



City of Portland, Maine  
 Planning and Development Department  
 Zoning Board of Appeals  
 Interpretation Appeal Application

Applicant Information:

*Michael + Marleen Denney*  
 Name

Business Name

*8 Arlington St*

Address

*Portland ME 04101*

*207-578-9193*

Telephone

Fax

*020 # 207-543-4474*

Applicant's Right, Title or Interest in Subject Property:

(e.g. owner, purchaser, etc.):

Current Zoning Designation: *R-3*

Existing Use of Property:

*single-family, owner-occupied, residential*

Subject Property Information:

*8 Arlington St*  
 Property Address

Assessor's Reference (Chart-Block-Lot)

*126-F-008-R-3*

Property Owner (if different):

Name

Address

Telephone

Fax

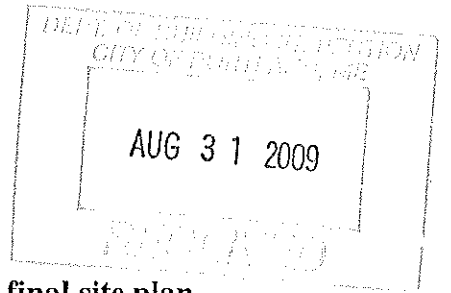
Disputed Provisions from Section 14 - *90(b) + 14-388*

Order, decision, determination, or interpretation under dispute:

*Aug 18, 2009 letter from zoning Administrator regarding Sec 14-90(b) and Sec. 14-388*

Type of Relief Requested:

- 1) correct interpretation of applicable provision of zoning Ordinance*
- 2) Approval of Building Permit 09-0817*



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

The undersigned hereby makes application for the relief above described, and certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

*Michael Denney*  
 Signature of Applicant

*Marleen Denney*

*8/31/09*  
 Date

*8/31/09*



Michael & Marleen Denney  
8 Arlington Street  
Portland, ME 04101  
207-518-9193

August 31, 2009

Zoning Board of Appeals  
City of Portland  
389 Congress Street, Room 315  
Portland, ME 04101

Re: Interpretation Appeal Application – Permit #09-0817

Dear Board Members:

By a letter dated August 18, 2009 (copy attached), Ms. Marge Schmuckal, Zoning Administrator, City of Portland, advised us, as owners of 8 Arlington Street, Portland, ME, and our contractor, Ben Weigel, Weigel Construction, Inc., that our permit to enlarge the rear addition laundry room from 6' x 17' to 12' x 17' and to erect a 12' x 20' deck on the rear of the property had been denied, based on: (1) inadequate lot size (5665 sq. ft.), in violation of Sections 14-90(b), "Minimum lot area per dwelling unit," and 14-388, "Nonconformity as to area of dwelling," of the City of Portland Land Use Zoning Ordinance ("Ordinance"); and (2) the rear yard setback on the submitted site plan was 21' and not 25', as required by Section 14-90(d)(2)(a) of the Ordinance.

We do not dispute the second allegation regarding rear yard setback, and our contractor, Ben Weigel, has prepared a new site plan that meets that 25' requirement. However, we do dispute the allegations regarding lot size and assert that no violations exists for the following reasons, with a more detailed argument and explanation contained in the attached 8 pages:

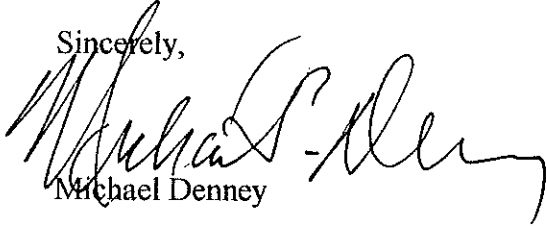
1. The sections of the Ordinance cited in the August 18<sup>th</sup> letter, 14-90(b), "Minimum lot area per dwelling unit," and 14-388, do not apply to single-family detached residential dwellings (i.e. 8 Arlington Street) in the R-3 Zone. Those sections apply only to dwelling units in a Planned Residential Unit Development (PRUD).
2. The sections of the Ordinance that do apply to single-family detached residential dwellings in the R-3 Zone are Section 14-87(a)(1), "*Residential: Single-family detached dwellings*," and Section 14-90(a)(1) "*Minimum lot size: Residential*," which provides a clear and unambiguous exception to the 6,500 square foot lot size requirement "for lots of record" in section 14-433, which states, in pertinent part, "Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards...;" and,
3. Pursuant to Section 14-47, "Definitions," of the Ordinance, 8 Arlington Street is a single-family detached residential dwelling, not a dwelling unit.

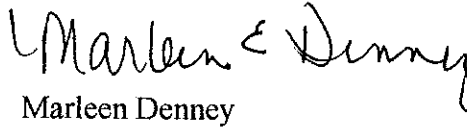


In summation, it is our position that 8 Arlington Street is a lot that has a principal structure, a single-family detached residential dwelling, which existed as of July 19, 1988, and therefore, a building addition (expansion of the existing laundry room) and the addition of a deck are allowed, pursuant to Sections 14-90(a)(1) and 14-433 of the Ordinance, and therefore, we respectfully request that the referenced August 18, 2009 letter be rescinded and the requested permit be approved immediately.

Thank you for your attention to this matter of great importance to us and we look forward to your decision.

Sincerely,

  
Michael Denney

  
Marleen Denney





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*Penny St. Louis Littell- Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

August 18, 2009

Weigel Construction Inc.  
12 Madokawando Landing  
Falmouth, ME 04195

Michael & Marleen Denney  
8 Arlington Street  
Portland, ME 04105

RE: 8 Arlington Street – 126-F-008 – R-3 Residential Zone – Permit #09-0817

Dear Weigel Construction,

I am in receipt of your application to expand the existing 6' x 17' 1 story laundry room to 12' x 17' and to add 12' x 20' deck and steps at the rear of the existing house. Your permit is denied because it can not meet the requirements of the Land Use Zoning Ordinance.

First of all, apparently Michael & Marleen Denney are new owners. Our records show that the property is owned by Phillip M. Hoose. Our office would need a copy of the deed to show that your client has right title and interest to apply for this permit.

The lot at 8 Arlington Street is approximately 5,665 square feet in size. The R-3 Zone requires a minimum lot size of 6,500 square feet. Section 14-90(b) requires a minimum area per dwelling unit of 6,500 square feet. Section 14-388 states:

“A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.”

