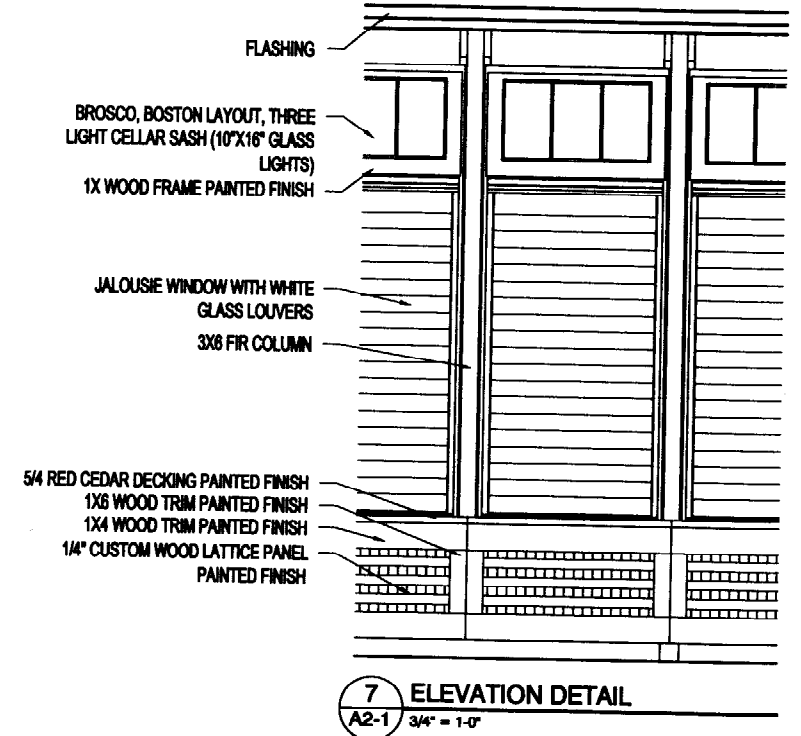
CHECKED BY:

SCALE: As Noted

SHEET TITLE:

SITE PLAN  
PLAN  
DETAILS

**A1-1**



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ARCHITECTURE PLANNING

CONSULTANTS:

