

1. 01/19/17 - Agenda

Documents:

[01-19-17 AGENDA.PDF](#)

1.I. ZBA Application - 122 Anderson Street

Documents:

[122 ANDERSON ST - APPLICATION.PDF](#)

1.II. ZBA Application - 140 Pennell Street

Documents:

[140 PENNELL - APPLICATION.PDF](#)

1.III. ZBA Application - 77 William Street

Documents:

[77 WILLIAM ST - ZBA APPLICATION.PDF](#)

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Kent Avery, Chair
Donna Katsiaficas, Secretary
Eric Larsson
Brandon Mazer
Joseph Zamboni

APPEAL AGENDA

The Board of Appeals will hold a Public Hearing on Thursday, January 19, 2017, 6:30 p.m., Room 209, 2nd Floor, City Hall, 389 Congress Street, Portland, Maine, to hear the following appeals:

1. New Business:

A. Conditional Use Appeal:

140 Pennell Street: Dana Cunningham, owner, Tax Map 347, Block A, Lots 008 through 016, R-3 Residential Zone: The applicant is seeking a Conditional Use Appeal under Section 14-88(a)(2) to add an accessory dwelling unit to his existing single-family home. Representing the appeal is the owner.

B. Practical Difficulty Variance Appeal:

122 Anderson Street: Anderson Street Realty, LLC, owner, Tax Map 10, Block H, Lots 005 and 008 and Tax Map 12, Block N, Lot 001, I-Lb Industrial Zone: The applicant is seeking a Practical Difficulty Variance to reduce the pavement setback from the required 15 feet [Section 14-234(h)] to 0 feet. Representing the appeal is Douglas Cardente, manager for the owner.

C. Conditional Use Appeal:

77 William Street: Eletherios Minas, owner, Tax Map 117, Block D, Lot 015, R-5 Residential Zone: The applicant is seeking a Conditional Use Appeal under Section 14-118(a)(5) to add one dwelling unit to his existing two- (2-) family home. Representing the appeal is the owner and Alexander Lehnen, owner's agent.

2. Other Business:

A. Election of Chair and Secretary for the Zoning Board of Appeals

3. Adjournment



Michael A. Russell, MS, Director
Permitting and Inspections Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND
ZONING BOARD OF APPEALS

Practical Difficulty Variance Application

Applicant Information:

Douglas Cardente, owner
Anderson Street Realty, LLC
NAME

322 Fore Street, 3rd Floor
ADDRESS

Portland, ME 04101

207-233-1229 Doug@Cardente.com
PHONE # & E-MAIL

Owner
APPLICANT'S RIGHT/TITLE/INTEREST
(EG; owner, purchaser, etc)

ILB
CURRENT ZONING DESIGNATION

Subject Property Information:

122 Anderson Street, Portland
PROPERTY ADDRESS

10-H-5, 12-N-1, 10-H-8
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)

ADDRESS

PHONE # & E-MAIL

PRACTICAL DIFFICULTY VARIANCE
FROM SECTION 14- 234(h)

EXISTING USE OF PROPERTY:

Parking, Storage, Tandem Coffee

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

The undersigned hereby makes application for a Practical Difficulty Variance as described above, and certifies that the information supplied herein is true and correct to the best of his OR her knowledge and belief.


SIGNATURE OF APPLICANT

1/10/17
DATE

The following words have the meanings set forth below:

1. **Dimensional Standards**: Those provisions of the article which relate to lot area, lot coverage, frontage and setback requirements
2. **Practical Difficulty**: A case where strict application of the dimensional standards of the Ordinance to the property for which a variance is sought, would BOTH preclude a use of the property which is permitted in the zone in which it is located AND also result in significant economic injury to the applicant.
3. **Significant Economic Injury**: The value of the property, if the variance were denied, would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that the denial of the variance would mean the practical loss of all beneficial use of the land.

