



Strengthening a Remarkable City, Building a Community for Life

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Corporation Counsel
Gary C. Wood

Associate Counsel
Mary E. Costigan
Danielle P. West-Chuhta
Ann M. Freeman

March 18, 2011

Mr. Gregory G. Gay
12 Tarbell Street
Portland, ME 04103

Re: (1) House and Deck Located at 12 Tarbell Avenue; (2) 332-E038-R3-16' x 20
Single Story Addition – Permit #09-1235

Dear Mr. Gay:

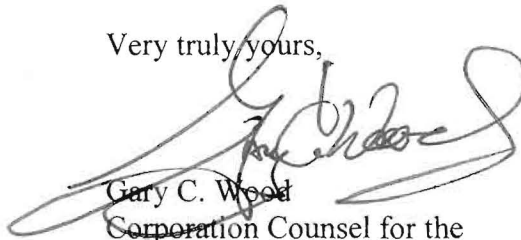
This serves to confirm that based upon an investigation by the City of Portland Corporation Counsel's Office and your affidavit concerning the construction prior to your ownership of the above-referenced property of an unpermitted, non-conforming wooden deck attached to the residence on the property, the City of Portland is satisfied that (a) you did not construct the unpermitted, non-conforming deck, (b) you had no actual or constructive knowledge of the non-conformity of the deck to applicable setback and zoning requirements set forth in the City of Portland Code of Ordinances – including without limitation – those set forth in Sections 14-19 of the Code governing setback requirements in the R3 Zone – and (c) you have cooperated with the City of Portland's investigation of these construction of the deck on the property.

Accordingly, under the unique circumstances of your case and without prejudice to its right to enforce and enjoin similar non-conforming decks and zoning violations in this community, the City of Portland hereby exercises its administrative discretion not to take any action against you, or your successors and assigns, to require you or them to abate the deck in its present condition. This "no action" letter applies both to enforcement of the pertinent sections of the City of Portland Code of Ordinances as they govern the deck and applicable setbacks under both Rule 80K of the Maine Rules of Civil Procedure and under 30-A M.R.S.A. § 4452 and any successor ordinances or statutes.

This letter further serves to confirm that the City of Portland will not take the deck's existence into account in acting on your application to construct an addition to your home for which you have applied for a building permit and which application is presently pending, provided that the application and all associated construction is made to conform to presently existing Code, zoning and setback requirements in the R3 Zone

This letter, bearing my acknowledgement, may be recorded by you in the Cumberland County Registry of Deeds to confirm for you and your successors and assigns that fact and commitment of the City of Portland to take no action as set forth herein for the setback violation associated with the wooden deck in its present condition on your property. Despite this "no action" letter, you may not expand the deck or take any other action that will expand or exacerbate the existing non-conforming deck on the property. Thank you for your cooperation with the investigation of the deck.

Very truly yours,



Gary C. Wood
Corporation Counsel for the
City of Portland

cc: Penny St. Louis
Ann Machado
Paul Driscoll, Esq.

ATTEST:

STATE OF MAINE
CUMBERLAND, ss.

March 18, 2011

Personally appeared the above-named Gary C. Wood in his capacity as the Corporation Counsel of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Portland.

Before me,



Notary Public

Barbara J. Brewer
Printed Name

my commission expires 6-16-2013