Because your lot does not meet the requirements of section 14-388, you can not enlarge your current structure, and therefore your permit must be denied.

Also the R-3 Zone requires a minimum rear setback of 25 feet under section 14- 90(d)2 instead of the 21 feet shown on your plan submittal. Your permit is also denied because the proposal does not meet the R-3 Zone rear setback.

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





Feel free to contact me at 874-8695 if you have any questions regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal", with a long horizontal flourish extending to the right.

Marge Schmuckal  
Zoning Administrator

CC: File

enclosure



*Sec. 14-388*

A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.  
(Code 1968, § 602.17.H)

**Sec. 14-389. Nonconformity as to off-street parking.**

A building or structure which is nonconforming as to the requirements for off-street parking shall not be enlarged or altered to create additional dwelling units, or seats as in the case of places of public assembly, or floor area as in the case of industrial, business, manufacturing, institutional or recreational buildings, or accommodations as in the case of hotels, tourist homes and tourist courts, unless required off-street parking is provided for such addition or enlargement.  
(Code 1968, § 602.17.I)

**Sec. 14-390. Nonconformity as to off-street loading.**

A building which is nonconforming as to the requirements for off-street loading shall not be enlarged or added to, unless off-street loading is provided sufficient to satisfy the requirements of this article for both the addition or enlargement and the original building or structure.  
(Code 1968, § 602.17.J)

**Sec. 14-391. Nonconformity as to number of dwelling units.**

(a) *Purpose.* The purpose of this provision is to establish a process whereby certain dwellings which contain more dwelling units than the number permitted by the applicable provisions of the Land Use Code may be recognized as legal, nonconforming uses. This provision shall not apply to rooming units.

(b) *Approval by Zoning Administrator.*

(1) *Application.* Application for validation of such nonconforming dwelling units shall be on a form provided by the Division of Housing and Neighborhood Services, Inspection Services Office. The application fee will be \$300.00 for each dwelling unit which is the subject of the application, and will be accompanied by: (i) a plan, drawn to scale, which shows the location of the building(s) on the lot, parking, easements, dumpsters, fencing, public ways and any other significant feature and (ii) a floor plan for each unit in the dwelling, whether or not it is the subject of the application.



TO: Zoning Board of Appeals

FROM: Michael and Marleen Denney  
8 Arlington Street. Portland, ME 04101

RE: Permit No. 09-0817  
Interpretation Appeal – Sections 14-90(b) and 14-388

DATE: August 31, 2009

By a letter dated August 18, 2009 (copy attached), Ms. Marge Schmuckal, Zoning Administrator, City of Portland, advised us, as owners of 8 Arlington Street, Portland, ME, and our contractor, Ben Weigel, Weigel Construction, Inc., that our permit to enlarge the rear addition laundry room from 6' x 17' to 12' x 17' and to erect a 12' x 20' deck on the rear of the property had been denied, based on: (1) inadequate lot size (5665 sq. ft.), in violation of Sections 14-90(b), "Minimum lot area per dwelling unit," and 14-388, "Nonconformity as to area of dwelling," of the City of Portland Land Use Zoning Ordinance ("Ordinance"); and (2) the rear yard setback on the submitted site plan was 21' and not 25', as required by Section 14-90(d)(2)(a) of the Ordinance.

We do not dispute the second allegation regarding rear yard setback, and our contractor, Ben Weigel, has prepared a new site plan that meets that 25' requirement. However, we do dispute the allegations regarding lot size and assert that no violation exists for the following reasons:

1. The sections of the Ordinance cited in the August 18<sup>th</sup> letter, 14-90(b), "Minimum lot area per dwelling unit," and 14-388, do not apply to single-family detached residential dwellings (i.e. 8 Arlington Street) in the R-3 Zone. Those sections apply only to dwelling units in a Planned Residential Unit Development (PRUD).

2. The sections of the Ordinance that do apply to single-family detached residential dwellings in the R-3 Zone are Section 14-87(a)(1), "*Residential: Single-family detached dwellings*," and Section 14-90(a)(1) "*Minimum lot size: Residential*," which provides a clear and unambiguous exception to the 6,500 square foot lot size requirement "for lots of record" in section 14-433, which states, in pertinent part, "Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards...;" and,

3. Pursuant to Section 14-47, "Definitions," of the Ordinance, 8 Arlington Street is a single-family detached residential dwelling, not a dwelling unit.

I. Section 14-47, "Definitions," of the Ordinance provides the following definitions for *Dwelling*:

**Sec. 14-47. Definitions.**

The following words shall be defined as set forth below for use in this article. Definitions set forth in the building code of the city shall apply to words not herein defined:



*Dwelling*: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, but not including hotels, lodging houses, sheltered care group homes or tourist homes.

*Dwelling, one-family*: A detached building used exclusively for occupancy by one (1) family.

*Dwelling, two-family*: A detached building or pair of attached buildings used exclusively for occupancy by two (2) families living independently of each other.

*Dwelling, multifamily*: A building or portion thereof containing three (3) or more dwelling units.

Based on the above, it appears that there are three types of *Dwellings* allowed in the R-3 Zone: (A) one-family (single-family detached); (B) two-family (Duplex); and multifamily (a building, such as an apartment house containing three (3) or more **dwelling units**). Section 14-47 then goes on to define Dwelling unit as follows:

Section 14-47, "Definitions," of the Ordinance defines *Dwelling unit* as follows:

*Dwelling unit*: One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit.

The Ordinance further distinguishes "*Dwelling*" from "*Dwelling unit*" by defining Apartment and Apartment House as follows:

*Apartment*: See "dwelling unit."

*Apartment house*: See "multifamily dwelling."

Based on the preceding, it appears that an apartment house and a Planned Residential Unit Development ("PRUD") may contain **dwelling units**. Here again, the Ordinance clearly differentiates between Dwelling and Dwelling Unit.

II. Section 14-86, "Purpose," of the Ordinance states the two separate and distinct purposes of the R-3 Zone as follows:

**Sec. 14-86. Purpose.**

The purpose of the R-3 residential zone is: To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels.