A Practical Difficulty Variance may not be used to grant relief from the provisions of Section 14-449 (Land Use Standards) to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Zoning Board of Appeals (ZBA) may grant a variance from the dimensional standards of this article when strict application of the provisions of the Ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

"Practical Difficulty" variance standards pursuant to Portland City Code §14-473(c)(3):

1. The need for the variance is from dimensional standards of the Land Use Zoning Ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied _____ NOT Satisfied _____ (deny the appeal)
Reason and supporting facts:

This variance is requested for the common loading and parking (employee) area between two abutting properties which use this area. Formerly a train track, it is now used for truck deliveries. Without it, Coffee by design and Young's Furniture would be without employee parking & loading.

2. Strict application of the provisions of the ordinance would create a *Practical Difficulty*, meaning it would both (1) preclude a use of the property which is permitted in the zone in which it is located, and also (2) would result in significant economic injury to the applicant. ("Significant Economic Injury" means the value of the property, if the variance was denied, would be substantially lower than its value if the variance were granted.) To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

Satisfied _____ NOT Satisfied _____ (deny the appeal)
Reason and supporting facts:

STATED ABOVE, THIS IS A SMALL BUT INTENSLY USED ALLEY. THE APPLICANT OWNS 1/2 AS DOES COFFEE BY DESIGN. STRICT APPLICATION WOULD DEFINITELY CREATE A PRACTICAL DIFFICULTY OF OPERATING THEIR BUSINESSES AND TO COME UP WITH ANY TYPE OF ALTERNATIVE (IF ONE EVEN EXISTS) WOULD BE A CAUSE OF SIGNIFICANT ECONOMIC INJURY.

3. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

This is the only property which has abutting loading docks and access over the former railroad siding loading area

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use, or fair market value, of abutting properties.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

None what so ever. But without it both properties values will be negatively effected,

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

No. The buildings were constructed in a different era. Just the way it was done back then.

6. No other feasible alternative is available to the applicant, except the variance.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

No other alternative. Roads on two sides of the building. No room to redesign loading area.

7. The granting of a variance will not have an unreasonably adverse effect on the natural environment.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

No. This variance is a small triangle adjacent to existing employee parking and loading. This variance will not affect any natural environment. The area has never looked so good.

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. §435, nor within a shoreland zone or flood hazard zone.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

No These are all paved areas and not subject to any flooding. City has done great work in this area.

TO THE
ZONING BOARD OF APPEALS
December 29, 2016

This request is for the allowance of paving on a small area to accommodate truck access as well as 5 employee parking spaces. This area is behind two buildings and is directly adjacent to the other paved areas..

Historically, the two adjacent buildings were serviced by the same freight train spur. When this type of service was eliminated from the area, the existing loading platforms were serviced by trucks. As trucks became larger and building uses changed over time, further adjustments had to be made to keep the properties viable.

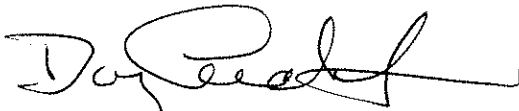
What was once a single use distribution center now serves as a coffee manufacturer, "Coffee By Design" and a furniture warehouse, "Youngs". Access to the shipping/receiving area in the back of their building and employee parking is critical. The above two property abutters have entered into a mutual beneficial lease with this owner to allow for full use of the limited space between the two properties. Without such an arrangement, delivery truck turning radius would be compromised and employee parking would be further limited.

The arrangement works in everyone's interest and in addition provides for visual security and fire apparatus access to the back of both properties.

