

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

Peter Coyne  
Philip Saucier-chair  
Trish McAllister  
Jill E. Hunter  
Gordan Smith-secretary  
William Getz  
Sara Moppin

December 4, 2009

Jonathan L. Goldberg Esq.  
Mittel Asen, LLC  
PO Box 427  
Portland, ME 04101

RE: 8 Ryefield Street  
CBL: 084 E005  
ZONE: IR-2

Dear Mr. Goldberg:

As you know, at the December 3, 2009 meeting, the Zoning Board of Appeals voted 5-0 to grant continuances for the Interpretation Appeal and the Variance Appeal to the February 4, 2010 meeting.

Enclosed please find a bill for the processing fee, the legal ad and abutter's notification for the Interpretation Appeal and the bill for the legal ad and abutter's notification for the Variance Appeal. Also enclosed is a copy of the board's decision.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8709.

Sincerely,



Ann Machado  
Zoning Specialist  
CC: file

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: December 4, 2009

RE: Action taken by the Zoning Board of Appeals on December 3, 2009.

**Members Present:** Phil Saucier (chair), Jill Hunter, Peter Coyne (acting secretary), Trish McAllister, and William Getz.

**Members Absent:** Gordon Smith, and Sara Moppin

#### I. New Business:

##### A. Interpretation Appeal:

8 Ryefield Street, Peaks Island, Philip H. Morgan, owner, Tax Map 084, Block E, Lot 005, IR-2 Island Residential Zone: The appellant is seeking an interpretation of section 14-427 as it relates to the enclosure of an open porch with a roof that existed as of June 5, 1957 which does not meet the required setbacks. The appellant is also seeking an interpretation of the definition of a structure (section 14-47) as it applies to a "tent shed". Representing the appeal is Jonathan Goldberg, Esq. **The Board voted 5-0 to grant a continuance to the February 4, 2010 meeting.**

##### B. Variance Appeal:

8 Ryefield Street, Peaks Island, Philip H. Morgan, owner, Tax Map 084, Block E, Lot 005, IR-2 Island Residential Zone: The appellant is seeking a variance to keep the 8' x 20' deck and steps that were built without a permit. The appellant is requesting a variance for the right side setback from a required 20' to 11.5' [section 14-145.11(c)(3)] and for the rear setback from a required 25' to 6'8" [section 14-145.11(c)(2)]. The appellant is also requesting a variance for the maximum allowable lot coverage from 20% of the lot to 38.4% of the lot [section 14-145.11(d)]. Finally, the appellant is requesting a variance for the setback for a structure in a Shoreland Zone from the required 75' to 26'6" [section 14-449(a)(1)]. Representing the appeal is Jonathan Goldberg, Esq. **The Board voted 5-0 to grant a continuance to the February 4, 2010 meeting.**

##### C. Conditional Use Appeal:

231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone:

The Zoning Board of Appeals granted a Conditional Use Appeal on November 13, 2008 to Dana Fishman, LLC to have a restaurant at 231 York Street [section 14-163(a)]. The Zoning Board of Appeals granted a six month extension for the Conditional Use Appeal on May 21, 2009. The appellant is requesting another six month extension of the Conditional Use Appeal. Representing the appeal is the applicant, Tod Dana. **The Board voted 5-0 to grant an extension for a year from 11/13/09 to 11/13/10.**

**Enclosure:**

Agenda of December 3, 2009

Original Zoning Board Decision

One tape

CC: Joseph Gray, City Manager

Penny St. Louis Littell, Director, Planning & Urban Development

Alex Jaegerman, Planning Division

T.J. Martzial, Housing & Neighborhood Services Division

**From:** "Jonathan Goldberg" <JGoldberg@mittelasen.com>  
**To:** "Ann Machado" <AMACHADO@portlandmaine.gov>  
**Date:** 12/1/2009 2:11:18 PM  
**Subject:** Morgan Appeal to ZBA

Please see attached letter to the Zoning Board of Appeals. I am planning to attend the Thursday meeting (December 3) to make the request in person.

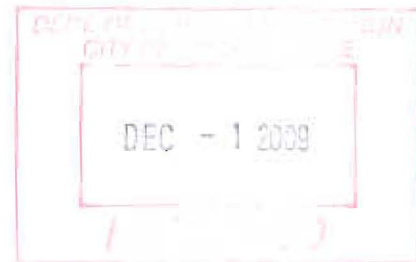
Thank you,  
Jon

- ---Original Message-----

From: Toshiba Copier [mailto:eStudio3510c@mittelasen.com]  
Sent: Tuesday, December 01, 2009 2:02 PM  
To: Jonathan Goldberg  
Subject: Scanned from MFP-05240015 12/01/2009 14:01

Scanned from MFP-05240015.  
Date: 12/01/2009 14:01  
Pages:2  
Resolution:300x300 DPI  
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**CC:** <pmorgan@attglobal.net>





# MITTEL ASEN, LLC

ATTORNEYS AT LAW  
P.O. BOX 427  
PORTLAND, ME 04112-0427



ROBERT E. MITTEL  
MICHAEL P. ASEN  
PETER G. CARY  
DIANE DUSINI  
JONATHAN L. GOLDBERG  
BARRY E. SCHKLAIR  
SUSAN S. BIXBY

85 EXCHANGE STREET, 4<sup>th</sup> FLOOR  
PORTLAND, MAINE 04101

PHONE 207 775-3101  
FAX 207 871-0683

jgoldberg@mittelasen.com

December 1, 2009

VIA EMAIL: [amachado@portlandmaine.gov](mailto:amachado@portlandmaine.gov)

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

Re: *Interpretation Appeal Application of Philip H. Morgan  
for Property at 8 Ryefield Street, Peaks Island, Maine  
C/B/L 84/E/5; Permit # 08-1580 and*

*Hardship Variance Appeal Application of Philip H. Morgan  
for Property at 8 Ryefield Street, Peaks Island, Maine  
C/B/L 84/E/5*

Dear Members of the Zoning Board of Appeals:

I write to request that the Board continue the above-referenced matter from its December 3, 2009 agenda to its February 4, 2010 agenda.

I learned over the Thanksgiving Holiday weekend that Mr. Morgan is unable to attend the meeting on December 3, 2009. Though we otherwise are prepared to make our arguments, I did not want to deny the Board its opportunity to question Mr. Morgan nor deny Mr. Morgan his opportunity to make a statement to the Board.

Mr. Morgan is scheduled for a major surgical procedure in late December. Hence, in order to assure that he has convalesced sufficiently to attend the meeting, he asks that the Board re-schedule these appeals for its first meeting in February.

Thank you for your consideration.

Sincerely,

Jonathan L. Goldberg

A handwritten signature in black ink, appearing to be "Jonathan L. Goldberg", written over the printed name.

F:\Client List\JLG\Moogan, Phil\09-12-01 ZBA Letter For Continuance.Doc

# MITTEL ASEN, LLC

ATTORNEYS AT LAW  
P.O. BOX 427  
PORTLAND, ME 04112-0427

ROBERT E. MITTEL  
MICHAEL P. ASEN  
PETER G. CARY  
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BARRY E. SCHKLAIR  
SUSAN S. BIXBY

85 EXCHANGE STREET, 4<sup>TH</sup> FLOOR  
PORTLAND, MAINE 04101

PHONE 207 775-3101  
FAX 207 871-0683

[jgoldberg@mittelasen.com](mailto:jgoldberg@mittelasen.com)

April 15, 2009

## VIA HAND DELIVERY

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

Re: *Appeal of Decision  
to Deny Issue of Building Permit  
to Philip Morgan for*

Dear Members of the Zoning Board:

This office represents Philip Morgan, 100  
Island. On behalf of Mr. Morgan, I am  
Administrator to deny the appeal. Enclosed  
is a letter from Mr. Morgan regarding the  
matters discussed.

Original application  
#1st complete application

field Street, Peaks  
of the Zoning  
(the "Application").  
act on his behalf with

**The purpose of this letter is to preserve Mr. Morgan's appeal rights with respect to the decision of Zoning Specialist Ann B. Machado as memorialized in her March 16, 2009 letter to Mr. Morgan and her March 24, 2009 letter to Mr. Morgan.** We would like to investigate Mr. Morgan's options under the Portland Land Use Ordinance for enclosing the six (6) foot by twenty-eight (28) foot porch on the above-referenced property. We simply do not have enough information at hand to assert an effective appeal.

Furthermore, Ms. Machado's March 24, 2009 letter informs Mr. Morgan that his "deck and tent shed do not meet the required setbacks or the maximum allowable lot coverage, and they are located in the shoreland zone, they cannot be permitted and therefore must be removed." Mr. Morgan wishes to appeal this decision, as well. Although Ms. Machado has informed me that the decisions described in the March 16 and March 24 letters must be appealed separately, it certainly makes sense for the ZBA to hear the appeals on the same evening.

Members of the Zoning Board of Appeals  
April 15, 2008  
Page 2 of 2

We request that the Zoning Board of Appeals treat both appeals as timely made, but stay any action to schedule the hearings pending submission of additional materials by the property owner. At this time, we are unsure whether the appeals will be styled as Interpretation Appeals, Practical Difficulty Variance Appeals, Variance (Hardship) Appeals, or some combination of two-of-these-three possibilities.

Enclosed please find our check in the amount of \$200.00 as payment in full for the appeal application fees for two (2) separate appeals as noted above. I will be away from my office until Monday, April 27, 2009. Upon my return, I will communicate with the Portland Planning and Development Department to pursue the appeals.

Thank you for your consideration. Please communicate with the applicants directly through this office.

Sincerely,

Jonathan L. Goldberg

Enclosure

cc: Philip Morgan



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

Applicant Information:

Philip H. Morgan

Name

Business Name

30 Barkley Ave.

Address

Auburn, ME 04210

207-786-3102

Telephone

Fax

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

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

Current Zoning Designation: IR-2

Existing Use of Property:

Residence

Type of Relief Requested:

Define "Major portion" and "glass" as

they relate to see 14-427

Subject Property Information:

8 Ryefield Street, Peaks Island

Property Address

84 E 5

Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Same  
Name

Address

Telephone

Fax

Disputed Provisions from Section 14 - 427

Order, decision, determination, or interpretation under  
dispute: Decision of Ann Machado in her

March 16, 2009 letter to the applicant.

Representing: John Haddock  
MAY 18 2009

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.

John Haddock, Atty for Applicant  
Signature of Applicant

5/18/09  
Date



# MITTEL ASEN, LLC

ATTORNEYS AT LAW  
P.O. BOX 427  
PORTLAND, ME 04112-0427

ROBERT E. MITTEL  
MICHAEL P. ASEN  
PETER G. CARY  
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SUSAN S. BIXBY

85 EXCHANGE STREET, 4<sup>TH</sup> FLOOR  
PORTLAND, MAINE 04101

PHONE 207 775-3101  
FAX 207 871-0683

jgoldberg@mittelasen.com

May 18, 2009

## VIA HAND DELIVERY

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

Re: ***Interpretation Appeal Application of Philip H. Morgan  
for Property at 8 Ryefield Street, Peaks Island, Maine  
C/B/L 84/E/5; Permit # 08-1580***

Dear Members of the Zoning Board of Appeals:

This office represents Philip H. Morgan, owner of property known as 8 Ryefield Street, Peaks Island, Maine. Please see the enclosed authorization letter signed by Mr. Morgan authorizing me to pursue this appeal.

In her letter of March 16, 2009, Ann Machado denies Mr. Morgan's application for Building Permit # 08-1580. The offending part of the application is an open porch covered by a roof. The porch and roof do not meet the required minimum side setback of 20 feet. In fact, the porch and roof extend to the side property line with no setback. As Ms. Machado points out, the Zoning Ordinance permits enclosure of such an open porch under the provisions of Section 14-427: "Any open porch existing with a roof over the same on June 5, 1957, and encroaching upon any yard required by this article may be enclosed if the major portion of the enclosure is of glass. (Code 1968, § 602.19.F)."

The depth of the porch that Mr. Morgan seeks to enclose is only 5' - 6" deep. Thus, the difference between maintaining the porch and its roof and modifying it with a wall to enclose the porch and roof is minimal. Arguably, the only property affected by the enclosure is the

abutting property that would have a clear view of the five-and-a-half-foot-closer exterior wall and front entrance. Given that the open deck will, under the proposed permit, become interior living space, the question of quantity and positioning of windows and glass doors becomes important to both the applicant and his abutter.

The Zoning Ordinance gives no guidance as to the meaning of "if the major portion of the enclosure is glass." Does "major portion" mean "most?" If so, by volume or area? If by area, as viewed from the interior of the structure or from the exterior? Does a "major portion of glass" mean more glass than wood studs, framing, and insulation? Or does it mean more glass than interior wall surfaces or exterior siding surfaces? Is glass a term intended to mean windows and doors? Before attempting to answer these questions, the Board may wish to consider what the drafters of the Ordinance were trying to accomplish.

It is easy to understand that in situations where the Ordinance provides an "automatic" relaxing of the setback requirement, as in Section 14-427, certain conditions or restrictions might apply. At first thought, the abutter might object to seeing his neighbor's covered porch—very close to, or on the property line—enclosed with a blank wall. But it's equally likely that the abutter would choose *not* to be faced with a new exterior wall that is *more than 50% windows and glass doors* (the interpretation given to 14-427 by the Zoning Administrator). A mostly-glass exterior wall just inches or feet from a property line calls to mind the notion of "living in a fishbowl" for both the applicant and the abutter. While there may be no universally preferred amount of glass in such situations, it certainly seems likely that *moderation* is a prudent goal. Mr. Morgan would like to moderate the amount of windows and glass-door area in his proposed enclosure wall.

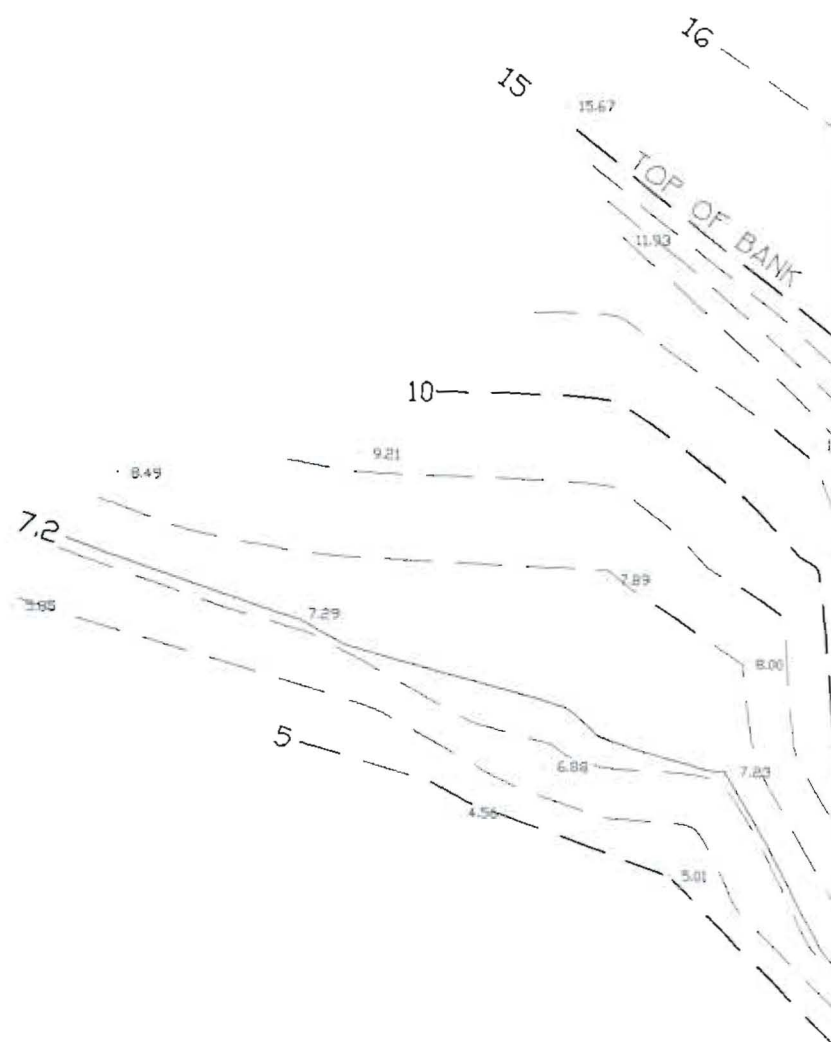
One alternative to attempting to divine the intent of the Ordinance's drafters is for the Zoning Board of Appeals to grant a reduction in the setback from 20 feet to 0 feet, thereby avoiding the provisions of Section 14-427. We hope that the Board can empathize with the applicant in his effort to enclose his porch in a fashion that is practical, attractive, and favored by all concerned.