In other words, the purpose of the R-3 Zone is to provide for two distinct types of housing: (1) "single-family homes on individual lots," and (2) "planned residential unit developments on substantially sized parcels." The phrase "Substantially sized parcels" is not





defined but provides a developer the opportunity to develop a large tract of land with many individual dwelling units. 8 Arlington Street is single-family home on an individual lot, not a dwelling unit in a Planned Residential Unit Development.

III. Section 14-87(a) of the Ordinance lists the following five distinct permitted *Residential* uses the in the R-3 Zone:

**Sec. 14-87. Permitted uses.**

The following uses are permitted in the R-3 residential zone:

- a) *Residential:*
  - 1. **Single-family detached dwellings.**
  - 2. **Planned residential unit development (PRUD)** consisting of horizontally attached dwelling units or a series of such dwelling units. No dimensional requirements contained in section 14-90 shall apply with respect to such development, except for those requirements specifically denoted for PRUD.
  - 3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.
  - 4. Single-family, multiple-component manufactured housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.
  - 5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership ...

Here again, the Ordinance clearly separates and distinguishes permitted residential uses in the R-3 Zone into two categories: (A) *Dwellings*: 4 types – (1) Single-family detached, (2) Handicapped family unit, (3) Single-family, multiple-component manufactured housing, and (4) Single-family, single-component manufactured housing; and (B) *Dwelling Unit*: Planned residential unit development (PRUD) consisting of horizontally attached dwelling units.

Section 14-87(b) of the Ordinance goes on to list the following *Other* uses permitted in the R-3 Zone as follows:

- (b) *Other:*
  - 1. Reserved;
  - 2. Parks, and other active and passive noncommercial recreation spaces;



3. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory uses) of this article;
4. Home occupation, subject to the provisions of City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-87 14-78 Rev.8-20-09 section 14-410 (home occupation) of this article;
5. Municipal uses, excluding those specifically set forth in section 14-88 of this division.

Based on the preceding, it appears that the Ordinance provides for: (1) four types of single-family dwelling use; (2) PRUDs (dwelling units) and (3) Other uses.

IV. Section 14-90, "Dimensional requirements," of the Ordinance then provides the specific dimensional requirements for each of the permitted uses defined in 14-87 (See Chart):

1. **Residential** (Sec. 14-87(a)(1) – four types of single-family use: 6,500 square feet minimum lot size, with exceptions (see Sec. 14-433 below);
2. **PRUD** (Sec. 14-87(a)(2) – dwelling units: 6,500 square feet minimum lot area per dwelling unit, and
3. **Other uses** (Sec. 14-87(b) – Sixty-five hundred (6,500) square feet.

Sections 14-90(a) and (b) of the Ordinance state, in pertinent part:

**Sec. 14-90. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-3 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Sixty-five hundred (6,500) square feet except as provided for lots of record is section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.

(b) *Minimum lot area per dwelling unit:*

*PRUD:* Sixty-five hundred (6,500) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

*Other uses:* Sixty-five hundred (6,500) square feet.



Sections 14-90(a)(1), "*Minimum lot size: Residential*," of the Ordinance requires a minimum lot size of 6,500 square feet for *non exempt* existing residential buildings in the R-3 Zone, and Section 14-90(b) requires a "*Minimum lot area per dwelling unit*" for PRUDs of 6,500 square feet. Once again, the Ordinance clearly distinguishes between *Minimum lot size* for dwellings (single-family detached, etc.), and *Minimum lot area per dwelling unit* for PRUDs. These are very different and distinct residential uses with very different dimensional requirements.

Subsection (a) addresses minimum *lot size* for residential use, including single-family detached, and subsection (b) addresses *minimum lot area per dwelling unit*," for Planned Residential Unit Development, where the lot size may be substantial, i.e., many acres. It appears that *minimum lot size* refers to individual lots with residential structures, and *minimum lot area per dwelling unit* refers to dwelling units in a PRUD (homeowner association) where there is open space and common elements that are owned/shared by all unit owners with the PRUD.

The subsection of 14-90(b) entitled *Other uses*, clearly references the *Other uses* permitted in the R-3 Zone as defined at Section 14-87(b), and is therefore not applicable to the residential uses defined at Section 14-87(a).

V. As a single-family detached residential structure permitted in the R-3 Zone (Section 14-87(a)), a minimum lot size of 6,500 square feet is required pursuant to Section 14-90(a)(1), "*Minimum lot size: Residential*," of the Ordinance. However, Section 14-90(a)(1) also provides a clear and unambiguous exception to the 6,500 square foot lot size requirement "for lots of record is section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article," and states further that "Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards..."

Section 14-433 of the Ordinance states in pertinent part:

**Sec. 14-433. Lots of record and accessory structure setbacks for existing buildings.**

Any lot of record as of June 5, 1957, and held under separate and distinct ownership from adjacent lots and having a street frontage of forty (40) feet, or to which a means of access has been previously approved by the city council as provided elsewhere in this article, may be considered a buildable lot in any residential zone except as provided below for island residential zones, with a minimum lot size of five thousand (5,000) square feet, except that a lot in the R-6 zone may have a minimum lot size of three thousand (3,000) square feet, provided that the applicable yard dimensions can be met.

A lot in the R-1, R-2, R-3, R-4, R-5, R-5A or R-6 zones that was described in a subdivision plat approved by the Planning Board after June 5, 1981, or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met. Sec. 14-432



**Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards,** provided that the normal applicable yard requirements cannot be met provided, however, that less restrictive zoning requirements which meet the requirements contained within 14-139(2) for residential small lot development shall apply: City of Portland Land Use Code of Ordinances Chapter 14 Rev.8-4-09 14-568 Side yard: Five (5) feet.

a. *R-1, R-2:*

Rear yard: Ten (10) feet.

Side yard: Five (5) feet.

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

Rear yard: Five (5) feet.

Side yard: Five (5) feet.

It is clear to us that the Ordinance intended to provide owners of building lots and lots with an existing “principal structures,” such as single-family detached residential dwellings, which existed as of July 19, 1988, and have less than 6,500 square feet, the ability to add building additions, decks, etc., within the side and rear yards, as is evidenced by the many building additions and decks that exist in our neighborhood, because it provides a well articulated exception to the minimum lot size requirement.