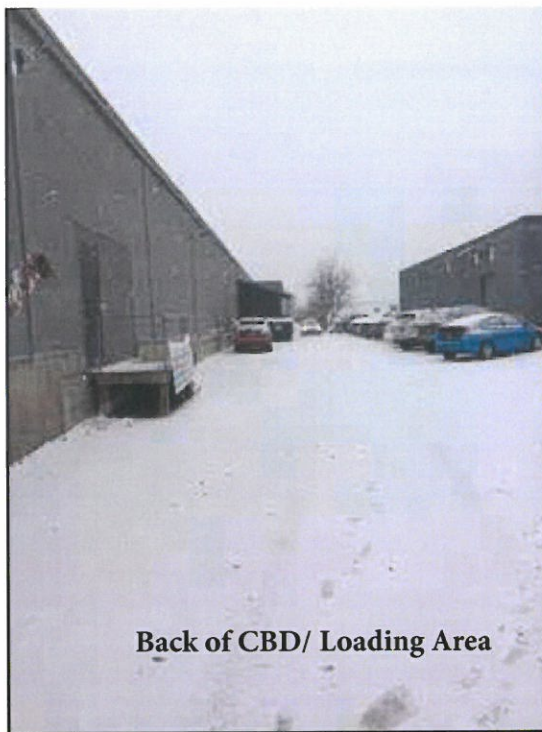
This request does not affect any other property owner, it does not affect appearances, it assists in the proper storm water runoff to new city catch basins and it contributes to the re-adaptation of the existing properties as well as enhances the success of the east Bay side area.

Without this small dimensional variance, the effective use of the property's loading facilities would be precluded and this would result in a significant economic injury to the applicants and their business tenants.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Douglas Cardente", written in a cursive style.

Douglas Cardente
Owner



Back of CBD/ Loading Area



The 5 Spaces in Question



**CBD Employee Parking
On Our Land**



**End of Former Fence
Dividing the Properties**



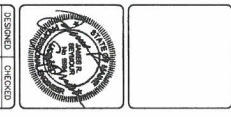
**Loading Docks on Left/
Employee Parking on Right**