Sincerely,

Jonathan L. Goldberg

Enclosures

F:\Client List\JLG\Morgan, Phil\09 05 18 ZBA Letter For Interpretation Appeal.Doc



HADLOCK COVE  
CASCO BAY  
ATLANTIC OCEAN





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

Applicant Information:

Philip H. Morgan

Name

Business Name

30 Barkley Ave.

Address

Auburn, ME 04210

207-786-3102

Telephone

Fax

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

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

Current Zoning Designation: IR-2

Existing Use of Property:

Residence

Type of Relief Requested:

Define "Major portion" and "glass" as

they relate to see 14-427

Subject Property Information:

8 Ryefield Street, Peaks Island

Property Address

84 E 5

Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone

Fax

Disputed Provisions from Section 14 - 427

Order, decision, determination, or interpretation under  
dispute: Decision of Ann Machado in her

March 16, 2009 letter to the applicant.



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.

Signature of Applicant

Philip H. Morgan, Atty for Applicant

Date

5/18/09



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

Applicant Information:

Philip H. Morgan  
Name

Business Name

30 Barkley Ave.  
Address

Auburn, ME 04210

207-786-3102

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Type of Relief Requested:

Define "Major portion" and "glass" as

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Property Address

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Property Owner (if different):

Name

Address

Telephone

Fax

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Order, decision, determination, or interpretation under  
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March 16, 2009 letter to the applicant.



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.

Signature of Applicant

Philip H. Morgan, Atty for Applicant

Date

5/18/09



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

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

TO: CHAIR AND MEMBERS OF THE ZONING BOARD OF APPEALS  
FROM: ANN MACHADO, ZONING SPECIALIST *ABM*  
SUBJECT: 8 RYEFIELD STREET, PEAKS ISLAND, 084-E-005 - IR-2  
DATE: NOVEMBER 24, 2009

This memo is to address some of the points that Mr. Goldberg brought up in his Interpretation Appeal and the Variance Appeal for 8 Ryefield Street, Peaks Island.

One issue that the Interpretation Appeal addresses is the interpretation of section 14-427. Section 14-427 states; "Any open porch existing with a roof over the same on June 5, 1957 and encroaching upon any yard required by this article may be enclosed if the major portion of the enclosure is of glass". (attachments #1 & #2) Mr. Morgan applied for a permit on 12/23/08 to "enclose 6' x 28' porch except for 2' x 9' area by steps – all in original footprint". (attachment #3) Since the porch is located right on the side property line well within the required 20' side setback, the majority of the enclosure must be of glass. To meet the criteria, just over 50% of the walls of the porch must be glass. The plans submitted with the permit did not meet this standard. Revised plans were submitted which still did not show more than 50% of the walls as glass. On the last plans submitted on 2/20/09 only 19.2% of the total wall area was glass. (attachment #4) Section 14-427 is quite straight forward and specific about what is allowed. It does not list any exceptions or special circumstances where it does not apply. The application to enclose the porch did not meet the criteria.

The second issue that Mr. Goldberg addresses in the interpretation appeal is the definition of a structure (section 14-47) as it pertains to a "tent shed". Mr. Goldberg argues that the "tent shed" is not a structure. A structure is defined as "Anything constructed or erected of more than one (1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground". (attachment #5) The tent shed has a framework that supports the fabric that covers it. This framework is made up of more than one member. The tent shed is fixed to the ground by four stakes, one at each corner. The "tent shed" is a structure according to the definition and must be permitted as such.

With the Variance Appeal for the deck, there are also a few issues. In my letter dated March 24, 2009, I point out that the deck did not exist on the pre-1957 assessor's card. It



also was not shown on the 1981 assessor's card. (attachment #6) It was built sometime after 1981, and there is no record of a permit being applied for.

In his cover letter, Mr. Goldberg states that it would have been "virtually impossible for the Morgan family or its title attorney to have ascertained that the deck and stairs were constructed without a permit". Our records are open to the public, and the research could have been done to see if all parts of the existing structure were permitted when the Morgan family purchased the property. It is the responsibility of the buyers to do their due diligence.

Finally, Mr. Goldberg states that the rear door to the dwelling which goes out on to the deck is the only secondary access and egress to the building. However, beside the front door, there is also a side door that opens on to the side porch, so a secondary means of egress already exists. This particular door provides a third access and egress.

# Attachment #1

City of Portland  
Code of Ordinances  
Sec. 14-422

Land Use  
Chapter 14  
Rev. 9-17-09

## Sec. 14-423. Joint occupancy.

When two (2) or more uses occupy the same building or premises, the off-street parking and loading requirements and the area per dwelling unit requirements of both uses shall be met in full.

(Code 1968, § 602.19.B)

## Sec. 14-424. Required open space.

No part of a yard or other open space required about any building under this article shall be included as a part of a yard or other open space required for another building.

(Code 1968, § 602.19.C)

## Sec. 14-425. Projections in required yard areas.

Any yard may be occupied by a one-story entrance porch not enclosed, with or without a roof, if the area of the porch does not exceed fifty (50) square feet nor the projection from the building exceed six (6) feet. A basement bulkhead of similar size, but not more than twenty four (24) inches in height, is also permitted. A cornice eave, sill, canopy, chimney, or other similar architectural feature, but not including a bay window, may project into any required yard a distance of not more than two (2) feet.

(Code 1968, § 602.19.D; Ord. No. 78-03/04, 10-20-03)

## Sec. 14-426. Fences.

In residence zones no wall or fence along a street line or within twenty-five (25) feet of a street line shall be more than four (4) feet in height unless said fence is located in the side or rear yard and is reviewed by the public works authority and found not to be a traffic or public safety hazard, subject to the provisions of section 14-434.

(Code 1968, § 602.19.E; Ord. No. 247-97, 4-9-97)

## Sec. 14-427. Enclosure of porches.

Any open porch existing with a roof over the same on June 5, 1957, and encroaching upon any yard required by this article may be enclosed if the major portion of the enclosure is of glass.

(Code 1968, § 602.19.F)

## Sec. 14-428. Corner lots.



## 1951

GRADE DENOTES QUALITY OF CONSTRUCTION: A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP; E—VERY CHEAP

YEAR 19

YEAR 19

55  
95

$$\begin{array}{l} 32 \times 28 = \\ 6 \times 28 = \end{array}$$

(四)

1951 assessor's  
card

## CONSTRUCTION

FOUNDATION		FLOOR CONST.				PLUMBING	
CONCRETE		WOOD JOIST			✓	BATHROOM	✓
CONCRETE BLOCK		STEEL JOIST				TOILET ROOM	
BRICK OR STONE		MILL TYPE				WATER CLOSET	
PIERS	✓	REIN. CONCRETE				LAVATORY	
CELLAR AREA FULL	✓	FLOOR FINISH				KITCHEN SINK	✓
1/4 1/2 3/4			B	1	2	3	
NO. CELLAR		CEMENT					
EXTERIOR WALLS		EARTH	✓				
CLAPBOARDS	✓	PINE		✓	✓		
WIDE SIDING		HARDWOOD					
DROP SIDING		TERRAZZO					
NO SHEATHING		TILE					
WOOD SHINGLES							
ASBES. SHINGLES							
STUCCO ON FRAME		ATTIC FLR. & STAIRS				TILING	
STUCCO ON TILE		INTERIOR FINISH				BATH FL. & WCOT.	
BRICK VENEER			B	1	2	3	
BRICK ON TILE		PINE		✓	✓		
SOLID BRICK		HARDWOOD					
STONE VENEER		PLASTER					
CONC. OR CIND. BL.		UNFINISHED		✓	✓		
		METAL CLG.					
TERRA COTTA							
VITROLITE		RECREAT. ROOM					
PLATE GLASS		FINISHED ATTIC					
INSULATION		FIREPLACE					
WEATHERSTRIP		HEATING				OCCUPANCY	
ROOFING		PIPELESS FURNACE				SINGLE FAMILY	
ASPH. SHINGLES		HOT AIR FURNACE				TWO FAMILY	
WOOD SHINGLES		FORCED AIR FURN.				APARTMENT	
ASBES. SHINGLES		STEAM				STORE	
SLATE TILE		HOT WAT. OR VAPOR				THEATRE	
METAL		NO HEATING		✓		HOTEL	
COMPOSITION						OFFICES	
ROLL ROOFING		GAS BURNER				WAREHOUSE	
INSULATION		OIL BURNER				COMM. GARAGE	
		STOKER				GAS STATION	
						ECONOMIC CLASS	
						OVER BUILT	
						UNDER BUILT	
						DT. 8-10-50	
						AR. 30	
						LD. 12	
						FD. 30	
						MS. 12	
						CK. 31	

## COMPUTATIONS

UNIT	1951	
525 S. F.	1950	
S. F.		
ADDITIONS	+530	
F.D.T.	-140	
BASEMENT	+250	
WALLS		
ROOF		
1 1/2 Bay	+ 30	
FLOORS	-80	
ATTIC		
FINISH	-580	
FIREPLACE		
HEATING		
PLUMBING	+210	
TILING		
TOTAL	2190	
FACT. HO	200	
REP. VAL.	2370	

Attachment #2

## SUMMARY OF BUILDINGS

OCC'Y	TYPE	GR.	AGE	REMOD.	COND.	REP. VAL.	P. D.	PHY. VAL.	F. D.	SOUND VAL.	TAX VAL.
Cottage	A 20/6r	DC	7		P	2370	55%	1070	A	1070	650
	B								B		
	C								C		
	D								D		
	E								E		
	F								F		
	G								G		
YEAR	1951					1951 TOTAL BLOGS.				1070	650
TAX VAL.	650					TAX	19			19	
OLD VAL.						VALS.	19			19	
CHANGE							19			19	



Attachment # 3

**City of Portland, Maine - Building or Use Permit**

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

Permit No: 08-1580	Date Applied For: 12/23/2008	CBL: 084 E005001
Location of Construction: 8 RYEFIELD ST, Peaks Island	Owner Name: MORGAN PHILIP II	Owner Address: 30 BARKLEY AVE
Business Name:	Contractor Name: Terry Edwards	Contractor Address: 36 Whispering Pines Drive SoPortland
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings

Proposed Use: Single Family Home - Rebuild existing 6' x 28' porch w/ new foundation - all in original footprint.	Proposed Project Description: Rebuild existing 6' x 28' porch w/ new foundation - all in original footprint
--	--

Dept: Zoning      Status: Approved with Conditions      Reviewer: Ann Machado      Approval Date: 03/19/2009

Note: Original application description was to "enclose 6' x 28' porch except for 2' x 9' area by steps - all in original footprint". Received revised description 3/19/09.      Ok to Issue: ☒

- 1) The owner has thirty days to remove the 20' x 8' deck and steps on the rear of the house and the 12' x 20 tent shed on the property because they were not permitted and therefore are illegal.
- 2) This permit is being issued with the condition that all the work is taking place within the existing footprint, and that the completed foundation does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three additional feet beyond the height of the structure prior to the installation of the new foundation.
- 3) This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
- 4) 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 with Conditions      Reviewer: Tom Markley      Approval Date: 03/23/2009

Note: called Terry and requested more building info before issuing permit. Terry called back and have received needed info, ok to issue.      Ok to Issue: ☒

- 1) Permit approved based on the plans submitted and reviewed w/owner/contractor, with additional information as agreed on and as noted on plans.
- 2) Separate permits are required for any electrical, plumbing, HVAC or exhaust systems. Separate plans may need to be submitted for approval as a part of this process.



**Comments:**

12/31/2008-lmd: Intake taken by Gayle, see her with any questions

12/31/2008-amachado: Spoke to the owner Philip Morgan. Told him about that it was in shoreland. He asked me to call the contractor Terry Edwards. I also told Philip Morgan that the deck was put on without a permit. He said that it was there when he bought the house in 1995. I told him that it would have to come off if there was no permit. He said that he enlarged the platform at the top of the stairs at the front entry. He said that it was within the footprint of the stairs. I left a voicemail for Terry Edwards.

1/2/2009-amachado: Met with Terry Edwards at the counter. Went over the need for the survey with 75' setback from high tide located. Also talked about the fact that can't find permit for the existing deck.

1/29/2009-amachado: Terry brought in a survey on 1/26/09. The building falls within the 75' setback from the highest spring tide. Left Terry a vcm. Need information on the existing floor area and volume and the proposed floor area and volume. Also the structure falls within the AO floodzone so a Flood Hazard Development Permit Application needs to be filled out.

Location of Construction: 8 RYEFIELD ST, Peaks Island	Owner Name: MORGAN PHILIP H	Owner Address: 30 BARKLEY AVE	Phone: 207-786-3102
Business Name:	Contractor Name: Terry Edwards	Contractor Address: 36 Whispering Pines Drive SoPortland	Phone (207) 899-5737
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings	

1/29/2009-amachado: Met with Terry Edwards. He took the survey back because it was the only one he had. He will get a scalable stamped survey & 11" x 17" copy from surveyor. We went over the floor area and volume requirements for shoreland. I gave him the Flood Hazard Development Permit Application. He may add to the application by putting a deck over the first floor section of the existing building.

2/23/2009-amachado: Met with Terry on 2/20/09. He submitted Flood Hazard Permit application, stamped boundary survey & numbers for the existing floor area and volume. I left him a voicemail. Have questions about the numbers for the existing floor area and volume.

2/25/2009-amachado: Met with Terry Edwards. Went over the new numbers for the volume and floor area within shoreland. Looked at newest proposal for the windows on the enclosed porch. The enclosed porch needs to be at least 50% windows. The proposed plans did not show this. Terry was going to talk to the owner and get back to me.

3/11/2009-amachado: Terry came in today and picked up a "hardship" variance application. The owner does not want to have the enclosed porch be 50% glass.

3/16/2009-amachado: Sent letter. Application denied. 30 days to appeal decision.

3/16/2009-amachado: Returned phone call to Terry Edwards. Philip Morgan has decided not to pursue variance. Will not enclose porch at this time. Wants to just rebuild existing porch but will put foundation under it.

3/19/2009-amachado: Terry Edwards came in and revised the permit description. Now he is just rebuilding the original porch with a new foundation. The cost of the work will now be \$6,000 instead of the original \$12,000 that he paid for (\$140). Lisa asked him to bring in the original receipt with a request in writing to have a refund of the difference in the cost of work.





Original - see revised 3/19/09  
**General 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: #8 Riverview St. PARKS IS. ME OFFICE			
Total Square Footage of Proposed Structure/Area 480 sq ft		Square Footage of Lot	Number of Stories 1
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# 84 E 5	Applicant *must be owner, Lessee or Buyer* Name Philip H. MORGAN Address 30 BARKLEY AV City, State & Zip AUBURN, ME 04210		Telephone: 207-786-3102
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work: \$ 12,000.00 C of O Fee: \$ 140.00 Total Fee: \$ 140.00	
Current legal use (i.e. single family) Single Family Number of Residential Units			
If vacant, what was the previous use?			
Proposed Specific use: Cottage		DEC 23 2008	
Is property part of a subdivision? No If yes, please name			
Project description: In close porch w-Deck 2x8 w stairs 6' x 28' In original foot print.			
Contractor's name: T Edwards Terry			
Address: 36 Whispering Pines Dr			
City, State & Zip: So. Portland ME 04106		Telephone: 899 5715	
Who should we contact when the permit is ready: T Edwards		Telephone: "	
Mailing address: "			

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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.