8 Arlington Street is a lot with an existing “principal structure” which existed as of July 19, 1988, and therefore, pursuant to Section 14-433 of the Ordinance, a building addition (expansion of the laundry room and an addition of a deck are permitted).

The existence and application of this important exception for existing single-family dwellings has thus far been ignored and/or overlooked.

VI. 8 Arlington Street is a building conforming to the use and dimensional requirements of Sections 14-87(a)(1) and 14-90(a)(1) of the Ordinance, and therefore, we assert that the August 18<sup>th</sup> letter mistakenly cites sections of the Ordinance that do not apply to the subject permit application.

The August 18<sup>th</sup> letter states, in pertinent part regarding lot size and the alleged violation of Sections 14-90(b) and 14-388 of the Ordinance, that:

“The R-3 Zone requires a minimum lot size of 6,500 square feet. Section 14-90(b) requires a minimum area per dwelling unit of 6,500 square feet. Section 14-388 states:

A building nonconforming as to the regulations governing **area per dwelling unit** shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.”





We argue that Section (b), which deals with minimum lot area per dwelling unit for Planned Residential Unit Development, does not apply. Also, a single-family detached residential dwelling is not an other use as defined in Section 14-87, but it is a permitted residential use and therefore, the second paragraph of Section 14-90(b), “*Other uses*: Sixty-five hundred (6,500) square feet,” also has been mistakenly cited and does not apply. Likewise, Section 14-388 deals with area per dwelling unit requirements and not lot size, and is therefore also not applicable.

The August 18<sup>th</sup> letter ignores both Sections 14-90(a)(1) and 14-433 of the Ordinance and incorrectly goes on to identify a further violation of Section 14-388 of the Ordinance which states:

“A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.”

In fact, 8 Arlington Street is a conforming building pursuant to Sections 14-90 (a)(1) and 14-433 of the Ordinance and therefore, Section 14-388 does not apply. Although the existing lot size is less than the required 6,500 sq. ft. Sec. 14-433 applies and allows for erecting building additions and decks.

We argue that Ms. Schmurkal has mistakenly and incorrectly applied Sections 14-90(b) and 14-388 of the Ordinance to our permit request, and dispute her assertion that paragraph two of subsection (b), “*Other uses*: Sixty-five hundred (6,500) square feet,” applies to both dwelling units and ALL other types of dwellings in the R-3 Zone.

In summation, it is our position that 8 Arlington Street is a lot that has a principal structure, a single-family detached residential dwelling, which existed as of July 19, 1988, and therefore, a building addition (expansion of the existing laundry room) and the addition of a deck are allowed, pursuant to Sections 14-90(a)(1) and 14-433 of the Ordinance, and therefore, we respectfully request that the referenced August 18, 2009 letter be rescinded and the requested permit be approved immediately.



**Sec. 14-87. Permitted uses.**

The following uses are permitted in the R-3 residential zone:

(a) **Residential:**

1. Single-family detached dwellings.

2. Planned residential unit development (PRUD) consisting of horizontally attached **dwelling units** or a series of such dwelling units. No dimensional requirements contained in section 14-90 shall apply with respect to such development, except for those requirements specifically denoted for PRUD.

(b) **Other:**

1. Reserved;
2. Parks, and other active and passive noncommercial recreation spaces;
3. Accessory uses customarily incidental and subordinate to the location, and operation of principal uses, subject to the provisions of section 14-404 (accessory uses) of this article;
4. Home occupation;
5. Municipal uses, excluding those specifically set forth in section 14-88 of this division.

**Sec. 14-90. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-3 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. **Residential:** Sixty-five hundred (6,500) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.

(b) *Minimum lot area per dwelling unit:*

*PRUD:* Sixty-five hundred (6,500) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

**Other uses:** Sixty-five hundred (6,500) square feet.



8 8 PLANNING 2011  
apparent r/w

55' +/-

Total Lot Square Footage 5665'

Total Lot Coverage by Current Structures 1420 SRF, 25%

Total Lot Coverage by Proposed Structures 1582 SRF, 28%

1420 SRF, 25%  
1582 SRF, 28%

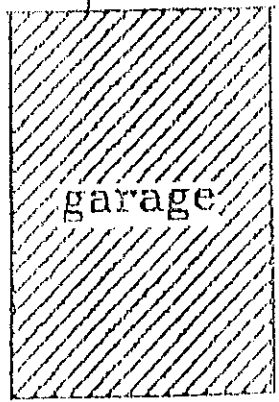
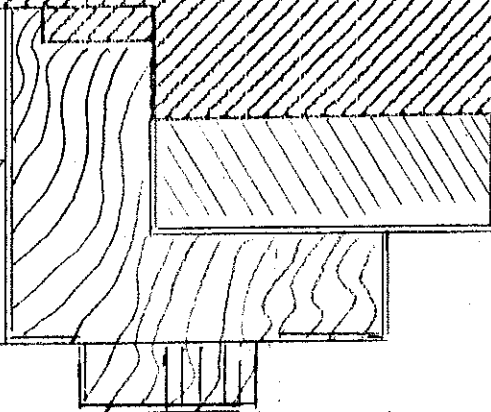
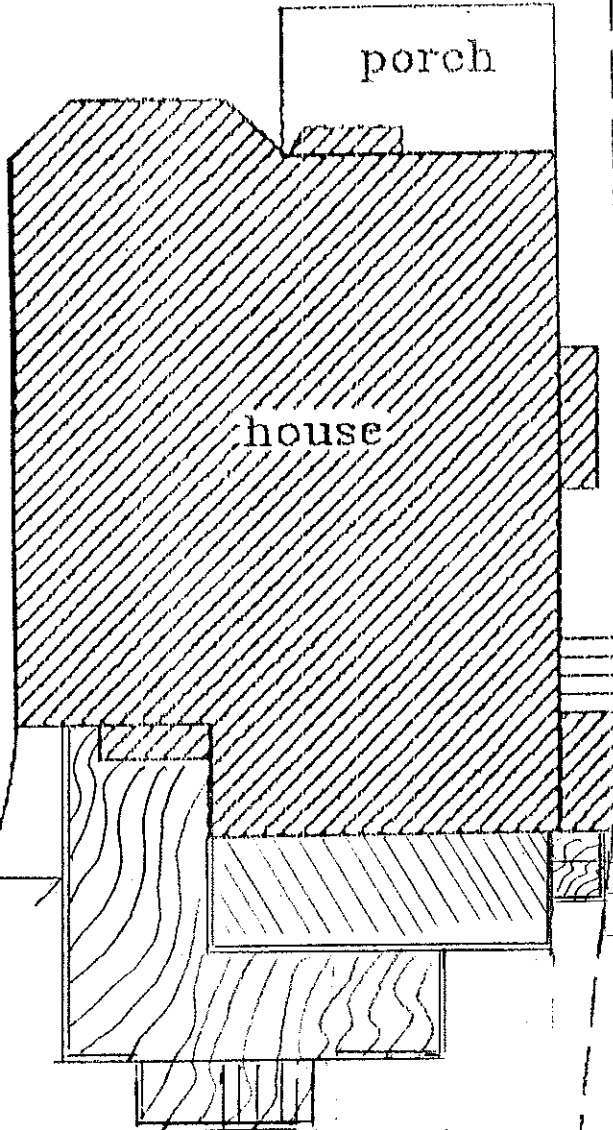
WEIGEL CONSTRUCTION INC.  
12 MADOKAWANDO LANDING  
FALMOUTH, MAINE 04106

