



Ann Machado <amachado@portlandmaine.gov>

Fwd: Re: 87 Church Road, Cliff Island - permit #2015-02330

1 message

Ann Machado <AMACHADO@portlandmaine.gov>

Thu, Apr 7, 2016 at 8:43 AM

To: amachado@gapps.portlandmaine.gov

>>> Benjamin Walden <benspond@me.com> 11/13/2015 12:48 PM >>>

Hello Ann,

RE: 87 Church Road, Cliff Island - permit #2015-02330

Below are the answers and information you requested from your email dated 10/30/15:

1. Attached is a PDF of the Intent to Demolition that was sent to all the abutters in August.
2. Attached is a PDF of the Boundary Site Plan. The structure is outside of the 75' setback of the Shoreline Zone, note the HAT line is indicated.
3. The property deed Book 32445, Page 40 has had a corrective deed created by Thomas F. Jewell, Esq. Of Jewell & Bulger, PA and is attached.
4. Our surveyor, Nathan C. Amsden, has met with the potential buyers' survey team at Northeast Civil Solutions to go over the inaccuracies found with their preliminary boundary survey. Please note that our survey is a final, stamped and soon to be recorded.

In regards to your phone message left 11/5/15 night:

We met in August, so I would know what needed to be done to acquire the necessary demolition permit. I proceeded down the list: Called Dig Safe 8/24/15; PWP 8/24/15; DPW-traffic 8/24/15; DPW-sealed drain 8/24/15; Historic Preservation 8/24/15; DEP sent flooring to EMSL and received clear results 9/11/15. Full submission of corrected/complete information was received 9/21/15.

Driveway: A beginning of a driveway was established only in the road right-of-way, not on our property, for access to property. Our Public Works gentleman on island was verbally aware.

Invasive species project: Our property had large growths of Honeysuckle, one of Cliff Island's invasive species. ACE, headed by Roger Berle, has created a program too remove such species throughout the island. Clearing of invasive species occurred in August.

Demolition of House: Yes, the house was taken down 10/26/15, however, only after confirming via phone call on 10/15/15 that Zoning received 9/28/15 & we were 5th out of 98 on the cue and should receive permit 10/16/15 or 10/23/15, at the latest. Scheduling takes time on a island, we cancelled and rescheduled expecting the permit 10/23/15. Your 10/22/15 email did not arrive until 10/28/15, if it had, a cancellation would have happened in a timely manner.

The permit that was requested was for demolition only, as the plans for a future structure on the lot, have not been finalized. The building was an unsafe structure and great liability to stay standing without occupancy. We know we are in the wrong, however we tried to follow all the right avenues to access our permit and would like to proceed with good standing with the City of Portland.

Sincerely,

Ben Walden

On Oct 30, 2015, at 04:02 PM, Ann Machado <AMACHADO@portlandmaine.gov> wrote:

Ben -

I reviewed your demolition permit last Thursday, October 22, 2015 for zoning and was unable to sign off on the permit for a number of reasons. I drafted an email to you at the end of the day on October 22, 2015, to address what I needed but apparently I did not send it to you. I apologize. Here is what I need:

1. I need a copy of the letter that you sent to the abutters.
2. I need a proper site plan. Preferably it would be to scale but if not it should indicate the dimensions of the property, the dimensions of the building(s) and the setbacks of the structure(s) to the property lines. A print out of the city's GIS map is not an acceptable site plan. If you are planning to rebuild in the same footprint, you will need a boundary survey, because the property is in the Shoreland Zone. The survey will need to show the highest annual tide and the 75 foot setback from that and the 250' setback. If the existing building is within the 75' setback, you could only rebuild it in the same footprint and shell. We would need a cross section and elevations of the existing building if this is the case.
3. The deed for the property (Book 32445, Page 40) appears to be incorrect. This lot was recently split off of a larger lot comprised of four assessing lots - 109B-F-021,022,023 and 024 owned by William J. Seymour Trustee. It appears that William J. Seymour intended to sell you two of the lots (CBL 109B-F-023 & 024) known as 87 Church Road. The four lots are described in William J. Seymour, Trustee's deed Book 12343, Page 330. Under Exhibit A - the first lot described is assessing lot 22, the second lot described is assessing lot 23, the third lot described is assessing lot 21 and the fourth lot described is assessing lot 24. Deed 32445/40 describes assessing lots 22 and 23. I don't think that these were the lots that William J. Seymour intended to sell to South Side LLC. Also, the potential buyer of 77-81 Church Road, assessing lots 109B-F-021&022 has been in contact with me. She has had a preliminary boundary survey done which appears to be in conflict with the location of the buildings shown on the City's GIS website and what has been physically marked out on the properties. Have you had a boundary survey done for the property that you recently purchased? Since the original four lots were most recently held in common ownership, the actual boundary line between the two new lots needs to be clear before any permits are issued for either property. Deed 32445/40 also needs to be corrected.

Please feel free to contact me with any questions.

Ann Machado

Ann Machado
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Planning & Urban Development

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3 attachments



Intent Letter.pdf
66K



Final Survey- 87 Church Rd CLIFF ISLAND.pdf
239K



Corrective Deed Seymour to South Side.pdf
83K