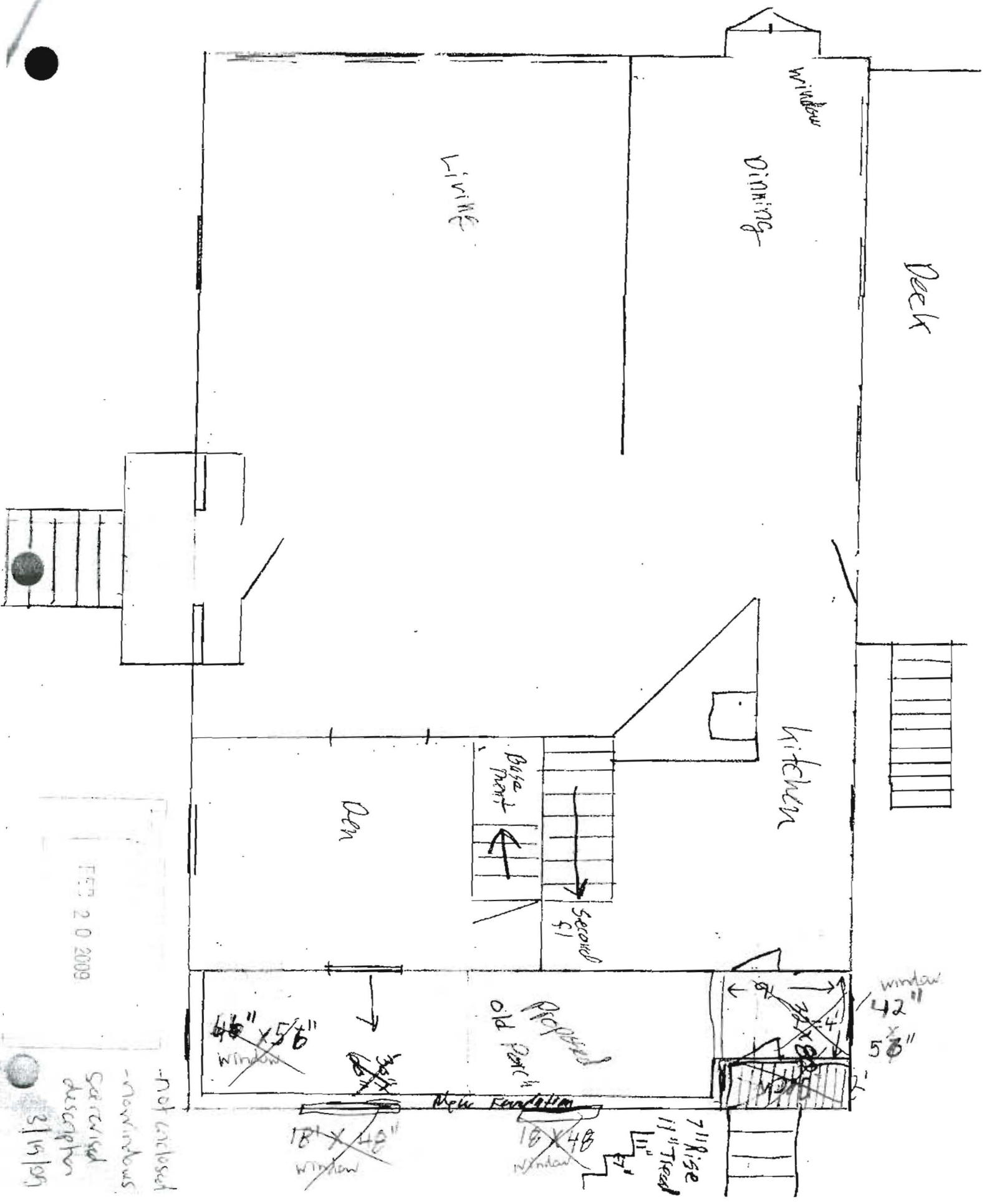
Signature:

Philip H. Morgan

Date:

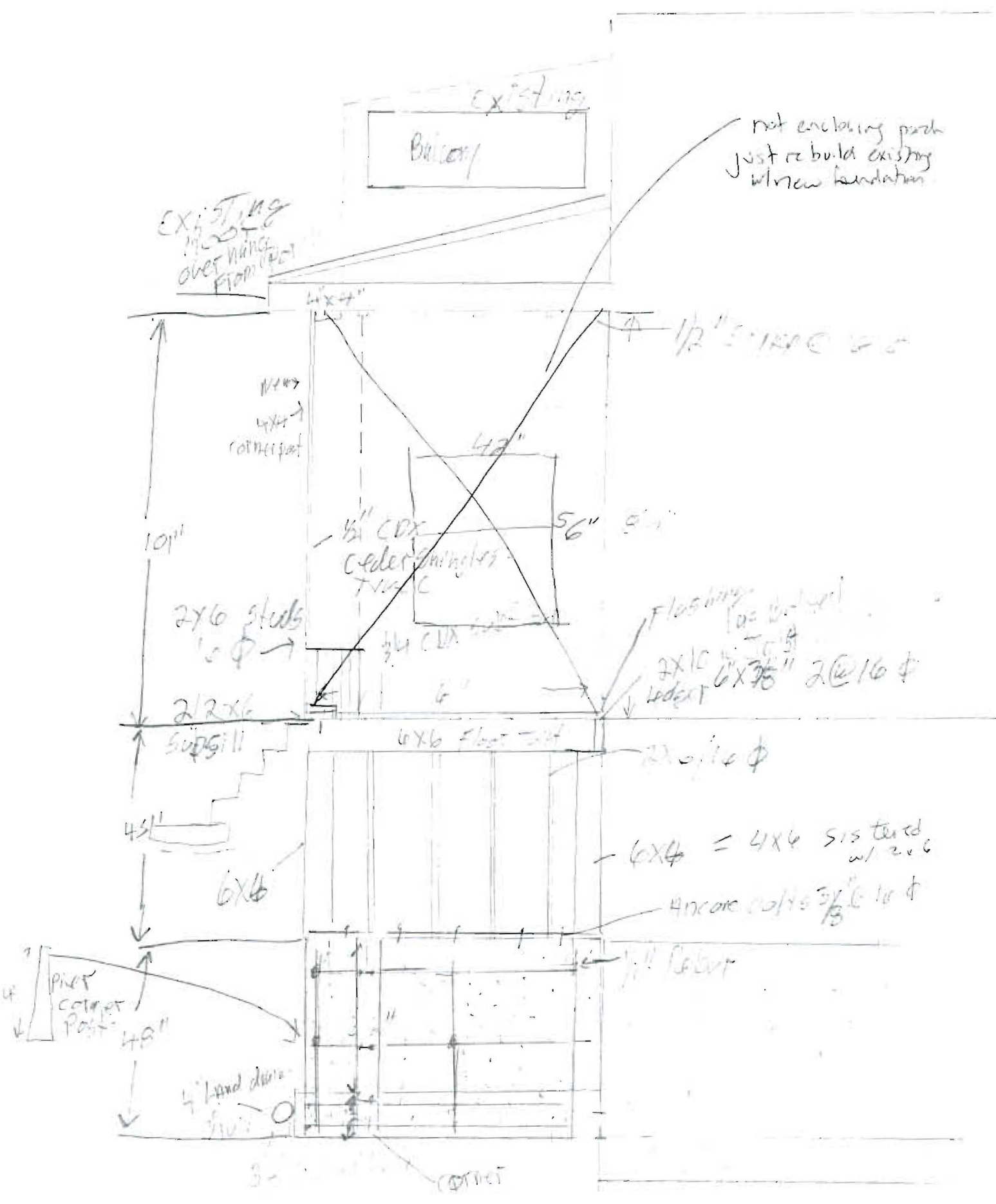
Dec. 19, 2008

This is not a permit; you may not commence ANY work until the permit is issued.



FEB 20 2009

Not enclosed  
- new windows  
Sarcoid  
discrepancy  
3/15/09



Existing  
Balcony

Existing  
Foot  
over  
Wing  
Foot

not enclosing porch  
just re build existing  
w/ new foundation

1/2" CDX

4x4  
corner post

4'2"

5'6"

1/2" CDX  
Cedar sheathing  
T.V.C.

2x6 studs  
1/2" CDX

Flashings  
2x10  
4x4  
6x6 2@16"

2x6  
Subsill

6x6 Floor Joist

2x6 16"

4x4

6x6

4x4 = 4x4 sistered  
w/ 2x6  
Anchor bolts 3/8" x 10"

4x4  
Pier  
corner  
Post

4' hand down  
3'10"

1/2" Rebar

corner



## Attachment #4

Interpretation Appendix Window area to wall area based on 2/20/09 submittal.

front wall wall area -  $6' \times 8'4"$   
 $6 \times 8.33 = \boxed{49.98 \text{ sf.}}$   
Window area -  $46" \times 56" = \cancel{2576} \text{ s. inches}$   
 $= \boxed{17.89 \text{ sf.}}$

\* window covers 35.8% of wall ( $17.89/49.98$ )

Side wall: wall area -  $28' \times 8'4"$   
 $- 28 \times 8.33 = \boxed{233.24 \text{ sf.}}$   
window area -  $18" \times 48" = \cancel{672} \text{ s. inches}$   
 $= 6 \text{ sf.}$   
 $- 2 \text{ windows} = 12 \text{ sf.}$   
door area -  $32" \times 80" = 2560 \text{ s. inches}$   
 $= 17.78 \text{ sf.}$   
total area =  $\boxed{29.78 \text{ sf.}}$

\* windows + door cover 12.77% of wall ( $29.78/233.24$ )

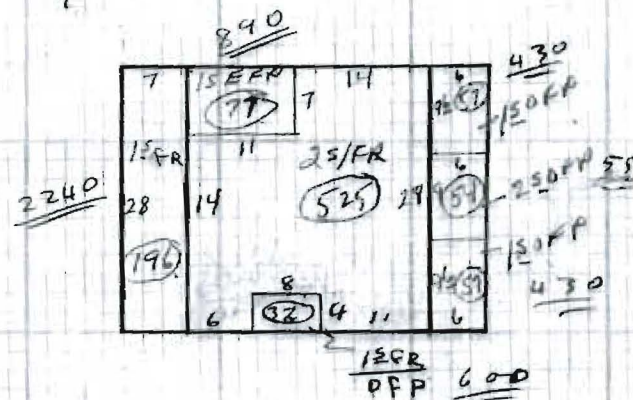
rear wall: wall area  $6' \times 8'4"$   
 $6 \times 8.33 = \boxed{49.98 \text{ sf.}}$   
window  $42" \times 56" = 2352 \text{ s. inches}$   
 $= \boxed{16.33 \text{ sf.}}$

\* Window covers 32.67% of wall area ( $16.33/49.98$ )

\* total percent window to wall is 19.2% ( $64/333.2$ )

**VACANT LOT**  
**DWELLING DATA** **EST.**  
**CONSTRUCTION**  
 1.0 STORY 2  
 1 BRICK 4 CONC. BLK. 7 STONE  
 2 FRAME 5 STUCCO 8  
 2 SPLIT-LEVEL 3 FR. & MAS 6 9  
**AGE**  
 ERECTED 1 REMODELED 19  
**LIVING ACCOMMODATIONS**  
 TOTAL BED. FAMILY  
 ROOMS ROOMS ROOMS  
 FULL HALF TOTAL  
 BATHS BATHS FIXTURES 25  
**FOUNDATION**  
 CONCRETE  
 NC. BLOCK WALLS  
 CK. STONE WALLS  
 RS. SLAB/CRAWL  
 SEMENT-FULL  
 0 1/4 1/2 3/4  
**EXTERIOR WALLS**  
 OD VINYL ALUM  
 NGLES WOOD  
 NGLES ASPHALT  
 NGLES ASBESTOS  
 CK VENEER  
 ANKET INSULATION  
 OF INSULATION  
**ROOFING**  
 NGLES ASPHALT  
 NGLES WOOD  
 NGLES ASBESTOS  
 STE  
 LL  
**FLOORS**  
 8 1 2 3  
 CONCRETE  
 RTH  
 IE  
 ROWOOD  
 PH. TILE  
 SPET  
**NOTES:**  
 OWNER  
 TENANT  
 NO ANSWER  
 INSPECTED  
 REFUSED ENTRY  
 INFO @ DOOR  
 REFUSED INFO

**OCCUPANCY**  
 SINGLE FAMILY  
 TWO FAMILY  
 APARTMENT  
 NO. UNITS  
 OTHER  
 COTTAGE  
 UNFIN  
 FIN. OPEN  
 FIN. DIV.  
**GROUND FLOOR AREA**  
 ADDITION POINTS  
 GRADE FACTOR  
 C & D FACTOR  
 CDU  
 DEPRECIATION  
**OTHER FEATURES**  
 MASONRY TRIM  
 MODERNIZED KITCHEN  
 RECREATION ROOM  
 WOODBURNING FIREPLACE  
 BASEMENT GARAGE  
 ATTACHED GARAGE  
 TOTAL OTHER FEATURE POINTS  
**DWELLING COMPUTATIONS**  
 19 19 19 19  
 BASE PRICE 18,850  
 PLUMBING 2,500  
 BASEMENT 8,530  
 ATTIC 1,870  
 HEATING 5,140  
 ADDITIONS  
 DORMERS  
 TOTAL BASE 36,890  
 GRADE FACTOR 110  
 TOTAL 40,580  
 OTHER FEATURES  
 TOTAL 40,580  
 C & D FACTOR  
 REPL. COST 40,580  
 DEPREC 30/10  
 R.C.E.D. 25,570  
**OTHER BUILDINGS AND YARD**  
 NO. TYPE SIZE GRADE RATE REPL. COST DEPR. R.C.E.D. TYPE CODE  
 1  
 2  
 3  
 4  
 5  
 # NO. OF ENTRIES  
 TOTAL VALUE BUILDINGS 25,570  
 YEAR  
 NOTES:  
 1981 assessor's card



Attachment #6





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

Applicant Information:

Philip H. Morgan

Name

Business Name

30 Barkley Ave.

Address

Auburn, ME 04210

207-786-3102

Telephone

Fax

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

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

Current Zoning Designation: IR-2

Existing Use of Property:

Residence

Type of Relief Requested:

Define "Major portion" and "glass" as

they relate to see 14-427

Determine if "tent shed" is a structure  
as defined in the Land Use Ordinance.

Subject Property Information:

8 Ryefield Street, Peaks Island

Property Address

84 E 5

Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone

Fax

Disputed Provisions from Section 14 - 427 & 14-47

Order, decision, determination, or interpretation under  
dispute: Decision of Ann Machado in her

March 16, 2009 letter to the applicant.

ordering removal of the rear porch

and "tent shed."

RECEIVED

NOV 18 2009

Dept. of Building Inspections  
City of Portland Maine

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.

Signature of Applicant

Date

11/17/09

# MITTEL ASEN, LLC

ATTORNEYS AT LAW  
P.O. BOX 427  
PORTLAND, ME 04112-0427

ROBERT E. MITTEL  
MICHAEL P. ASEN  
PETER G. CARY  
DIANE DUSINI  
JONATHAN L. GOLDBERG  
BARRY E. SCHKLAIR  
SUSAN S. BIXBY

85 EXCHANGE STREET, 4<sup>th</sup> FLOOR  
PORTLAND, MAINE 04101

PHONE 207 775-3101  
FAX 207 871-0683

jgoldberg@mittelasen.com

November 9, 2009

VIA HAND DELIVERY

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

NOV - 9 2009

Re: *Interpretation Appeal Application of Philip H. Morgan  
for Property at 8 Ryefield Street, Peaks Island, Maine  
C/B/L 84/E/5; Permit # 08-1580 and*

*Hardship Variance Appeal Application of Philip H. Morgan  
for Property at 8 Ryefield Street, Peaks Island, Maine  
C/B/L 84/E/5*

Dear Members of the Zoning Board of Appeals:

This office represents Philip H. Morgan, owner of property known as 8 Ryefield Street, Peaks Island, Maine. Please see the enclosed authorization letter signed by Mr. Morgan authorizing me to pursue this appeal. We are pursuing two separate appeals that concern the same property. This letter addresses both of those appeals.

Interpretation Appeal

In her letter of March 16, 2009, Ann Machado denies Mr. Morgan's application for Building Permit # 08-1580. The offending part of the application is an open porch covered by a roof. The porch and roof do not meet the required minimum side setback of 20 feet. In fact, the porch and roof extend to the side property line with no setback. As Ms. Machado points out, the

Zoning Ordinance permits enclosure of such an open porch under the provisions of Section 14-427: "Any open porch existing with a roof over the same on June 5, 1957, and encroaching upon any yard required by this article may be enclosed if the major portion of the enclosure is of glass. (Code 1968, § 602.19.F)."