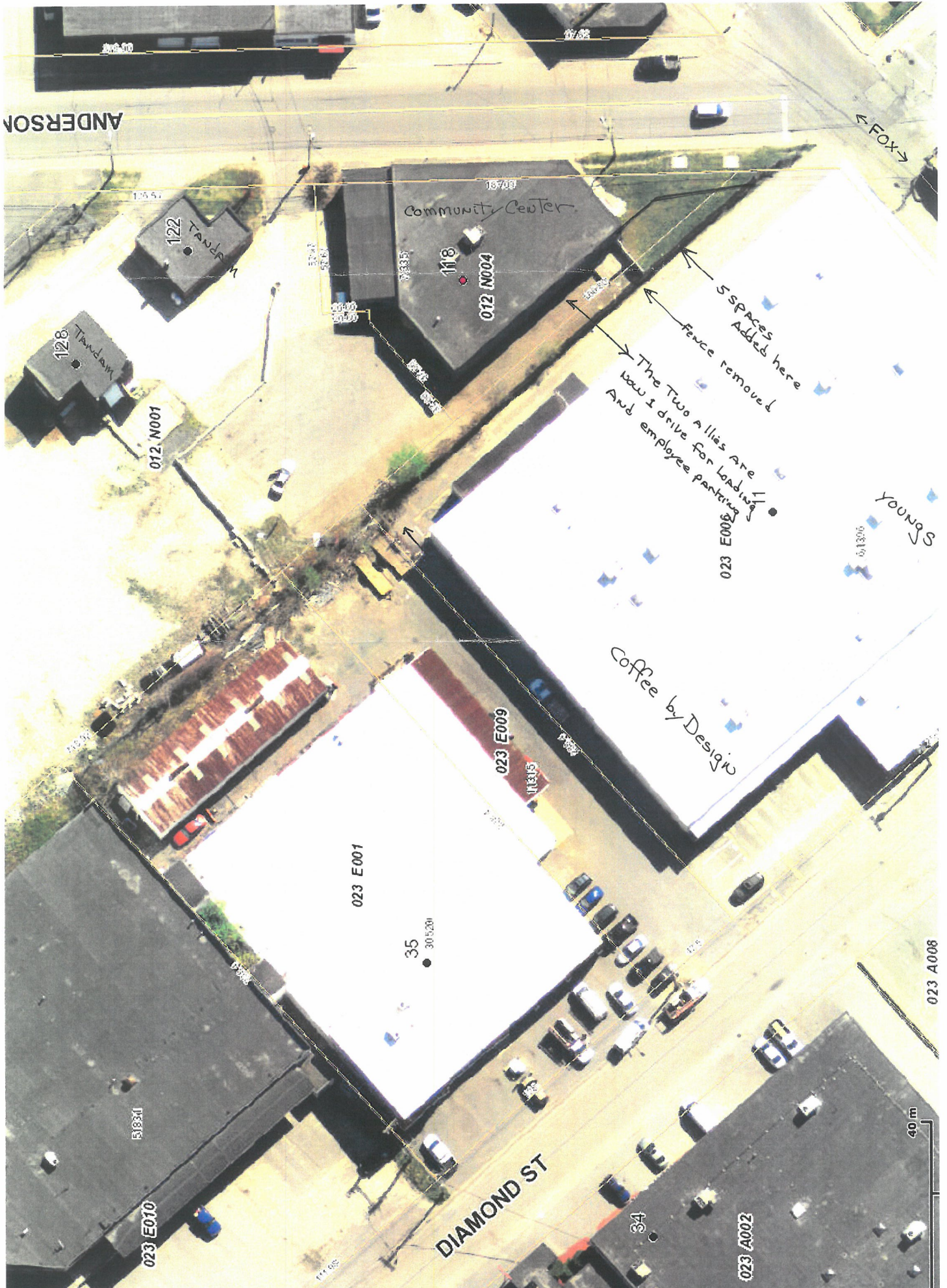


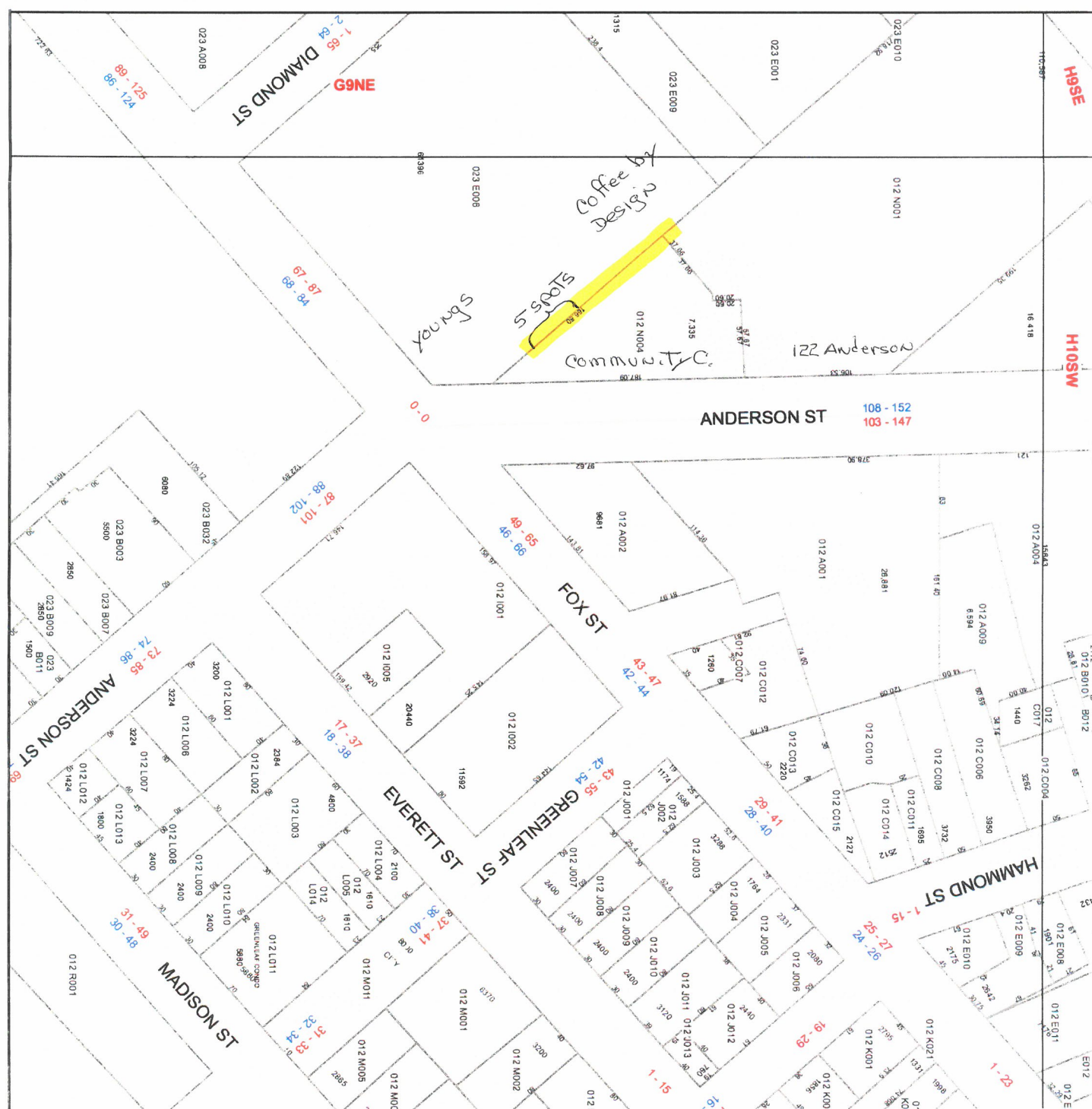
**Loading Docks on Left/
Employee Parking on Right**