Plot plan  
1" = 10' 0"

od  
y

104' +/-

104' +/-



25' 6"

(fence)

55' +/-

Not  
Lin  
are  
A l  
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THIS IS NOT A BOUNDARY SURVEY

This computerized document expires 08-26-09. Reproduction and/or dissemination after this date is unauthorized

MORTGAGE SECTION OF: DEED BOOK 7924 PAGE 209 COUNTY Cumberland  
 PLAN BOOK --- PAGE --- LOT ---

ADDRESS: Arlington Street, Portland, Maine

Job Number: 663-65

Buyers: Marleen E. & Michael T. Denney

Inspection Date: 5-26-09

Scale: 1" = 20'

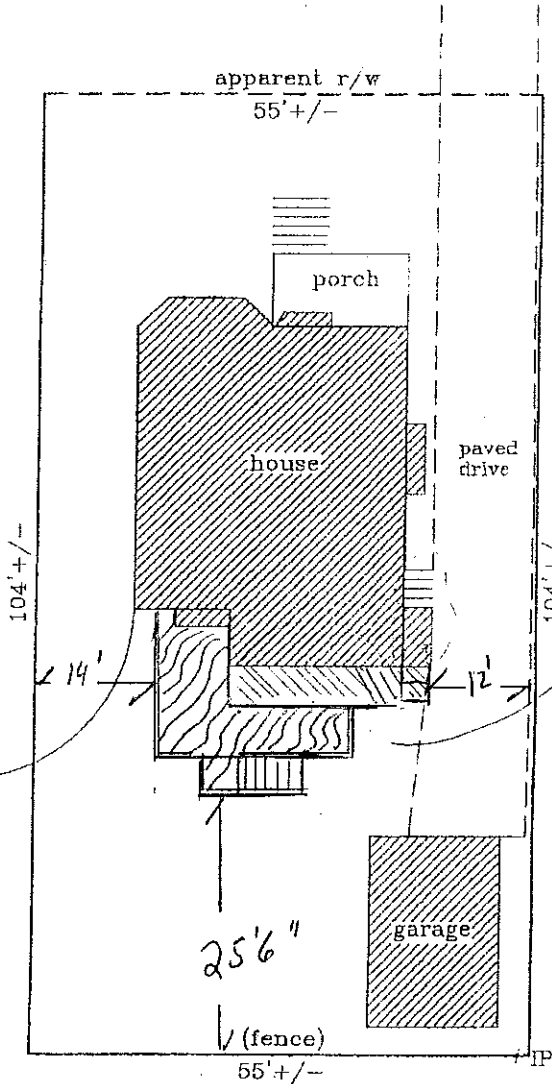
Seller: Philip M. Hoose

Client File #: 0209-00555

Arlington Street

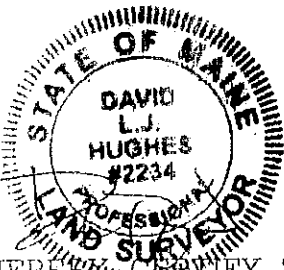
to Woodford St.

2 1/2 story wood structure w/ stone & masonry foundation



Proposed 6'x17' expansion, basement entry, steps

Note:  
 Lines of occupation are shown.  
 A boundary survey may yield different results.



I HEREBY CERTIFY TO: Market Street Settlement Group, LLC, NE Moves Mortgage, LLC and its title insurer.  
 Monuments found did not conflict with the deed description.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

copyright

- The dwelling setbacks do not violate town zoning requirements.
- As delineated on the Federal Emergency Management Agency Community Panel 230951-0001 C.
- The structure does not fall within the special flood hazard zone.
- The land does not fall within the special flood hazard zone.
- A wetland study has not been performed.

**Livingston-Hughes**  
 Professional Land Surveyors  
 88 Guinea Road  
 Kennebunkport, Maine 04046  
 207-967-9761 phone 207-967-4831 fax  
 www.livingstonhughes.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY

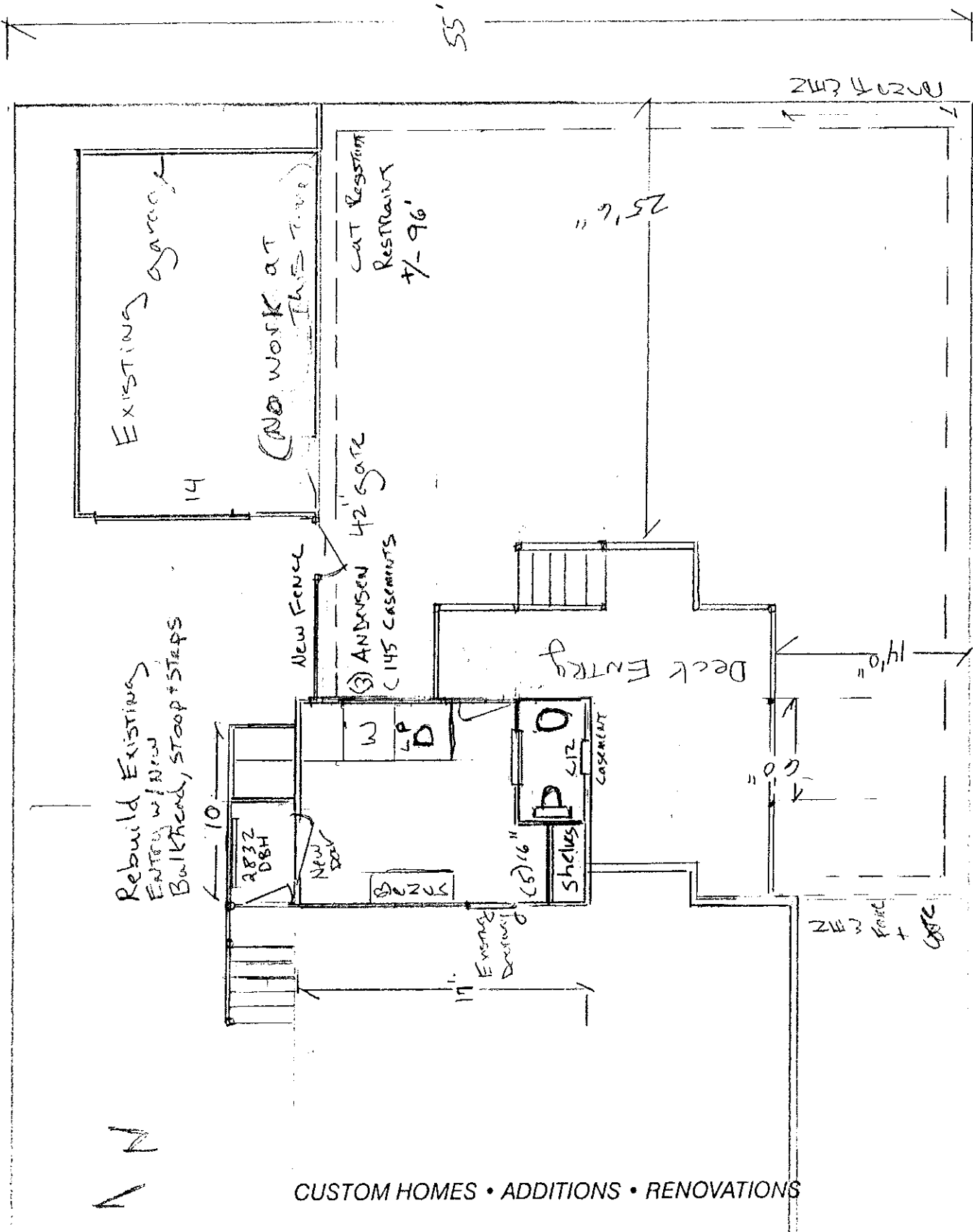






# WEIGEL CONSTRUCTION

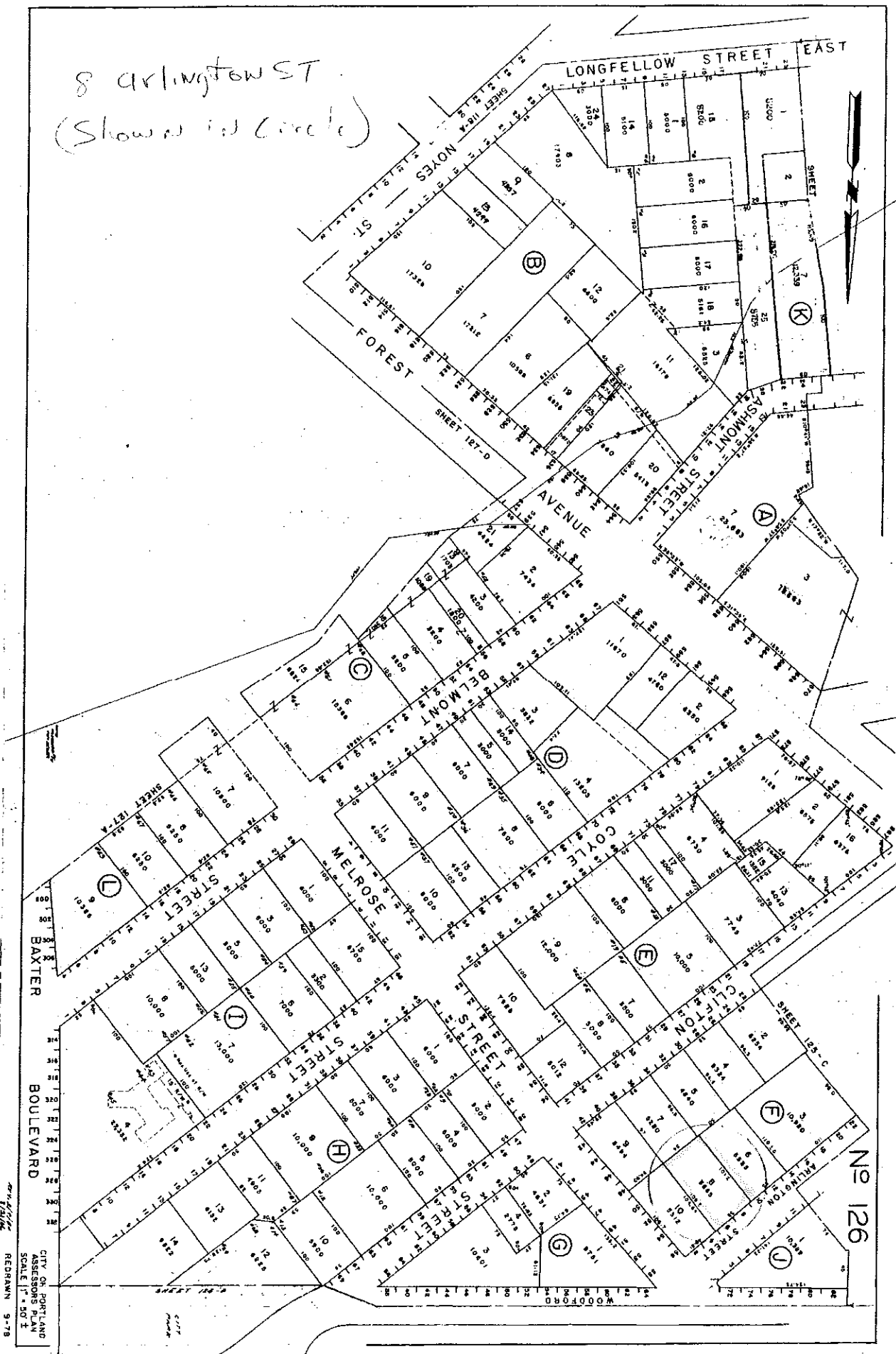
Ben Weigel • 12 Madokawando Ldg. • Falmouth, ME 04105 (207) 781-5569