The depth of the porch that Mr. Morgan seeks to enclose is only 5'-6" deep. Thus, the difference between maintaining the open porch and its roof and enclosing it with a wall is minimal. Arguably, the only property affected by the enclosure is the abutting property that would have a clear view of the five-and-a-half-foot-closer exterior wall and front entrance. Given that the open deck will, under the proposed permit, become interior living space, the question of quantity and positioning of windows and glass doors becomes important to both the applicant and his abutter.

The City's interpretation of 14-427 is that the exterior walls of the porch enclosure must be a minimum of 50% glass by area. The "long" wall of the open porch faces directly north. In terms of heating efficiency, it is undesirable to load a north-facing wall with windows and glass doors. Not only are windows and doors far more expensive to purchase than gypsum wallboard and siding, but the space they enclose is much more expensive to heat. The thermal resistance of a typical 2 X 6 stud wall is R-19; the thermal resistance of a double-paned glass window is typically less than R-2.

Aesthetically, a wall that is 50% glass by area is quite unusual. An eight-foot-high wall would have to have continuous windows that reach from two feet above the floor to two feet below the ceiling *for the entire width of the wall!*

It is easy to understand that in situations where the Ordinance provides an "automatic" relaxing of the setback requirement, as in Section 14-427, certain conditions or restrictions might apply. At first thought, the abutter might object to seeing his neighbor's covered porch—very close to, or on the property line—enclosed with a blank wall. But it's equally likely that the abutter would choose *not* to be faced with a new exterior wall that is *more than 50% windows and glass doors* (the interpretation given to 14-427 by the Zoning Administrator). A mostly-glass exterior wall just inches or feet from a property line calls to mind the notion of "living in a fishbowl" for both the applicant and the abutter. While there may be no universally preferred amount of glass in such situations, it certainly seems likely that *moderation* is a prudent goal. Mr. Morgan proposes to reduce the amount of glass from 50% to 25%, thereby moderating the amount of glass area in his proposed enclosure wall.

One alternative to attempting to divine the intent of the Ordinance's drafters is for the Zoning Board of Appeals to grant a reduction in the setback from 20 feet to 0 feet, thereby avoiding the provisions of Section 14-427. We hope that the Board can empathize with the applicant in his effort to enclose his porch in a fashion that is practical, attractive, and favored by all concerned.

#### Hardship Variance Appeal

In her letter of March 24, 2009, Ann Machado orders the forced removal of a rear deck, stairs, and free-standing "tent shed" ("they cannot be permitted and therefore need to be



Mr. Morgan merely wants to keep the deck, stairs, and tent. No new construction of any kind is proposed.

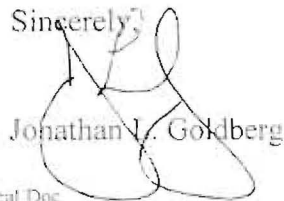
The deck and stairs provide for entry to and exit from the rear of the dwelling. They have been in place since before 1995 when Mr. Morgan's family purchased the property from the mortgagee foreclosing upon the previous owner. Please see attached deed from P. J. Currier Lumber Co., Inc. to Philip H. Morgan and Edward A. Morgan, Personal Representatives of the Estate of Armand M. Morgan. The deck and stairs enclose no space and present no impervious surface that would increase the speed or volume of storm water runoff. It would have been virtually impossible for the Morgan family or its title attorney to have ascertained that the deck and stairs were constructed without a permit—if, in fact, that is the case.

Removal of the deck and stairs would require a certain amount of disruption to the shoreland zone, with no attendant benefit or advantage as a result of the removal. From the standpoint of life-safety considerations, the rear door to the dwelling is the only secondary access and egress. In the event of fire or other emergency, removal of the rear door would leave only the front door through which occupants could escape the house or emergency workers could gain entry to the house. In order to make the rear door useable, some form of porch or deck and a stairway to the ground is required. Removal of the present deck and stairs and replacement with a smaller "porch" certainly would be more disruptive to the fragile shoreland-zoned land beneath the deck than permitting the deck and stairs to remain.

The "tent shed," as it is described in Ms. Machado's letter to Mr. Morgan, is simply a tent. It fails to satisfy the Zoning Ordinance's definition of "structure" in several ways. Section 14-47 of the Ordinance defines a structure as "Anything constructed or erected of more than one (1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground." "Member" is not defined in the Ordinance. The tent is constructed of a continuous fabric supported by a perimeter metal framework. Arguably, there is no "member," in the sense of conventional building materials to construct a building. Furthermore, the tent neither "requires a fixed location" nor requires that it be "attached to something having a fixed location." The tent, but for its size, is no different from a child's fabric-and-frame kite that might be fastened to the limb of a tree (a "fixed location on the ground"). The determination that a kite or the tent in question satisfies the definition of "structure" seems to defy logic.

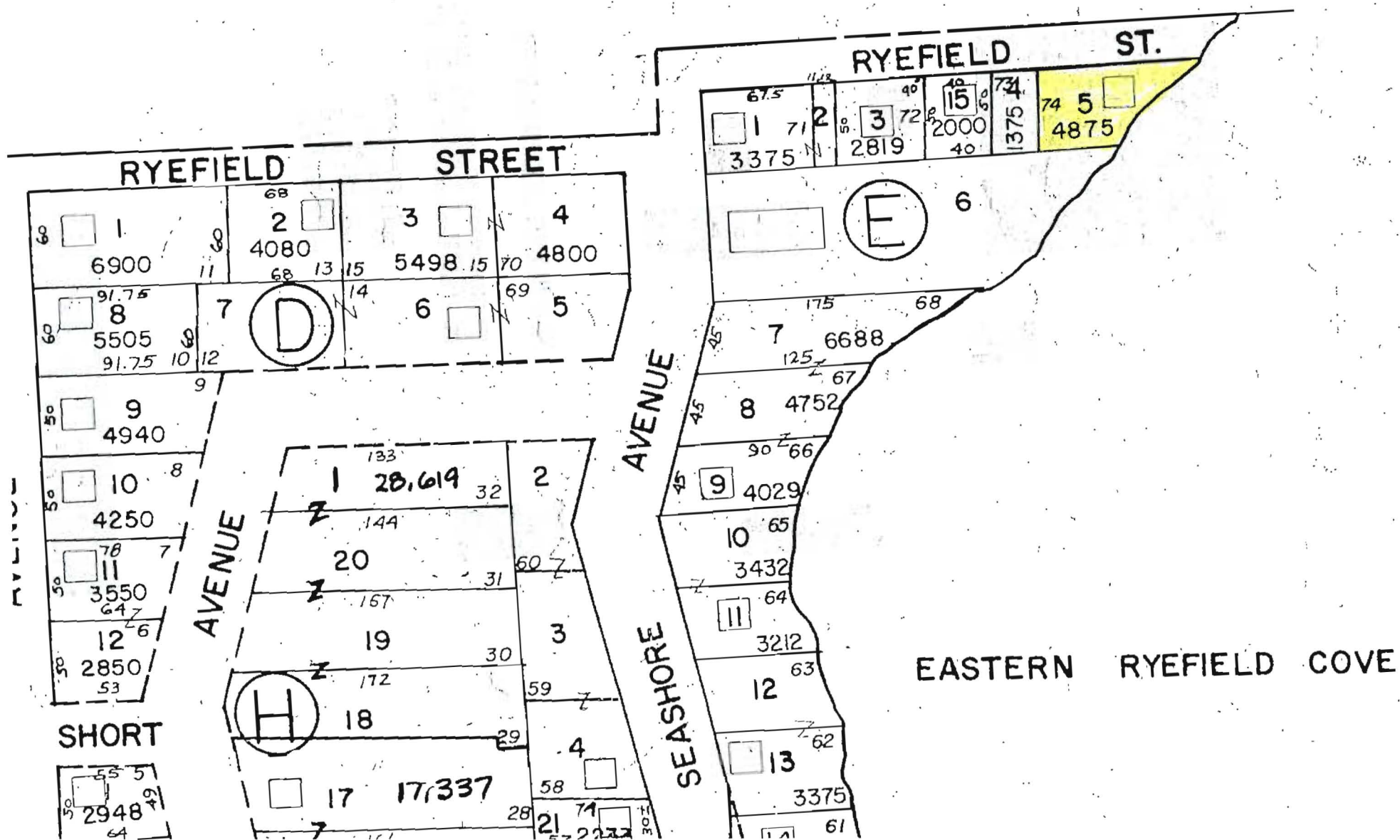
It is noteworthy that the subject lot is extremely small (somewhere between 3393 square feet and 4875 square feet). The minimum lot size is 20,000 square feet in this IR-2 zone. Moreover, virtually all of the lot is within the shoreland zone, leaving the owner no options to modify the dwelling to increase its conformity with the Portland Zoning Ordinance.

We hope the Board will find that the applicant has met all of the requirements for a hardship variance.

Sincerely,  
  
Jonathan L. Goldberg

Enclosures

F:\Client List\JLG\Morgan, Phil\09.05.18 ZBA Letter For Interpretation Appeal.Doc













61231

QUITCLAIM DEED WITHOUT COVENANT  
(Release Deed)

KNOW ALL MEN BY THESE PRESENTS, that, P.J. Currier Lumber Co. Inc., a/k/a P.J. Currier Lumber Co., a corporation organized and existing under the laws of the State of New Hampshire, and having an office at and a mailing address of Route 101A, Amherst, New Hampshire, for consideration paid, does hereby remise, release, bargain, sell and convey and forever quitclaim unto Philip H. Morgan and Edward A. Morgan as Personal Representatives of the Estate of Armand M. Morgan, of 30 Barkley Avenue, Auburn, Maine, all its right, title and interest in and to a certain lot or parcel of land located in the City of Portland, County of Cumberland, and State of Maine, and being more particularly described as follows:

A certain lot or parcel of land with the buildings thereon, situated on the southerly end of Peaks Island, City of Portland, County of Cumberland and State of Maine, adjoining the property of the Fifth Maine Regimental Association, being Lot No. 74 as delineated on a "Plan of the Henry M. Brackett Estate", made by J.B. Jones, surveyor, October 1900, and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 57. Said Lot No. 74 may be more particularly bounded and described as follows:

Beginning at an iron monument set in the easterly side line of land of said Association at the southwesterly corner of Lot No. 73, thence running, North 87° East by said lot, fifty (50) feet to an iron monument and land reserved for a street fifty (50) feet wide; thence South 3° East by said street ninety-nine (99) feet, more or less, to an iron monument at the seashore; thence Northwesterly by said shore ninety (90) feet, more or less, to land of said Association; thence North 3° West by said Association's land thirty-six (36) feet to the point of beginning.

Together with the shore lying below and adjacent thereto.

Subject to and with the benefit of all rights, reservations and restrictions, rights of way and easements insofar as the same may be of record and applicable thereto.

This deed is given pursuant to the Amended Judgment of Foreclosure and Order of Sale entered in the Portland District Court, Division of Southern Cumberland, Docket No. POR-92-CV-879, located in Portland, Maine on April 21, 1995 in an action brought by P.J. Currier Lumber Co., Inc., a/k/a P.J. Currier Lumber Co. against W. Robert Nolte and Anne L. Nolte, defendants, and Inhabitants of the City of Portland and the United States of America, Department of the Treasury Internal Revenue Service, parties-in-interest, for the foreclosure of a mortgage recorded at the Cumberland County Registry of Deeds in Book 8840, Page 110.

BK12226PG308

IN WITNESS WHEREOF, P.J. Currier Lumber Co. Inc., a/k/a P. J. Currier Lumber Co has caused this instrument to be executed by Joan Randlett, its President, thereunto duly authorized, this 6<sup>th</sup> day of November, 1995.

P.J. Currier Lumber Co. Inc.  
a/k/a P.J. Currier Lumber Co.

By: Joan C Randlett  
Joan Randlett  
President

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

DATED: November 6<sup>th</sup>, 1995

Then personally appeared the above-named Joan Randlett as President of P.J. Currier Lumber Co., Inc., a/k/a P.J. Currier Lumber Co., and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,

SEAL

Julia A Mitchell  
Notary Public

JULIA A. MITCHELL, Notary Public  
My Commission Expires March 26, 2003

THIS IS A CORRECTIVE DEED BEING RECORDED TO REFLECT THE PAGE NUMBER "110" ON THE LAST LINE OF THE FIRST PAGE AS IT WAS INADVERTENTLY OMITTED WHEN THE PRIOR DEED WAS RECORDED.

RECEIVED  
RECORDED REGISTRY OF DEEDS

95 NOV 22 PM 1:48

SUNDERLAND COUNTY

Joan B. Currier

SHORT FORM DEED OF DISTRIBUTION BY  
PERSONAL REPRESENTATIVES (TESTATE)

Edward A. Morgan, of Scarsdale, New York, and Philip H. Morgan of Auburn, Maine, duly appointed and acting co-Executors of the Estate of Armand M. Morgan, deceased, whose Will was duly admitted to Probate in the Probate Court of Cumberland County, Maine by the power conferred by law, and every other power, in distribution of the estate, grant to PHILIP H. MORGAN with a mailing address of 30 Barkley Avenue, Auburn, Maine 04210, being the person entitled to distribution, certain real property, together with any improvements thereon, located on Ryefield Street, Peaks Island in the City of Portland, Cumberland County, Maine; more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO, MADE A PART HEREOF, AND INCORPORATED BY REFERENCE HEREIN.

WITNESS our hands and seal as of the 22nd day of May, 2002.

WITNESS:

Katherine A. Foster  
Name:

Edward A. Morgan  
Edward A. Morgan  
Executor of the Estate of Armand M. Morgan

Marie L. Davis  
Name:

Philip H. Morgan  
Philip H. Morgan  
Executor of the Estate of Armand M. Morgan

STATE OF MAINE  
COUNTY OF CUMBERLAND

April 25, 2002

Personally appeared the above-named Edward A. Morgan and acknowledged the foregoing to be his free act and deed.

Before me,

Katherine A. Foster  
Notary Public/~~Attorney at Law~~

STATE OF MAINE  
COUNTY OF

Androscoggin

May 20, 2002

Personally appeared the above-named Philip H. Morgan and acknowledged the foregoing to be his free act and deed.

Before me,

Mariel L. Lavigne

Notary Public/Attorney-at-Law

SEAL

**MARIE L. LAVIGNE**  
Notary Public Maine  
My Comm. Expires July 8, 2008



## EXHIBIT A

That certain lot or parcel of land with the buildings thereon, situated on the southerly end of Peaks Island, City of Portland, County of Cumberland and State of Maine, adjoining the property of the Fifth Maine Regimental Association, being Lot No. 74 as delineated on a "Plan of the Henry M. Brackett Estate", made by J.B. Jones, surveyor, October 1900, and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 57. Said Lot No. 74 may be more particularly bounded and described as follows:

Beginning at an iron monument set in the easterly side line of land of said Association at the Southwesterly corner of Lot No. 73, thence running, North 87° East by said lot, fifty (50) feet to an iron monument and land reserved for a street fifty (50) feet wide: thence South 3° East by said street ninety-nine (99) feet, more or less, to an iron monument at the seashore; thence Northwesterly by said shore ninety (90) feet, more or less, to land of said Association; thence North 3° West by said Association's land thirty-six (36) feet to the point of beginning.

Together with the shore lying below and adjacent thereto.

Subject to and with the benefit of all rights, reservations and restrictions, rights of way and easements insofar as the same may be of record and applicable thereto.

Being that same premises conveyed by P. G. Currier Lumber Co., Inc., a/k/a P.J. Currier Lumber Co., to Edward A. Morgan and Philip H. Morgan as Personal Representatives of the Estate of Armand M. Morgan, by its quitclaim deed without covenant dated October 23, 1996, and recorded in the Cumberland County Registry of Deeds in Book 12225, at page 307.

Received  
Recorded Register of Deeds  
Sep 10, 2002 02:10P  
Cumberland County  
Jack O'Brien

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

*Re: Appeal of Decision of the Zoning Administrator  
to Deny Issue Building Permit Application Number 08-1580  
by Philip H. Morgan  
for Property at 8 Ryefield Street, Peaks Island*

Dear Board Members:

In all matters related to my appeal of the denial of Permit No. 08-1580 and related issues discussed in a March 24, 2009 letter from Zoning Specialist Ann Machado, I designate Jonathan L. Goldberg, Esq. and MittelAsen, LLC as my representative. I authorize Mr. Goldberg to appear on my behalf in all matters that come before the Portland Zoning Board of Appeals pursuant to my appeal of said denial and to submit any materials on my behalf. I further authorize Mr. Goldberg to speak, negotiate, prepare and sign any and all documents on my behalf pursuant to this appeal.