**Variance requested for these
5 Spaces**







**QUITCLAIM DEED WITH COVENANT
KNOW ALL MEN BY THESE PRESENTS**

THAT, **CHADBALLS, INC.**, a Maine corporation with a place of business in Freeport, Maine, in consideration of one dollar and other valuable consideration paid, grant to **ANDERSON STREET REALTY, LLC**, a Maine limited liability company, whose mailing address is 299 Forest Avenue, Portland, Maine 04101, with quitclaim covenant the land in the City of Portland, County of Cumberland and State of Maine and more specifically described as:

SEE EXHIBIT A ATTACHED HERETO

Together with all rights of the Grantor, insofar as the Grantor has any rights to convey, to any land between the land described above and of Sleepy Hollow Development, Inc., which land is identified as "SEE NOTE #1" on Plan for Tewksbury Industries, Inc., dated August, 1994 by Anderson-Livingston Engineers, Inc.

Being the same premises conveyed to the Grantor herein by deed from Bayside Beautification Project, LLC dated August 24, 2005 and recorded in the Cumberland County Registry of Deeds in Book 23077, Page 200. Also a second deed being the same premises conveyed to the Grantor herein by Sleepy Hollow Development, Inc. dated August 25, 2005 and recorded in said Registry of Deeds in Book 23077, Page 198.

IN WITNESS WHEREOF, the said William P. Simpson, President of Chadballs, Inc. has hereunto set his hand this 22 day of December, 2006.

Witness

CHADBALLS, INC.

BY: William P. Simpson
William P. Simpson
Its: President

STATE OF MAINE
COUNTY OF CUMBERLAND

December 22, 2006

Then personally appeared the above-named William P. Simpson, President of Chadballs, Inc. and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.