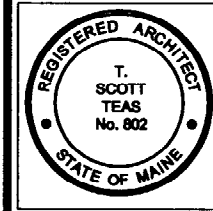
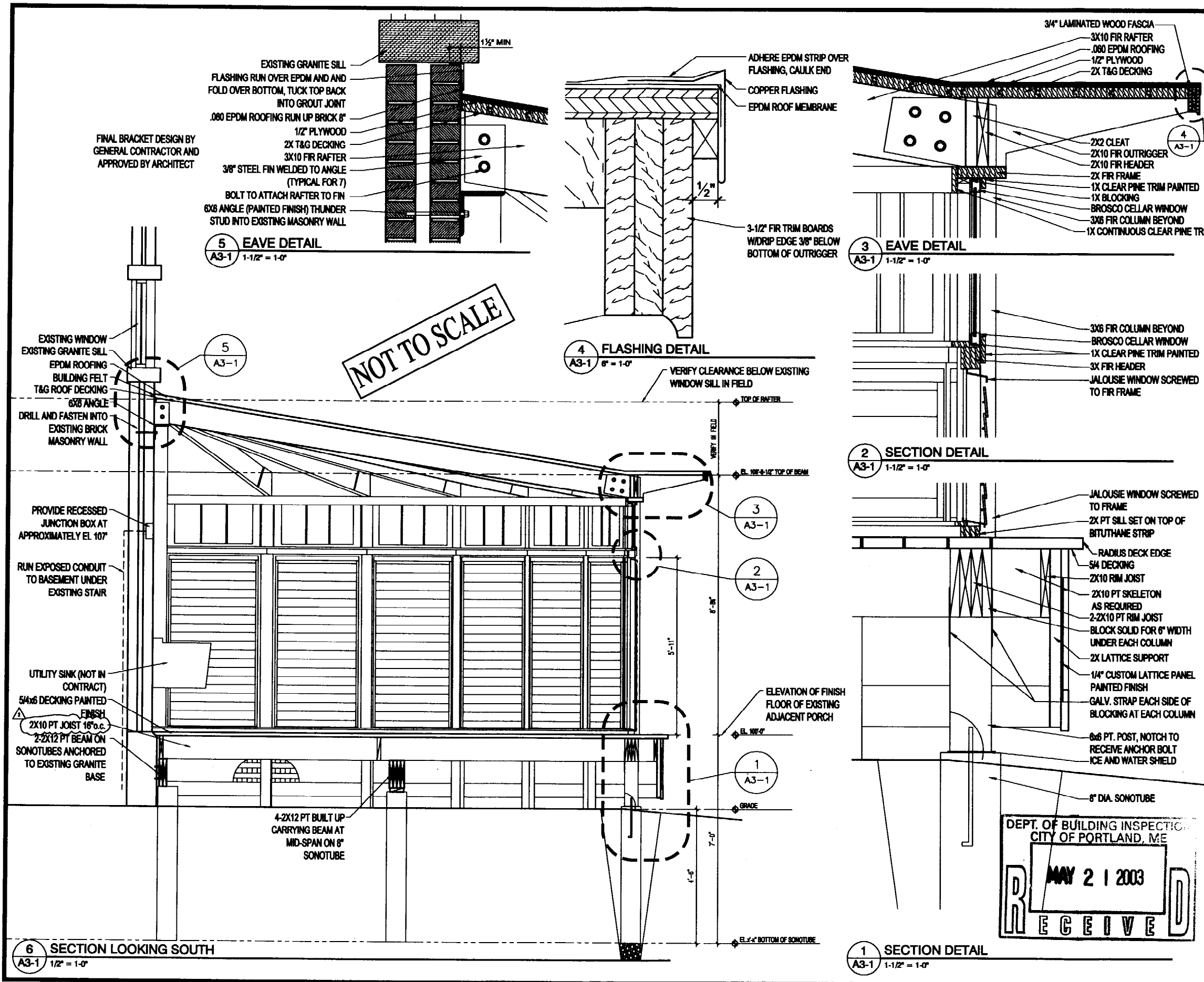
REVISIONS:  
 △ General Revisions 4/18/03  
 △ General Revisions 5/16/03  
 DATE: February 18, 2003  
 PROJECT No. 0213  
 DRAWN BY: RJS  
 CHECKED BY:

SCALE: As Noted

SHEET TITLE:  
ELEVATIONS  
DETAILS

**A2-1**

**NOT TO SCALE**



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 ARCHITECTURE PLANNING

CONSULTANTS:

REVISIONS:  
 General Revisions 4/18/03  
 General Revisions 5/18/03

DATE: February 18, 2003

PROJECT No. 0213

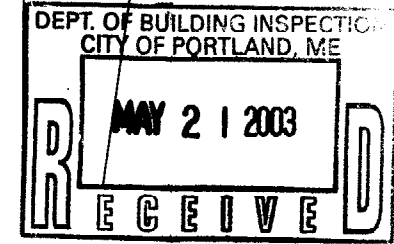
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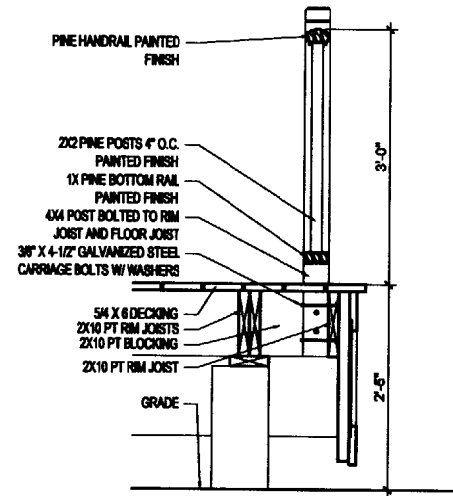
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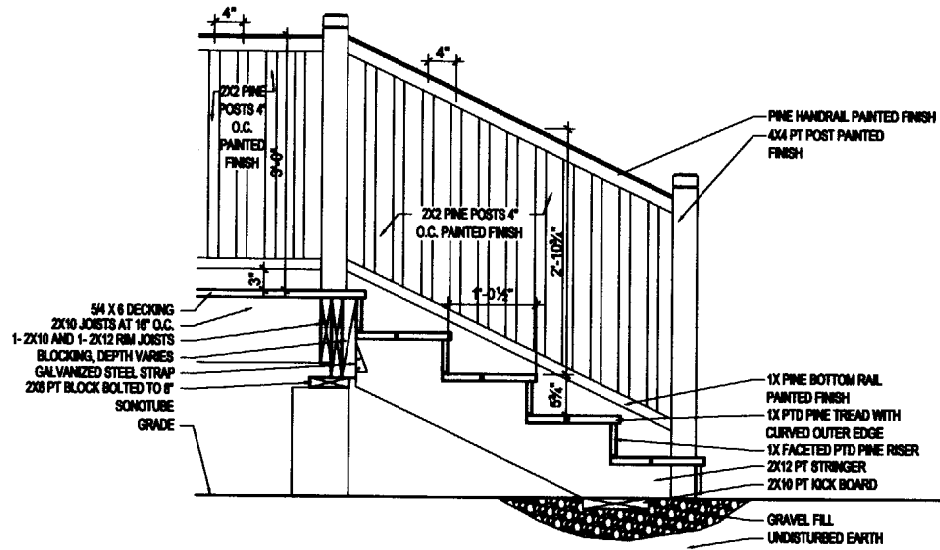
SHEET TITLE:  
 SECTION  
 DETAILS