April 8, 2009  
Date

  
Philip H. Morgan



Submitted 12/23/08



## General 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: <u>#8 R. Field St Peaks Is. ME 04108</u>			
Total Square Footage of Proposed Structure/Area <u>480 sq ft</u>		Square Footage of Lot	Number of Stories <u>1</u>
Tax Assessor's Chart, Block & Lot Chart# <u>PB-9</u>	Block# <u>E-5</u>	Lot# <u>74-</u>	Applicant *must be owner, Lessee or Buyer* Name <u>Philip H. Morgan</u> Address <u>30 BARKLEY AV</u> City, State & Zip <u>AUBURN, ME 04210</u> Telephone <u>207-786-3102</u>
Lessee/DBA (If Applicable)		Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work \$ <u>12,000.00</u> C of O Fee \$ <u>140.00</u> Total Fee \$ <u>140.00</u>
Current legal use (i.e. single family) <u>Single Family</u> Number of Residential Units _____ If vacant, what was the previous use? _____ Proposed Specific use <u>Cottage</u> Is property part of a subdivision? <u>NO</u> If yes, please name _____ Project description: <u>In close Porch</u>			
Contractor's name: <u>T Edwards</u>			
Address: <u>36 Whispering Pines Dr</u>			
City, State & Zip <u>So. Portland ME 04106</u>		Telephone <u>899 5837</u>	
Who should we contact when the permit is ready: <u>T Edwards</u>		Telephone: <u>" "</u>	
Mailing address: <u>" "</u>			

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), or stop by the Inspections Division office, room 703 City Hall or call 574-8700.

I hereby certify that I am the Owner or 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 licensed representative shall have the authority to enter all areas covered by this permit at reasonable hours to enforce the City's laws and regulations applicable to the permit.

Signature Philip H. Morgan Date Dec 17 2008

This is not a permit. No work may commence ANYWHERE until the permit is issued.



## Residential Additions/Alterations Permit Application Checklist

All of the following information is required and must be submitted. Checking off each item as you prepare your application package will ensure your package is complete and will help to expedite the permitting process.

The Maine Home Construction Contracts Act requires that any home construction or repair work for more than \$3000, in materials or labor must be based on a written contract unless the parties agree to exempt themselves. A sample contract is available on the City's website at [www.portlandmaine.gov](http://www.portlandmaine.gov), in the Inspection Office, Room 315 of Portland City Hall or call (207)874-8703 to have one mailed to you.

One (1) complete set of construction drawings must include:

- ☒ Cross sections w/ framing details
- ☒ Floor plans and elevations existing & proposed
- ☒ Detail removal of all partitions & any new structural beams *note*
- ☒ Detail any new walls or permanent partitions
- ☒ Stair details including dimensions of rise/run, head room, guards/handrails, baluster spacing
- ☒ Window and door schedules
- ☒ Foundation plans w/ required drainage and damp proofing (if applicable)
- ☐ Detail egress requirements and fire separation/sound transmission ratings (if applicable)
- ☐ Insulation R-factors of walls, ceilings & floors & U-factors of windows per the IECC 2003
- ☒ Deck construction including: pier layout, framing, fastenings, guards, stair dimensions
- ☐ Reduced plans or electronic files in pdf format are also required if original plans are larger than 11" x 17"
- ☐ Proof of ownership is required if it is inconsistent with the assessors records

Separate permits are required for internal & external plumbing, HVAC, and electrical installations.

If there are any additions to the footprint or volume of the structure, any new or rebuilt structures or accessory detached structures a plot plan is required. A plot must include:

- ☒ The shape and dimension of the lot, footprint of the existing and proposed structure and the distance from the actual property lines. Structures include decks, porches; bow windows, cantilever sections and roof overhangs, sheds, pools, garages and any other accessory structures must be shown with dimensions if not to scale.
- ☐ Location and dimensions of parking areas and driveways
- ☐ A change of use may require a site plan exemption application to be filed.

Please submit all of the information outlined in this application checklist. If the application is incomplete, the application may be refused.

Once you have the City fully understand the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us online at [www.portlandmaine.gov](http://www.portlandmaine.gov), stop by the Building Inspection Office, room 315 City Hall or call 874-8703.

Permit Fee: \$50.00 - the City will bill you for this fee. The fee is non-refundable.

This is not a Permit, you may not commence any work until the Permit is issued.

55 ft.

Setback area 75' East of  
on floor area 18' x 50'

Land

Volume of building  
floor area  
development Report app  
Deck. Built 12' x 31'  
Porta Chet 12' x 20' x 11'

12' Deck on 31' Egn 45' x 20' x 11' chart  
2.00

Removal of

2.1

2.2

2.3

PLANNING & DEVELOPMENT DEPARTMENT  
CITY OF PORTLAND, MAINE

Ann Machado, Zoning Specialist  
(207) 874-8700

304 Congress Street • Portland, Maine 04101-2531  
AREA OFFICE: 207-874-8700 • FAX: 207-874-8700

~~877-8~~  
374-8709

11/12

11/12

11 x 12

11 x 12



CASCO COMPUTERS  
PHILIP H. BORGAN  
30 DANFORTH AVE.  
ALBANY, ME 04210  
(207) 799-3102

BANK OF AMERICA NA  
ALBANY, ME BRANCH  
20 201102

5314

Pay to the order of  
City of Portland, Maine  
One Hundred Forty Only\*\*\*\*\*

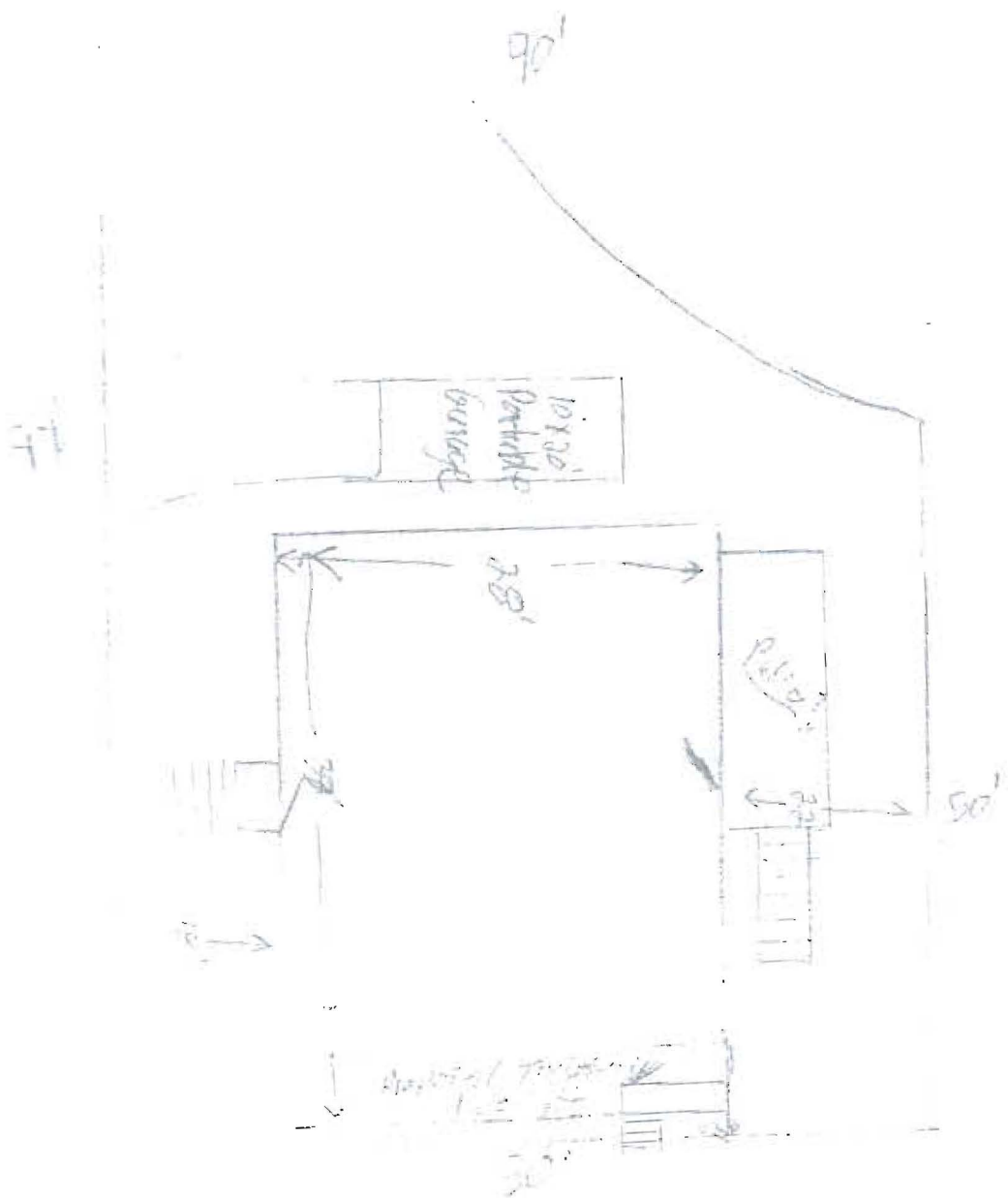
Date 12/18/2008  
\$ 140.00

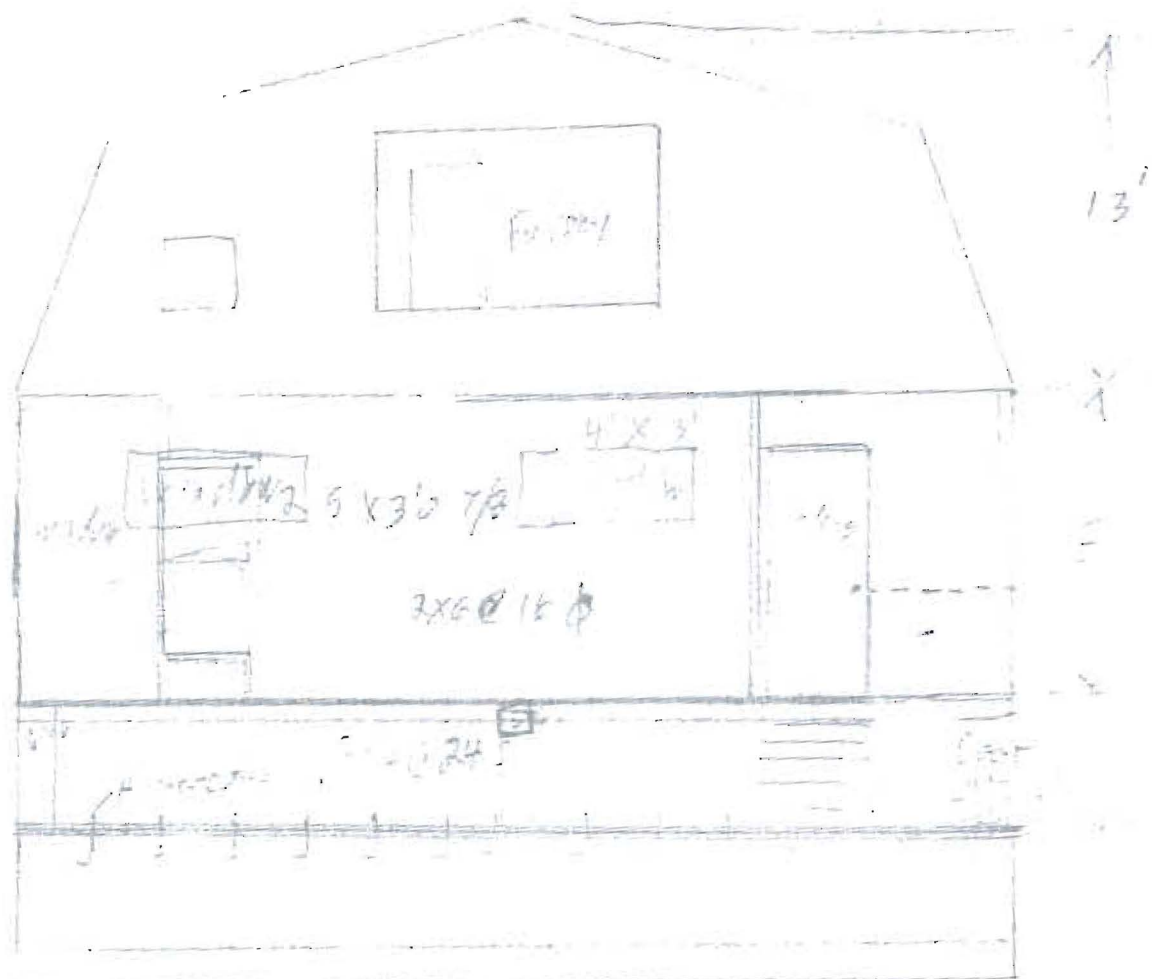
DOLLARS  
140

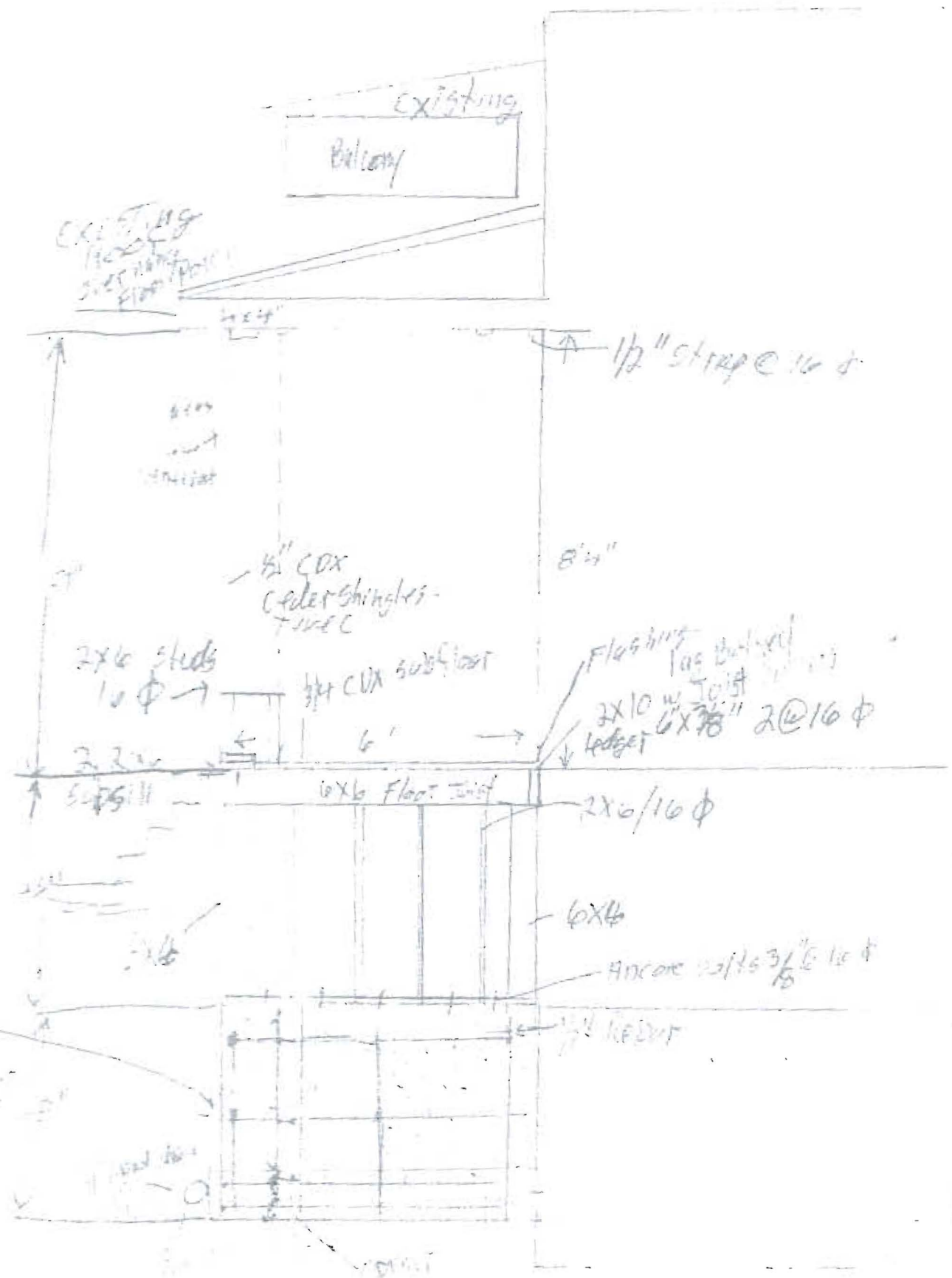
Partial Fee Bridge Port on at 46 Ryegate St.