DENNEY addition + STAIRS 7-30-09  
 Floor and rear yard plow  $\frac{1}{8}$ " = 10"

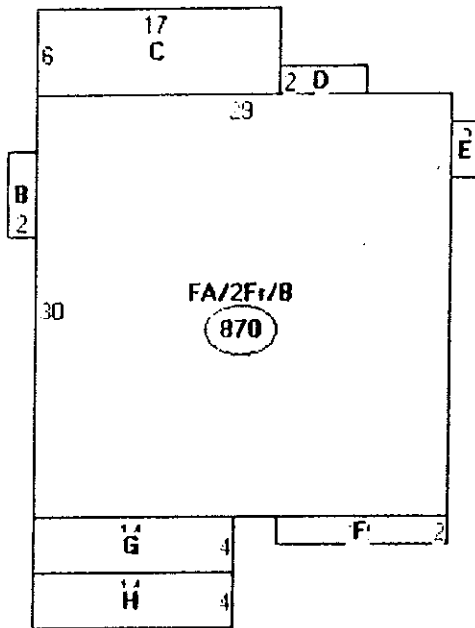


8 arlington ST  
(shown in circle)



CITY OF PORTLAND  
ASSESSOR'S OFFICE  
SCALE 1" = 50'  
REBRANN 9-78





Descriptor/Area

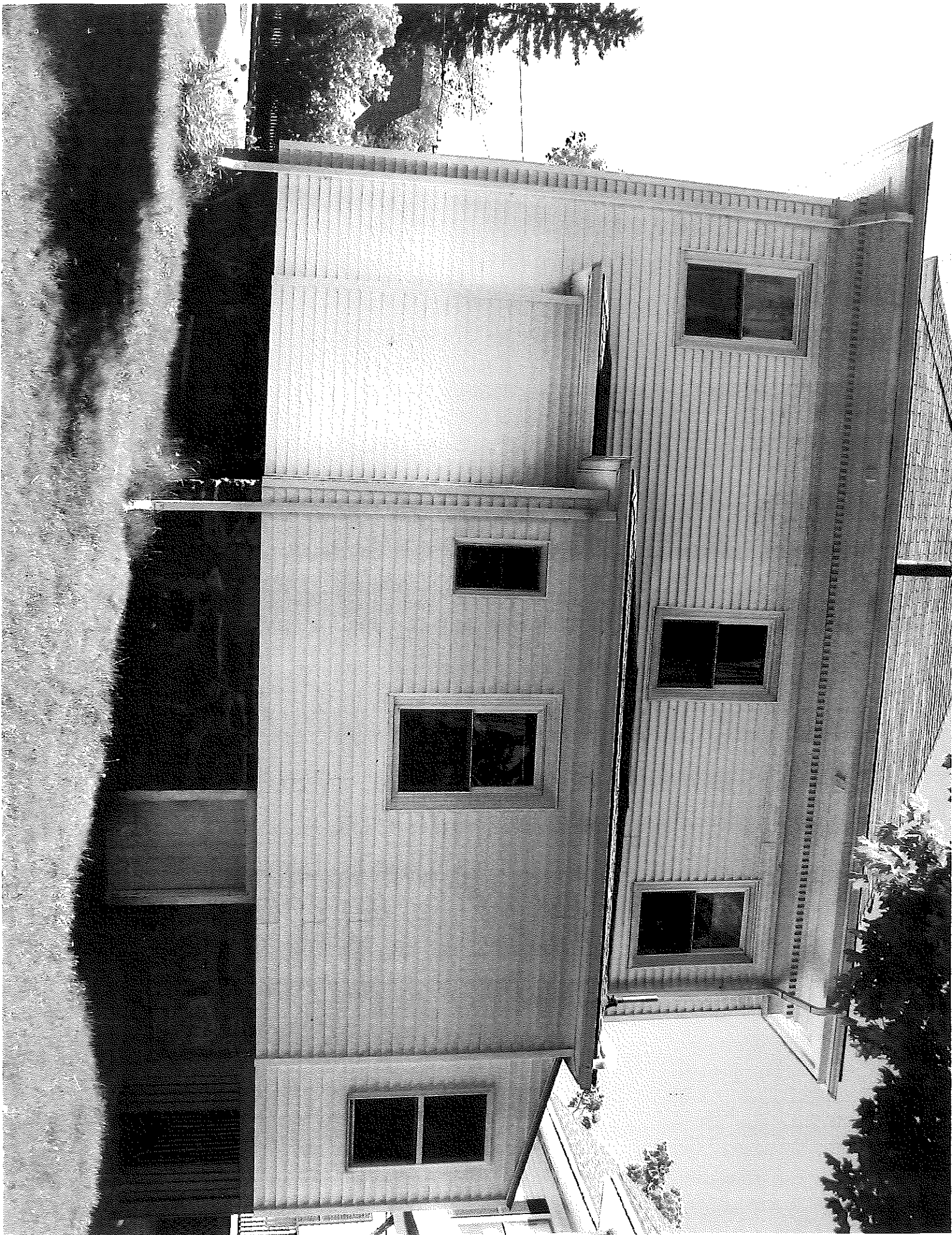
- A: FA/2Fr/B  
370 sqft
- B: FBAY  
12 sqft
- C: 1Fr  
102 sqft
- D: 1Fr  
12 sqft
- E: FBAY  
8 sqft
- F: 2FBAY/B  
24 sqft
- G: FOH/OP  
56 sqft
- H: OFP  
56 sqft

















Return to:

Michael T. Denney and Marleen E. Denney  
8 Arlington Street  
Portland, ME 04101

MAINE REAL ESTATE TAX PAID

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS: That I, **Phillip M. Hoose**, of 8  
Arlington Street, Portland, ME 04101, for consideration paid, grant to **Michael T.  
Denney and Marleen E. Denney**, of 541 Kentucky Avenue SE, Washington, DC  
20003, as joint tenants with rights of survivorship, with WARRANTY  
COVENANTS:

SEE ATTACHED EXHIBIT A.