**A3-1**



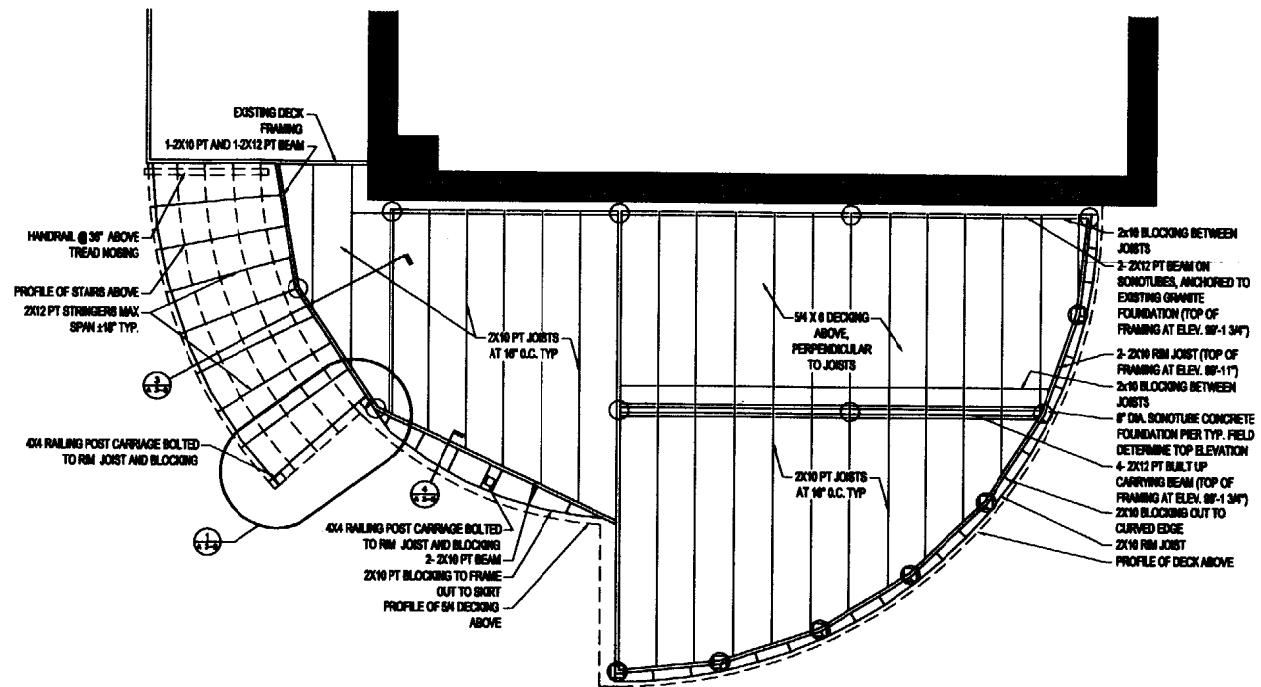


4 DECK AND RAILING DETAIL  
A3-2 3/4" = 1'-0"

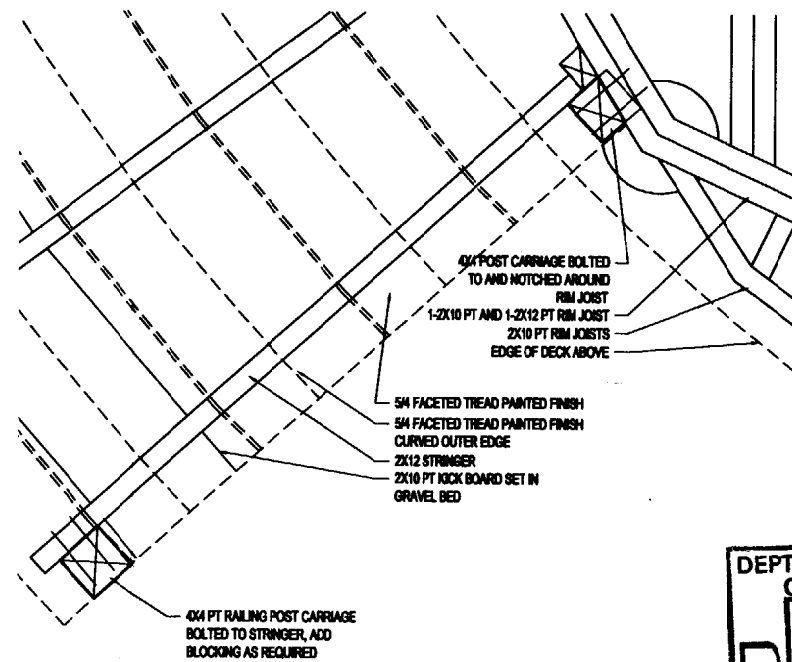


3 DECK STAIR DETAIL  
A3-2 3/4" = 1'-0"

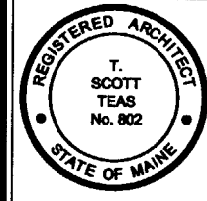
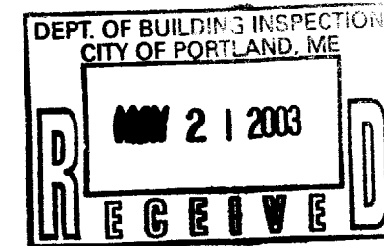
NOT TO SCALE



2 DECK FRAMING PLAN (TOP OF FRAMING AT ELEVATION 99'-11" TYPICAL UNLESS NOTED OTHERWISE)  
A3-2 1/4" = 1'-0"



1 PLAN DETAIL  
A3-2 1 1/2" = 1'-0"



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 PORTLAND MAINE 04101  
 TELEPHONE 207 775 6141  
 ARCHITECTURE PLANNING

CONSULTANTS:

REVISIONS:

DATE: May 15, 2003

PROJECT No. 0213

DRAWN BY: RJS

CHECKED BY:

SCALE: As Noted

SHEET TITLE:  
 FRAMING PLAN  
 SECTION DETAILS

A3-2