00112003550 0003932515214 5314

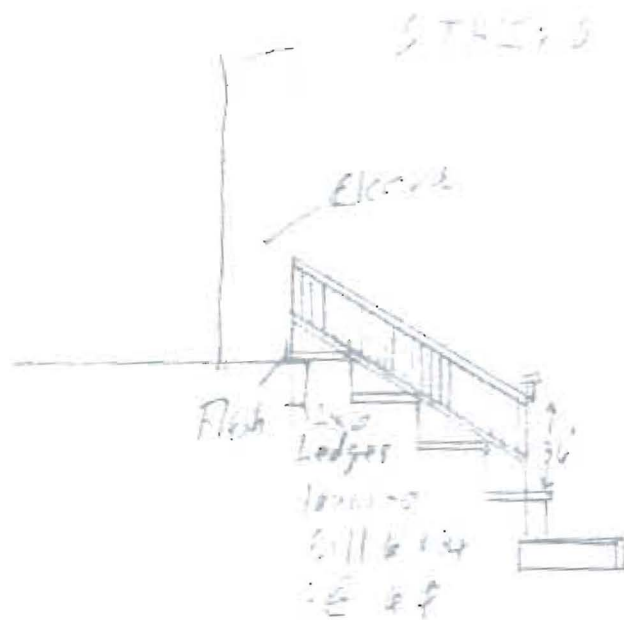










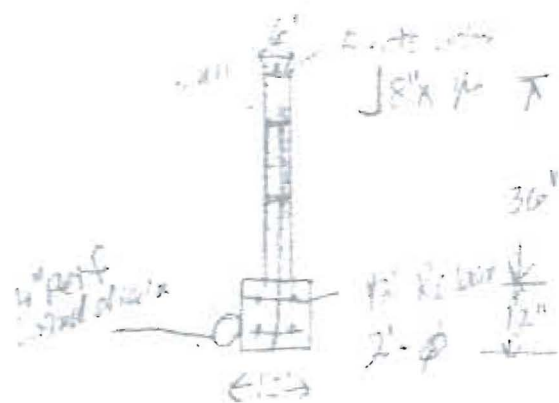


36" w/ glass

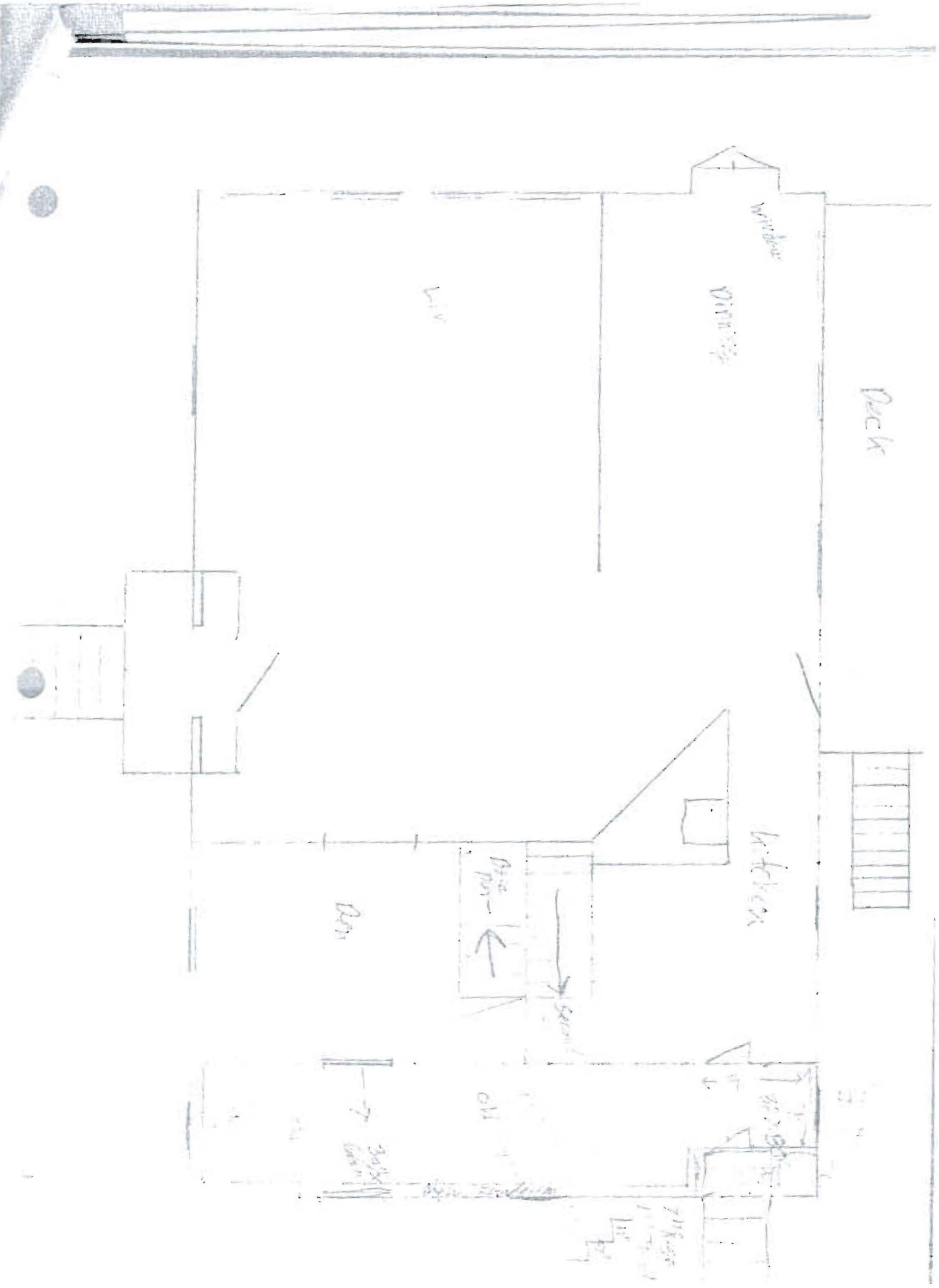
7" Rise  
11" Tread

36" X 30" Landing  
2X6 R4 w/ 5' deck  
Treads 2X5 Ball nose

# FOUNDATION



12" X 12" footing  
6" X 36" wall



**City of Portland, Maine - Building or Use Permit**

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

Permit No:	Date Applied For:	CBL:
08-1580	12/23/2008	084 E005001

Location of Construction:	Owner Name:	Owner Address:	Phone:
8 RYEFIELD ST, Peaks Island	MORGAN PHILIP H	30 BARKLEY AVE	207-786-3102
Business Name:	Contractor Name:	Contractor Address:	Phone:
	Terry Edwards	36 Whispering Pines Drive SoPortland	(207) 899-5737
Lessee/Buyer's Name	Phone:	Permit Type:	
		Additions - Dwellings	

Proposed Use:	Proposed Project Description:
Single Family Home - Enclose 6' x 28' porch except for 2' x 9' area by steps - all in original footprint.	Enclose 6' x 28' porch except for 2' x 8' area by steps - all in original footprint.

**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Ann Machado      **Approval Date:** 03/19/2009**Note:** Original application description was to "enclose 6' x 28' porch except for 2' x 9' area by steps - all in original footprint". Received revised description 3/19/09.      **Ok to Issue:** ☒

- 1) The owner has thirty days to remove the 20' x 8' deck and steps on the rear of the house and the 12' x 20 tent shed on the property because they were not permitted and therefore are illegal.
- 2) This permit is being issued with the condition that all the work is taking place within the existing footprint, and that the completed foundation does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three additional feet beyond the height of the structure prior to the installation of the new foundation.
- 3) This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
- 4) 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:** Pending      **Reviewer:**      **Approval Date:****Note:**      **Ok to Issue:** ☐**Comments:**

12/31/2008-lmd: Intake taken by Gayle, see her with any questions

12/31/2008-amachado: Spoke to the owner Philip Morgan. Told him about that it was in shoreland. He asked me to call the contractor Terry Edwards. I also told Philip Morgan that the deck was put on without a permit. He said that it was there when he bought the house in 1995. I told him that it would have to come off if there was no permit. He said that he enlarged the platform at the top of the stairs at the front entry. He said that it was within the footprint of the stairs. I left a voicemail for Terry Edwards..

1/2/2009-amachado: Met with Terry Edwards at the counter. Went over the need for the survey with 75' setback from high tide located. Also talked about the fact that can't find permit for the existing deck.

1/29/2009-amachado: Terry brought in a survey on 1/26/09. The building falls within the 75' setback from the highest spring tide. Left Terry a vcm. Need information on the existing floor area and volume and the proposed floor area and volume. Also the structure falls within the AO floodzone so a Flood Hazard Development Permit Application needs to be filled out.

1/29/2009-amachado: Met with Terry Edwards. He took the survey back because it was the only one he had. He will get a scalable stamped survey &amp; 11" x 17" copy from surveyor. We went over the floor area and volume requirements for shoreland. I gave him the Flood Hazard Development Permit Application. He may add to the application by putting a deck over the first floor section of the existing building.



<b>Location of Construction:</b> 8 RYEFIELD ST, Peaks Island	<b>Owner Name:</b> MORGAN PHILIP H	<b>Owner Address:</b> 30 BARKLEY AVE	<b>Phone:</b> 207-786-3102
<b>Business Name:</b>	<b>Contractor Name:</b> Terry Edwards	<b>Contractor Address:</b> 36 Whispering Pines Drive SoPortland	<b>Phone</b> (207) 899-5737
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Additions - Dwellings	

2/23/2009-amachado: Met with Terry on 2/20/09. He submitted Flood Hazard Permit application, stamped boundary survey & numbers for the existing floor area and volume. I left him a voicemail. Have questions about the numbers for the existing floor area and volume.

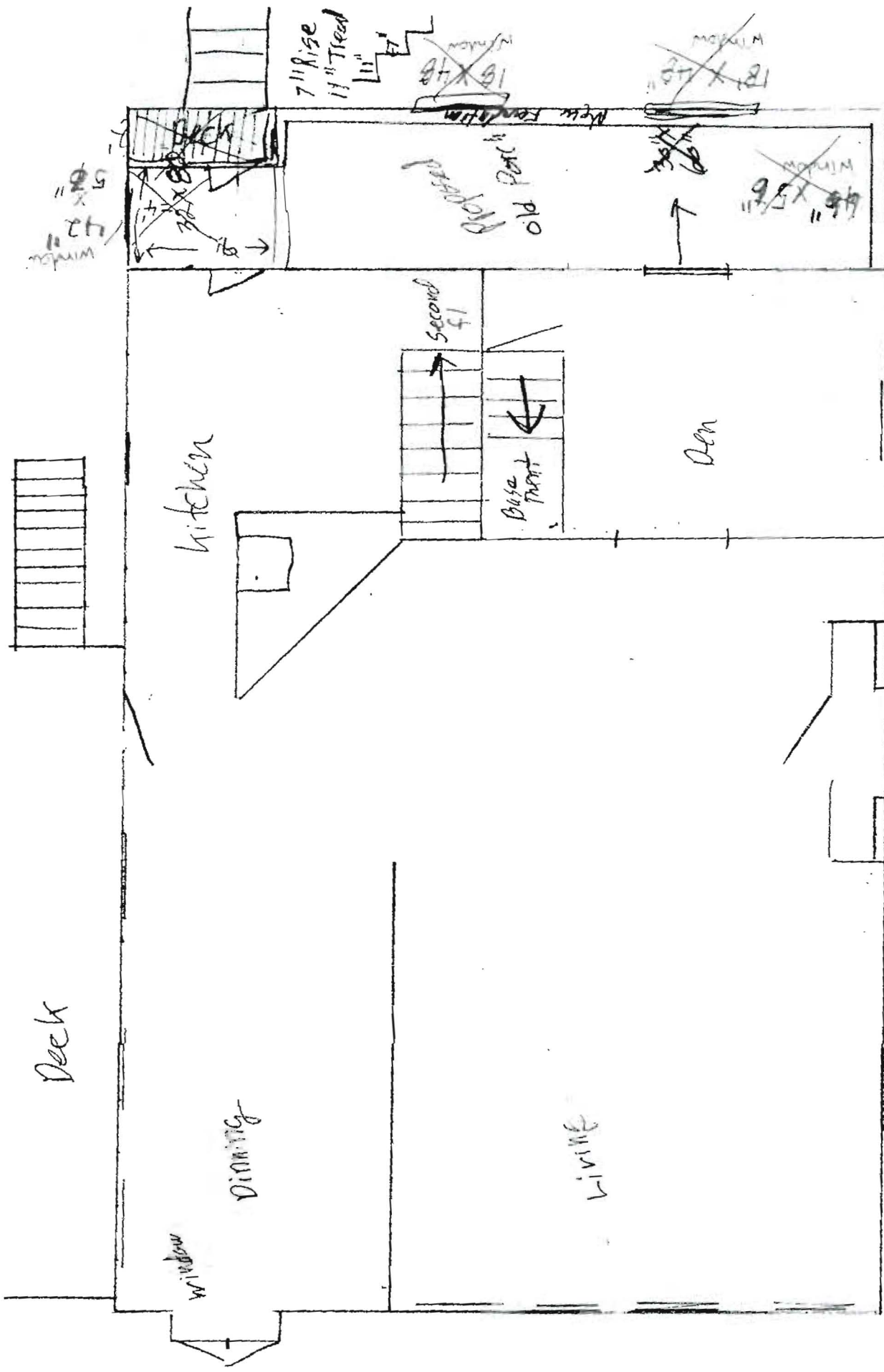
2/25/2009-amachado: Met with Terry Edwards. Went over the new numbers for the volume and floor area within shoreland. Looked at newest proposal for the windows on the enclosed porch. The enclosed porch needs to be at least 50% windows. The proposed plans did not show this. Terry was going to talk to the owner and get back to me.

3/11/2009-amachado: Terry came in today and picked up a "hardship" variance application. The owner does not want to have the enclosed porch be 50% glass.

3/16/2009-amachado: Sent letter. Application denied. 30 days to appeal decision.

3/16/2009-amachado: Returned phone call to Terry Edwards. Philip Morgan has decided not to pursue variance. Will not enclose porch at this time. Wants to just rebuild existing porch but will put foundation under it.

3/19/2009-amachado: Terry Edwards came in and revised the permit description. Now he is just rebuilding the original porch with a new foundation. The cost of the work will now be \$6,000 instead of the original \$12,000 that he paid for (\$140). Lisa asked him to bring in the original receipt with a request in writing to have a refund of the difference in the cost of work.



-not enclosed  
-new windows  
-new doors  
-new description  
3/15/09

Form 2.0 2008

permit 08-1560



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

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

March 16, 2009

Philip Morgan  
30 Barkley Avenue  
Auburn, ME 04210

RE: 8 Ryefield Street, Peaks Island – 084 E005 – IR-2 – enclose porch – permit #08-1580

Dear Mr. Morgan,

As you know, I have been working with your contractor Terry Edwards on your application to enclose the six foot by twenty-eight foot porch on the side of your house at 8 Ryefield Street, Peaks Island. At this point, I must deny your application.

The existing open porch sits right on the side property line and does not meet the minimum required side setback of twenty feet [section 14-145.11(c)(3)]. Section 14-427 allows the enclosure of an open porch that encroaches into a required setback if it existed on June 5, 1957, but the major portion of the enclosure has to be glass. The most recent plan of the enclosed porch submitted on February 25, 2009 does not meet the criteria. The proposed windows and door cover 18.3% of the total wall area which is under the required 51%.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to file an appeal. If you should fail to do so, my decision is binding and no longer subject to appeal. I gave Terry Edwards the variance appeal application on March 11, 2009.