MEANING and INTENDING to describe and convey the same premises  
conveyed to Shoshana Hoose and Phillip M. Hoose by deed of Yves F. Dalvet  
dated August 14, 1987 recorded at Book 7924, Page 209 in the Cumberland  
County Registry of Deeds. See also Abstract of Divorce Decree dated  
September 9, 2003 recorded at Book 20144, Page 113 in the Cumberland  
County Registry of Deeds.

Executed this 17<sup>th</sup> day of July, 2009.

*Phillip M. Hoose*  
Phillip M. Hoose

State of ME  
County of Cumberland

July 17, 2009

Then personally appeared before me the said Phillip M. Hoose and  
acknowledged the foregoing to be his voluntary act and deed.

*Michelle M. Gilson*  
Notary Public/Justice of The Peace  
Printed Name: Michelle M. Gilson  
Commission expiration: 7/13/2013



### EXHIBIT A

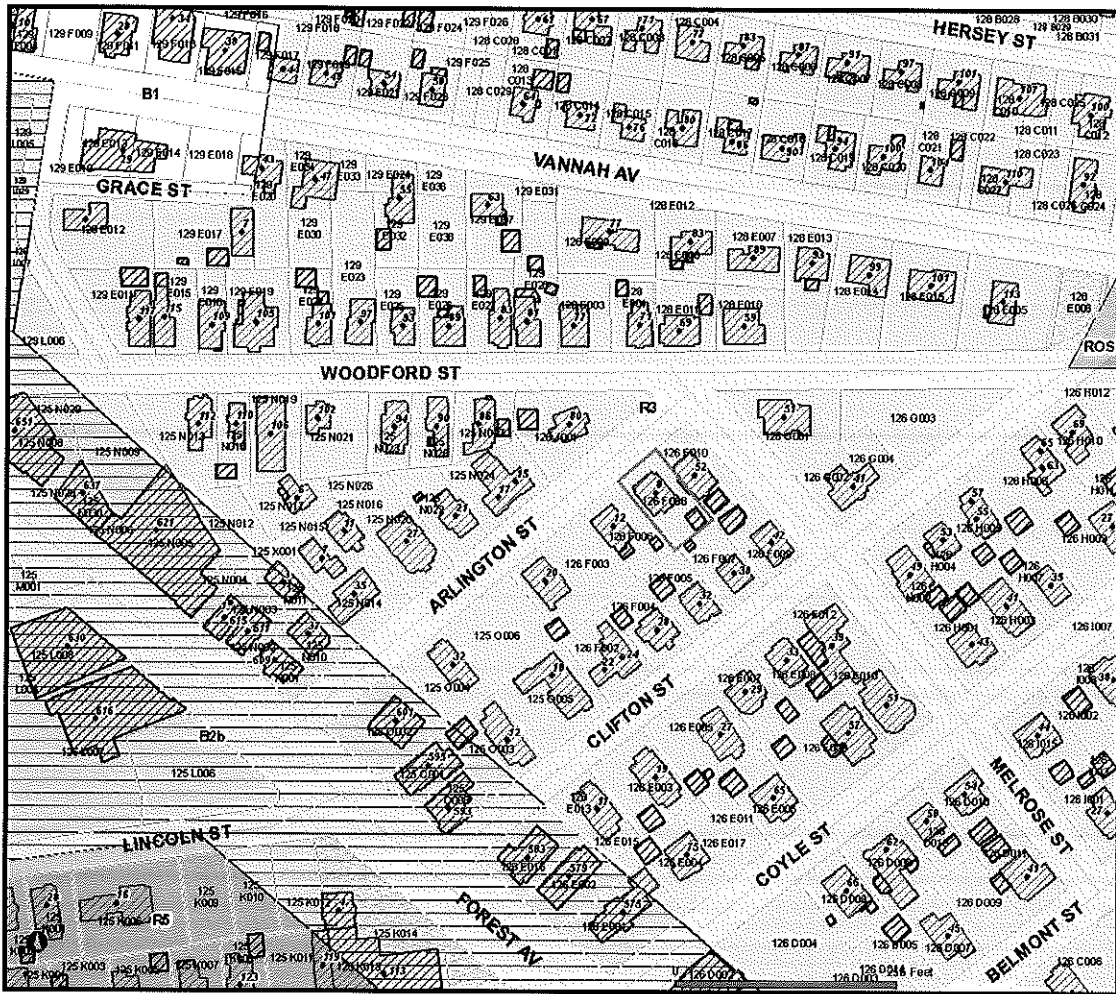
A certain lot or parcel of land, with the buildings thereon, situated on the southeasterly side of Arlington Street at Woodfords, co-called, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on said Arlington Street at the northeasterly corner of the lot of land conveyed to Wilbur C. Whelden by Frank W. Sparrow, and from said corner running on said sideline of said street northeasterly fifty-five (55) feet to a stake and corner, and from these two points extending and running back southeasterly from Arlington Street and adjoining said Whelden land and preserving the uniform width of fifty-five (55) feet a distance of one hundred four (104) feet, more or less, and to the rear line of this land, to wit, the rear line of the lots of land formerly of Ann W. Sparrow situated on the northwesterly side of Clifton Street, together with the right to the use of Arlington Street and also together with and subject to the right to enter and use the main drain, all as more particularly set forth in a deed of the above premises from Patricia A. Townsend to Harold E. Blatt and Antoinette C. Blatt, dated October 20, 1976, recorded in the Cumberland County Registry of Deeds in Book 3926, Page 345.

Received  
Recorded Register of Deeds  
Jul 21, 2009 11:25:24A  
Cumberland County  
Paula E. Lovley







City of Portland  
GIS



DISCLAIMER : This is a product of the City of Portland MIS Department. The data depicted here have been developed with cooperation from other federal, state and local agencies. The City of Portland expressly disclaims responsibility for damages or liability that may arise from the use of this map.

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Portland, Maine  
04101