Please feel free to contact me at 874-8709 if you have any questions.

Yours truly,

Ann B. Machado  
Zoning Specialist  
(207) 874-8709

Cc. Terry Edwards  
file





## City of Portland Zoning Board of Appeals

November 25, 2009

Jonathan Goldberg  
Mittel Asen, LLC  
PO Box 427  
Portland, ME 04112

Dear Mr. Goldberg,

Your Interpretation Appeal and Variance Appeal have been scheduled to be heard before the Zoning Board of Appeals on **Thursday, December 3, 2009 at 6:30 p.m.** in Room 209, located on the second floor of City Hall.

Please remember to bring a copy of your application packets with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeals highlighted, as well as a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bill for the Legal Ad, Processing Fee and the Notices for the Interpretation Appeal and the bill for the Legal Ad and the Notices for the Variance Appeal. The check should be written as follows:

MAKE CHECK OUT TO:	City of Portland
MAILING ADDRESS:	Room 315
	389 Congress Street
	Portland, ME 04101

Please feel free to contact me at 207-874-8709 if you have any questions.

Sincerely,

Ann B. Machado  
Zoning Specialist

Cc: File

**Ann Machado - RE: Morgan ZBA Appeals**

---

**From:** "Jonathan Goldberg" <JGoldberg@mittelasen.com>  
**To:** "Ann Machado" <AMACHADO@portlandmaine.gov>  
**Date:** 5/20/2009 12:57 PM  
**Subject:** RE: Morgan ZBA Appeals

Thanks, Ann.  
Jon

**From:** Ann Machado [mailto:AMACHADO@portlandmaine.gov]  
**Sent:** Wednesday, May 20, 2009 12:54 PM  
**To:** Jonathan Goldberg  
**Subject:** Re: Morgan ZBA Appeals

Jon -

We are all set with your request. The two appeals for 8 Ryefield Street will be on the **October 1, 2009 agenda**.

You can submit the extra information for the variance appeal any time.

Thanks.

Ann Machado  
Zoning Specialist  
(207) 874-8709

>>> "Jonathan Goldberg" <JGoldberg@mittelasen.com> 05/20 9:51 AM >>>

Dear Ms. Machado:

Following our telephone conversation earlier today, I write to request a postponement of the hearings for Mr. Morgan's Interpretation Appeal and his Variance Appeal concerning property at 8 Ryefield Street, Peaks Island.

You have informed me that the City must give notice of the appeals hearings to the Department of Environmental Protection at least 20 days in advance of the hearings because the appeals concern property within the shoreland zone. Hence, there is insufficient time to notify the DEP for June 4, 2009 hearing.

Mr. Morgan will be in Alaska for the entire summer, returning to Maine sometime after September 15, 2009. I cannot be sure that Mr. Morgan will be back for the September 17, 2009 meeting, but he will almost certainly be back in time for the October 1, 2009 ZBA meeting.

We respectfully request that the Morgan appeals to the ZBA be postponed until the October 1, 2009 meeting.

Thank you for your consideration.

Jon Goldberg

## **Ann Machado - Re: Morgan Variance Appeal - 8 Ryefiled, Peaks Island**

---

**From:** Ann Machado  
**To:** Jonathan Goldberg  
**Date:** 9/14/2009 10:24 AM  
**Subject:** Re: Morgan Variance Appeal - 8 Ryefiled, Peaks Island  
**CC:** Marge Schmuckal

Jonathan -

It is OK with us if 8 Ryefield Street is on the November 12, 2009 ZBA agenda, as long as the application is in by October 19, 2009 at the latest, so we can get it to DEP at least 20 days in advance of November 12, 2009.

Ann Machado  
Zoning Specialist  
(207) 874-8709

>>> "Jonathan Goldberg" <JGoldberg@mittelasen.com> 09/10 2:09 PM >>>

Pursuant to our discussion yesterday, I write to request that the above-referenced Appeal be continued until the ZBA's regularly scheduled meeting on November 12, 2009. As we discussed, the City must give notice to the DEP 20 days in advance of a variance appeal hearing that concerns property within the shoreland zone. That notice must provide a copy of the completed Appeal application. In order for you to provide such notice, I will complete the application and submit it to the City no later than October 19, 2009.

If this timetable is satisfactory, please confirm,

Thank you,  
Jon

Jonathan L. Goldberg  
MittelAsen, LLC and Portland Title LLC  
P. O. Box 427  
Portland, ME 04112-0427

(207) 699.5735 direct dial  
(207) 775.3101 reception  
(207) 871 0683 telecopier  
jgoldberg@mittelasen.com

**This email message may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you received this email message by mistake, please notify the sender at once and destroy or delete, as appropriate, all copies of the message. Any dissemination, use, or copying by an unintended recipient is prohibited. Thank you.**

*IRS Circular 230 Disclosure: In order to ensure compliance with IRS Circular 230, we must inform you that any*



**Ann Machado - RE: Morgan Variance Appeal, 8 Rycfield Street, Peaks Isalnd**

---

**From:** "Jonathan Goldberg" <JGoldberg@mittelasen.com>  
**To:** "Ann Machado" <AMACHADO@portlandmaine.gov>  
**Date:** 10/19/2009 10:03 PM  
**Subject:** RE: Morgan Variance Appeal, 8 Rycfield Street, Peaks Isalnd

Thanks, Ann. I'll try to have the submission completed by November 9 so that you'll have a little "cushion" to give the DEP its required 20-day notice.

Regards,  
Jon

**From:** Ann Machado [mailto:AMACHADO@portlandmaine.gov]  
**Sent:** Monday, October 19, 2009 7:34 AM  
**To:** Jonathan Goldberg  
**Cc:** Marge Schmuckal  
**Subject:** Re: Morgan Variance Appeal, 8 Rycfield Street, Peaks Isalnd

Jonathan -

You will now be on the December 3, 2009 ZBA agenda.

Ann Machado  
Zoning Specialist  
207.874.8709

>>> "Jonathan Goldberg" <JGoldberg@mittelasen.com> 10/16 11:54 AM >>>  
Following my voice-mail message to you earlier today, I write to confirm my request to continue the above-referenced hearing to the Zoning Board of Appeals' next regular meeting in December. Due to other commitments that were unanticipated, I fear that I am unable to finish all of the required submissions that you requested by October 19, 2009 in order to put this matter on the agenda for November. As you will recall, because the property in question is with the shoreland zone, the Department of Environmental Protection needs to be notified of the variance request at least 20 days before the ZBA Hearing.

Thank you in advance for your understanding.

Regards,  
Jon

Jonathan L. Goldberg  
MittelAsen, LLC and Portland Title LLC  
P O Box 427  
Portland, ME 04112-0427

(207) 699 5735 direct dial  
(207) 775 3101 reception

CITY OF PORTLAND  
DEPARTMENT OF PLANNING & DEVELOPMENT

389 Congress Street  
Portland, Maine 04101

INVOICE FOR FEES

Application No:	59700002	Applicant:	Philip Morgan
Project Name:	8 Ryefield Street	Location:	8 Ryefield Street, PI
CBL:	084 E005	Application Type:	Interpretation

Current Fees: \$256.43 - Current Payments: \$100.00 = Total Due: \$156.43 (due on receipt)

<u>Fee Description</u>	<u>QTY</u>	<u>Fee/Deposit Charge</u>
Legal Advertisements	1	\$85.43
Notices	28	\$21.00
Processing Fee	1	\$50
Zoning Conditional Use	1	\$100

Total Current Fees: \$256.43

Total Current Payments: -\$100

Amount Due Now: \$156.43

Bill to:

Jonathan Goldberg

PO Box 427

Portland, ME 04112

CBL: 084 E005

Invoice Date: 11/25/09

2nd invoice 12/14/09

Application No: 59700002

Total Amount Due: \$156.43

pd 12/14/09  
check # 06651

City of Portland  
DATE: 12/18/09  
TIME: 12:58:56

PZ CASH RECEIPT

PROJECT #: 09-59700002  
PROJECT DESC: INTERPRETATION APPEAL - 8 RYEFIELD STREE  
RECEIVED FROM: Jonathan Goldberg  
RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
---	-----	-----	-----
L2	LEGAL AD ZONING BOARD		85.43
N1	NOTICING ZONING BOARD		21.00
ZP	ZONING PROCESSING FEE		50.00
		TOTAL AMOUNT:	156.43





# CITY OF PORTLAND, MAINE

Department of Building Inspections

## Original Receipt

December 15 2009

Received from Mittelman LLC

Location of Work 8 Myrtle St.

Cost of Construction \$ \_\_\_\_\_ Building Fee: \_\_\_\_\_

Permit Fee \$ \_\_\_\_\_ Site Fee: \_\_\_\_\_

Certificate of Occupancy Fee: \_\_\_\_\_

Total: 262.96

Building (IL) \_\_\_\_\_ Plumbing (IS) \_\_\_\_\_ Electrical (I2) \_\_\_\_\_ Site Plan (U2) \_\_\_\_\_

Other Substitution, Variance

CBL: 084 E 005

Check #: 006651 Total Collected \$ 262.96

**No work is to be started until permit issued.  
Please keep original receipt for your records.**

Taken by: [Signature]

WHITE - Applicant's Copy  
YELLOW - Office Copy  
PINK - Permit Copy

006651

MITTELASEN, LLC  
EXPENSE ACCOUNT  
85 EXCHANGE ST. • P. O. BOX 427  
PORTLAND, ME 04112 (207) 775-3101



52-150-112

12/14/2009

PAY TO THE ORDER OF: City of Portland

\$ \*\*262.86

Two Hundred Sixty-Two and 86/100\*\*\*\*\*

DOLLARS

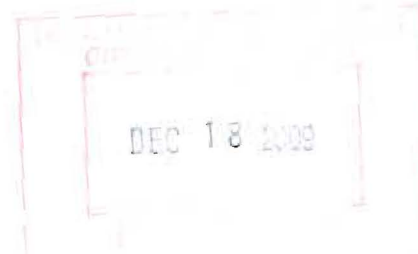
City of Portland  
Department of Planning & Development  
389 Congress St  
Portland, ME 04101

AUTHORIZED SIGNATURE

MEMO

Copies of invoices attached

⑈006651⑈ ⑆011201500⑆ 0052406 9⑈



Security Features: Details on back

City of Portland  
DATE: 12/15/09  
TIME: 11:52:00

PZ CASH RECEIPT

PROJECT #: 09-59700002  
PROJECT DESC: INTERPRETATION APPEAL - 8 RYEFIELD STREE  
RECEIVED FROM: Jonathan Goldberg  
RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
---	-----	-----	-----
Z1	ZONING BOARD OF APPEALS		100.00
		TOTAL AMOUNT:	100.00



**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**  
389 Congress Street  
Portland, Maine 04101

**INVOICE FOR FEES**

**Application No:** 0000-1508      **Applicant:** Morgan Philip H  
**Project Name:** 8 Ryefield St., Peaks Island      **Location:** 8 RYEFIELD ST  
**CBL:** 084 E005001      **Application Type:** Interpretation Appeal  
**Invoice Date:** 04/17/2009

<b>Previous Balance</b>	-	<b>Payment Received</b>	+	<b>Current Fees</b>	-	<b>Current Payment</b>	=	<b>Total Due</b>		<b>Payment Due Date</b>
\$0.00		\$0.00		\$100.00		\$100.00		\$0.00		On Receipt

<b>Previous Balance</b>	<b>\$0.00</b>
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<b>Fee Description</b>	<b>Qty</b>	<b>Fee/Deposit Charge</b>
Appeal Fee	1	\$100.00
		<u>\$100.00</u>

<b>Total Current Fees:</b>	+	<b>\$100.00</b>
<b>Total Current Payments:</b>	-	<b>\$100.00</b>
<b>Amount Due Now:</b>		<b>\$0.00</b>

**Bill to:** Morgan Philip H  
30 Barkley Ave  
Auburn, ME 04210

CBL 084 E005001  
**Application No:** 0000-1508  
**Invoice Date:** 04/17/2009  
**Invoice No:** 34267  
**Total Amt Due:** \$0.00  
**Payment Amount:** \$100.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

MITTELASEN, LLC  
EXPENSE ACCOUNT  
85 EXCHANGE ST. • P. O. BOX 427  
PORTLAND, ME 04112 (207) 775-3101

MAINE BANK & TRUST  
• a maine bank for maine people •

52-150-112

006379

4/15/2009

PAY TO THE  
ORDER OF: City of Portland

\$ \*\*200.00

Two Hundred and 00/100\*\*\*\*\*

DOLLARS

City of Portland

MEMO

Appeals Fees: Philip Morgan

AUTHORIZED SIGNATURE

⑈006379⑈ ⑆011201500⑆ 0052406 9⑈

MITTELASEN, LLC EXPENSE ACCOUNT

City of Portland  
JLG ADV

MOrgan, Phil unpd

4/15/2009

006379

200.00

EXPENSE AC Appeals Fees: Philip Morgan

200.00

MITTELASEN, LLC EXPENSE ACCOUNT

City of Portland  
JLG ADV

MOrgan, Phil unpd

4/15/2009

006379

200.00

EXPENSE AC Appeals Fees: Philip Morgan

200.00

**From:** Joan Jensen <jjensen@pressherald.com>  
**To:** Ann Machado <AMACHADO@portlandmaine.gov>  
**Date:** 11/23/2009 1:38:17 PM  
**Subject:** Re: Zoning Board of Appeals Legal Ad

Hi Ann,  
All set to run your ad on Friday, November 27.  
The cost is \$256.30.  
Thank you,  
Joan

Joan Jensen  
Legal Advertising  
Portland Press Herald/Maine Sunday Telegram  
P O. Box 1460  
Portland, ME 04104  
Tel. (207) 791-6157  
Fax (207) 791-6910  
Email [jjensen@pressherald.com](mailto:jjensen@pressherald.com)

Ann Machado wrote:  
> Joan -  
>  
> Attached (this time it really is!) is the Zoning Board of Appeals  
> legal ad for Friday, November 27, 2009.  
>  
> Thanks,  
>  
> Ann Machado  
> 874 8709

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	ADAMS SHIRLEY L	470 CILLEY HILL RD UNDERHILL, VT 05489	13 VETERAN ST	1
	ANDERSON EILEEN L	PO BOX 83 PEAKS ISLAND, ME 04108	18 RYEFIELD ST	1
	AT LONG LAST LLC	5605 PARK ST CHEVY CHASE, MD 20815	11 SPRUCE AVE	1
	BAROWITZ ELLIOTT & JANE JTS	330 LAFAYETTE ST NEW YORK, NY 10012	11 SEASHORE AVE	1
	BIENKOWSKI JEFFREY M & DIANE H BIENKOWSKI JTS	2 RYDER ST ARLINGTON, MA 02476	8 MAPLE ST	1
	BLUM JOANN C	17 EDISON AVE RUTLAND, MA 01543	105 SEASHORE AVE	1
	BOISJOLY RUSSELL P & CAROL A SOMERS	12952 PENNELL PINES RD BOYNTON BEACH, FL 33436	87 SEASHORE AVE	1
	BROWNE CARTER & BARBARA C	55 MYSTIC VALLEY PKWY WINCHESTER, MA 01890	82 SEASHORE AVE	1
	CASHMAN JOHN E & MARY JO JTS	8 FARMS EDGE WAY CUMBERLAND, ME 04021	23 SEASHORE AVE	1
	CHALOGIAS LINDA L & CHRISTOS JTS ETAL	17 8TH MAINE AVE PEAKS ISLAND, ME 04108	17 8TH MAINE AVE	1
	CHASE ELIZABETH PRICE	4970 E RIVER RD TUCSON, AZ 85718	18 8TH MAINE AVE	1
	CORBETT JOHN G	5112 HUNTER TRAIL HIXSON, TN 37343	12 8TH MAINE AVE	1
	DEMOS STEPHEN KW VET & LAVINIA C JTS	25 CRESCENT AVF PEAKS ISLAND, ME 04108	25 CRESCENT AVE	1
	DESMOND WILLIAM J III	33 SEASHORE AVE PEAKS ISLAND, ME 04108	33 SEASHORE AVE	1
	EIGHTH MAINE REG MEM ASSOC	MAINE AVE PEAKS ISLAND, ME 04108	13 8TH MAINE AVE	1
	ELTMAN PATRICIA	41 COTTAGE RD SOUTH PORTLAND, ME 04106	49 RYEFIELD ST	1
	ESOCOFF ANDREW S & KATRINA M ESOCOFF JTS	3 VETERANS ST PEAKS ISLAND, ME 04108	3 VETERAN ST	1
	FAGAN PAUL C & MAUREEN F GORDON TRUSTEES	98 SHERMANS POINT RD CAMDEN, ME 04843	38 RYEFIELD ST	1
	FIFTH MAINE REGIMENT COMMUNITY CENTER	PEAKS ISLAND, ME 04108	45 SEASHORE AVE	1
	FOSTER VERONICA	76 SEASHORE AVE PEAKS ISLAND, ME 04108	76 SEASHORE AVE	1
	FOSTER VIRGINIA L WID WWII W STANLEY FOSTER HEIRS	2 MAPLE ST PEAKS ISLAND, ME 04108	2 MAPLE ST	1
	HALL BRUCE T & SANDRA L HALL	P.O BOX 212 W.GROTON, MA 01472	49 SEASHORE AVE	1
	HARMON MARGARET L	40 SEASHORE AVE PEAKS ISLAND, ME 04108	40 SEASHORE AVE	1
	HART VALENTINE C & GRACE A VALENZUELA	29 SUNNYFIELD LN CUMBERLAND, ME 04021	11 CRESCENT AVE	1
	HATFIELD DOUGLAS S & PAUL L KNOX TRUSTEES	501 PRATT RD BRADFORD, VT 05033	15 SEASHORE AVE	1
	HUNT JAMES C & EMMY L JTS	54 MONTROSE AVE PORTLAND, ME 04103	69 SEASHORE AVE	1



CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	KOSEL SANDRA C	8 RIVER RD DR ESSEX, CT 06426	78 SEASHORE AVE	1
	LYNCH DANIEL P & PATRICIA F JTS	43 WILLIAMSBURG DR SPRINGFIELD, MA 01108	37 RYEFIELD ST	1
	MACDONALD MARY K	17912 TARZANA ST ENCINO, CA 91316	4 VETERAN ST	1
	MAGUIRE RICHARD A & JANE E	550 OAKLAND AVE CHARLOTTE, NC 28204	59 SEASHORE AVE	1
	MCINTYRE RICHARD J	19 SPRUCE AVE PEAKS ISLAND, ME 04108	19 SPRUCE AVE	1
	MORABITO LUCIE B	54 SEASHORE AVE PEAKS ISLAND, ME 04108	54 SEASHORE AVE	1
	MORGAN EDWARD A	8 TUNSTALL RD SCARSDALE, NY 10583	9 8TH MAINE AVE	1
	MORGAN PHILIP H	30 BARKLEY AVE AUBURN, ME 04210	8 RYEFIELD ST	1
	MOTTLA LEROY J & MARY M MOTTLA TRUSTEES	10 VETERAN ST PEAKS ISLAND, ME 04108	10 VETERAN ST	1
	NETLAND THOMAS E & LAUREN K NETLAND JTS	39 RYEFIELD ST PEAKS ISLAND, ME 04108	39 RYEFIELD ST	1
	O'BRIEN KATHERINE J WID KW	6 MAPLE ST PEAKS ISLAND, ME 04108	6 MAPLE ST	1
	O'NEILL SEAN M & DENISE M RIDEOUT JTS	18726 WILDFLOWER DR PENN VALLEY, CA 95946	62 SEASHORE AVE	1
	PERRON ROSE MARIE & THOMAS S JTS	94 HILLSIDE AVE SOUTH PORTLAND, ME 04106	14 SEASHORE AVE	1
	PERRON THOMAS S & ROSEMARIE JTS	94 HILLSIDE AVE SOUTH PORTLAND, ME 04106	16 SEASHORE AVE	1
	PERRY BARBARA R	7 RYEFIELD ST PEAKS ISLAND, ME 04108	1 RYEFIELD ST	1
	PERRY BARBARA R	7 RYEFIELD ST PEAKS ISLAND, ME 04108	7 RYEFIELD ST	1
	PERZANOSKI PAUL K & NANCY CUTHBERTSON JTS	73 SEASHORE AVE PEAKS ISLAND, ME 04108	73 SEASHORE AVE	1
	PIOTROWSKI CHARLES G & JOAN PIOTROWSKI JTS	1386 CYPRESS WAY BOCA RATON, FL 33486	23 MAPLE ST	1
	PIZEY CHRISTOPHER S	7 VETERAN ST PEAKS ISLAND, ME 04108	7 VETERAN ST	1
	SAMSON ELIZABETH ETAL	5 EASTON RD WENHAM A, MA 01984	66 SEASHORE AVE	1
	SAMSON KEVIN & ELIZABETH SAMSON JTS	46 RYEFIELD ST PEAKS ISLAND, ME 04108	46 RYEFIELD ST	1
	SCHILLER FRANK E	113 NEW ISLAND AVE PEAKS ISLAND, ME 04108	16 VETERAN ST	0
	SCOBLYONKO DAVID P	41 E WALL ST BETHLEHEM, PA 18018	90 SEASHORE AVE	0
	SCOBLYONKO DAVID P	41 EAST WALL ST BETHLEHEM, PA 18018	92 SEASHORE AVE	0
	SCOBLYONKO DAVID P	41 E WALL ST BETHLEHAM, PA 18018	120 SEASHORE AVE	1
	SESTITO RUDOLPH A & ANNE E SESTITO LIFE INTEREST	203 ELM ST STOUGHTON, MA 02072	15 SPRUCE AVE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	TANOUS DAVID J & MARY K JTS	20 SEASHORE AVE PEAKS ISLAND, ME 04108	20 SEASHORE AVE	1
	TRIMBEY ROGER S & CYNTHIA M MOLLUS JTS	14 RYEFIELD ST PEAKS ISLAND, ME 04108	14 RYEFIELD ST	1
	WARD BRUCE A & KATHLEEN J WARD JTS	40 VALLEY VIEW DR GORHAM, ME 04038	41 RYEFIELD ST	1
	WEINER LAWRENCE A ETAL	140 CABRINI BLVD # 34 NEW YORK, NY 10033	99 SEASHORE AVE	1
	WINTERBOTTOM LUCILLE N JOHN R & JOAN B	1386 CYPRESS WAY BOCA RATON, FL 33486	15 MAPLE ST	0

3

18' FEMA V2

SETBACK FROM HIGHEST ANNUAL TIDE ELEV. 7.2

75' SETBACK FROM MEAN HIGH TIDE ELEV. 4.88

20

PRESCRIPTIVE EASEMENT RIGHTS ARE CLAIMED  
BY PARCEL OWNER FOR THE SETBACK ADJACENT  
TO AND INCLUDING STORM

18.1

FEMA V2 ZONE BOUNDARY  
ELEVATION 25

DECK

5.0' TR. ELEV. 22.77

DECK

4' UD

TENT SHED

HADLOCK COVE  
CASCO BAY  
ATLANTIC OCEAN

18" PE STORM DRAIN  
IN. OUT. ELEV. 8.66  
H.A.T. LINE ELEV. 7.2

# LEGEND

- △ SURVEY CONTROL
- PIPE/PIN FOUND
- ⊗ WATER VALVE
- ▤ CATCH BASIN

STONEWALL

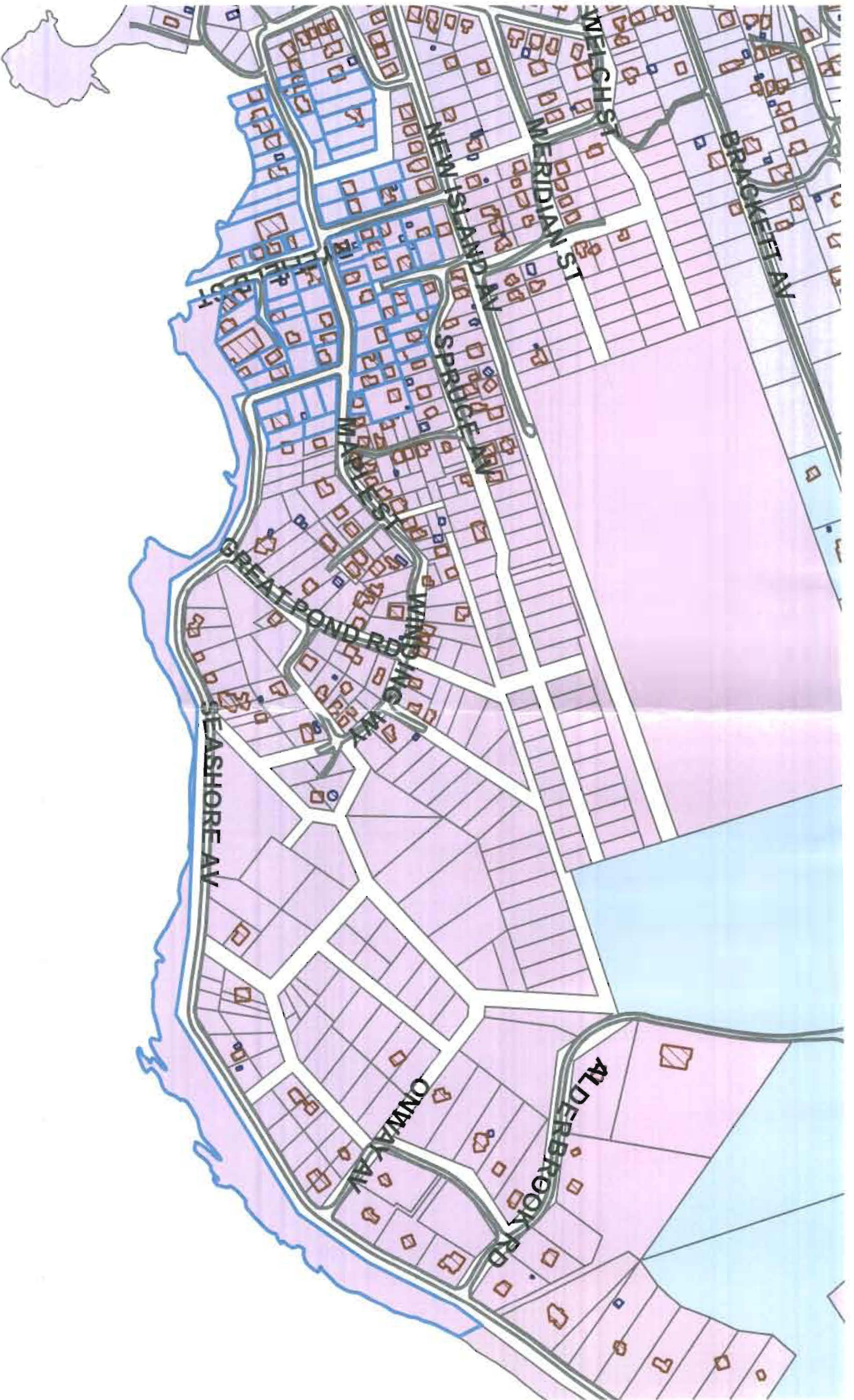
LOT LINE

## GRAPHIC SCALE

1 INCH = 10 FEET



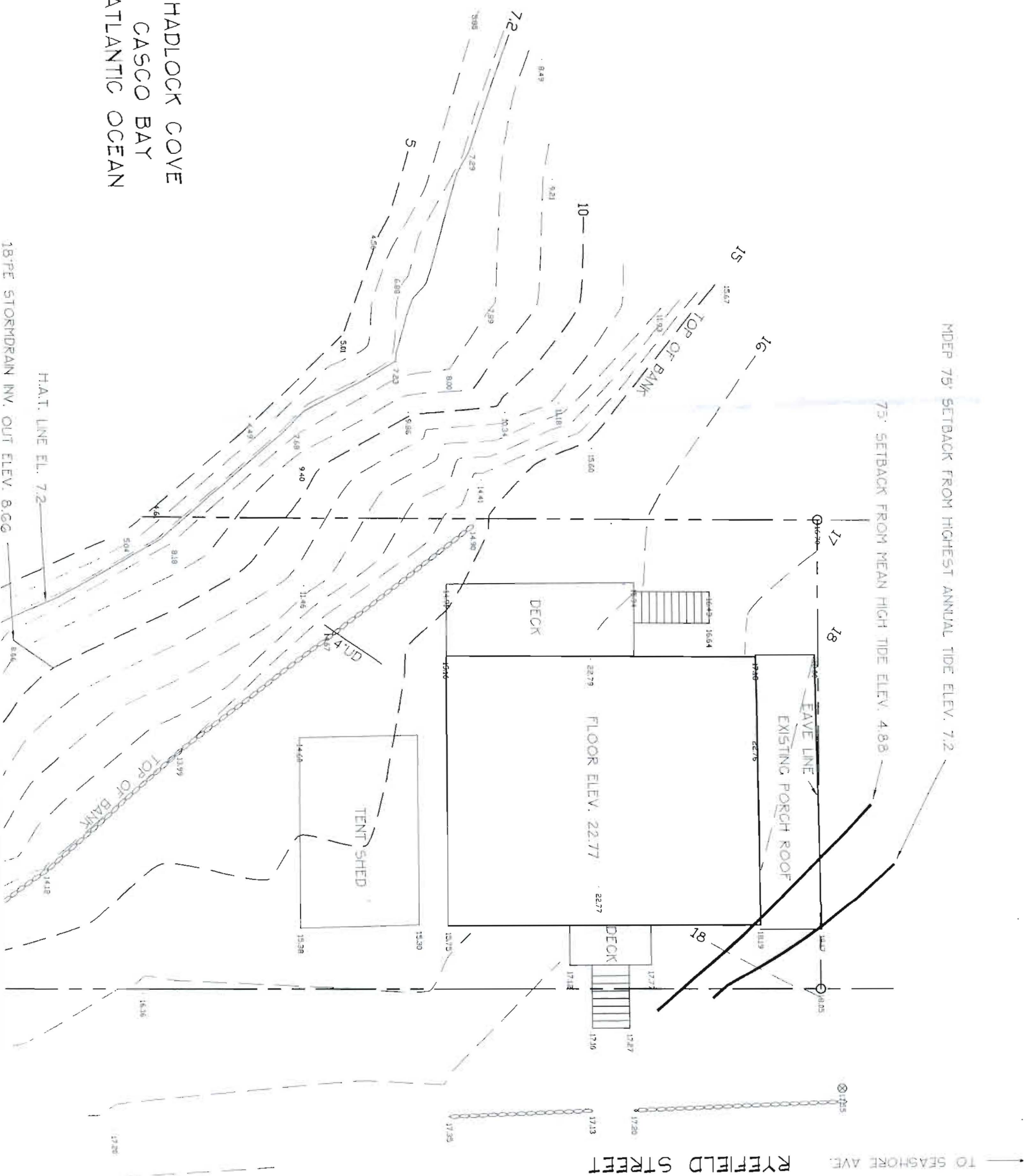






RYEFIELD STREET

H.A.T. LINE EL. 7.2—  
18" PE STORM DRAIN INV. OUT ELEV. 8.66





# CITY OF PORTLAND, MAINE

Department of Building Inspections

## Original Receipt

Received from Miller Asen LLC 4/15 20 09

Location of Work Exeter Rd

Cost of Construction \$ \_\_\_\_\_ Building Fee: \_\_\_\_\_

Permit Fee \$ 200 Site Fee: \_\_\_\_\_

Certificate of Occupancy Fee: \_\_\_\_\_

Total: 200

Building (IL) \_\_\_\_\_ Plumbing (IS) \_\_\_\_\_ Electrical (I2) \_\_\_\_\_ Site Plan (U2) \_\_\_\_\_

Other 2 Existing Board Appeals

CBL: 0183 084 E005

Check #: \_\_\_\_\_ Total Collected \$ 200

**No work is to be started until permit issued.**

If permit is Withdrawn or Denied, amount of the Refund is based on \$20.00 or 20% of the fee, (whichever is greater)

In order to receive a refund, you MUST present the Original Receipt.

Taken by: [Signature]

WHITE - Applicant's Copy  
YELLOW - Office Copy  
PINK - Permit Copy