Before me,

Thomas J. Farrell
Notary Public/Attorney-at-Law

Thomas Farrell
Typed or printed name of person
taking acknowledgment

EXHIBIT A

PARCEL ONE

A certain lot or parcel of land together with any buildings or improvements thereon, located in Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the westerly side line of Anderson Street in said Portland where a prolongation southeasterly of a line nine (9) feet northeasterly from and running parallel with the center line of a certain railroad track known as Track No. 33, formerly owned by Casco Company, would intersect said westerly side line of said Anderson Street; thence, from said point northerly by the westerly side line of said Anderson Street two hundred forty-eight and thirteen-hundredths (248.13) feet to a point where a straight line at right angles to said center line of said railroad Track No. 33 and one hundred sixty-seven feet (167) feet long would intersect said westerly side line of Anderson Street; thence, northwesterly on a line parallel with and one hundred sixty-seven (167) feet northeasterly from said center line of said railroad Track No. 33, five hundred thirty-seven and twenty-five hundredths (537.25) feet to a point; thence, southwesterly with an included angle of ninety (90) degrees, one hundred fifty-eight (158) feet to a point nine (9) feet northeasterly from the center line of said railroad Track No. 33; thence, southeasterly on a line parallel with and nine (9) feet northeasterly from said center line of said railroad Track No. 33, seven hundred twenty-eight and fifty-seven hundredths (728.57) feet to the point of beginning on the westerly side of said Anderson Street; containing one hundred thousand (100,000) square feet, more or less.

EXCEPTING a small triangle parcel of land in the northwesterly corner of the premises conveyed to Frank B. Gordon by Casco Company in the first paragraph of deed dated March 27, 1940, and recorded in the Cumberland County Registry of Deeds in Book 1601, Page 237, the premises hereby excepted being so much of said premises conveyed to Frank B. Gordon, as aforesaid, as extends northwesterly of the southeasterly line of land conveyed by Industries, Inc., to Portland Terminal Company by deed dated December 4, 1945, and recorded in said Registry of Deeds in Book 1802, Page 432. Reference is made to the deed from Frank B. Gordon to Industries, Inc., dated December 4, 1945, and recorded in said Registry of Deeds in Book 1794, Page 455.

SUBJECT to rights granted to Industries, Inc., its successors and assigns, to construct and maintain an additional spur railroad track across the northwesterly corner of said land of Frank B. Gordon, northwesterly of railroad Track No. 33 as relocated.

PARCEL TWO

A certain lot or parcel of land, situated in said City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning at a point on the westerly side line of Anderson Street where a prolongation southeasterly of a line nine (9) feet northeasterly from and running parallel with center line of a railroad track known as Track No. 33 would intersect said side of Anderson Street, said point of beginning being the southerly corner of land conveyed by Casco Company to Frank B. Gordon by deed dated March 27, 1940, and recorded in the Cumberland County Registry of Deeds, Book 1601, Page 237; thence, southerly by said westerly side of Anderson Street thirty-two and twenty-six hundredths (32.26) feet; thence northwesterly with an included angle of $39^{\circ} 34''$ degrees, a distance of seven hundred, twenty-five (725) feet, more or less, to the easterly line of land conveyed by Industries, Inc. to Portland Terminal Company by deed dated December 4, 1945, and recorded in the Cumberland County Registry of Deeds in Book 1802, Page 432; thence, northerly by said land of Portland Terminal Company to the southwesterly line of land conveyed by Casco Company to Frank B. Gordon, as hereinbefore stated; thence, southeasterly by said Gordon land about seven hundred and ten (710) feet to said Anderson Street at the point of beginning.

Together with and including herein the railroad side track located on said lot.

EXCEPTING AND RESERVING, however, the right to locate a spur railroad track across the northwesterly corner of the lot herein conveyed, northwesterly of side track No. 33 as relocated.

Also a certain lot or parcel of land situated in said Portland, bounded and described as follows:

Beginning on said westerly side of Anderson Street at the northeasterly corner of said land conveyed by Casco Company to Frank B. Gordon, as aforesaid; thence, northerly by Anderson Street thirteen and twenty-two hundredths (13.22) feet; thence, northwesterly with an included angle of $39^{\circ} 34''$ degrees, five hundred thirty (530) feet, more or less to a point in line with the northwesterly line of the land conveyed by Casco Company to said Gordon, as aforesaid, thence, southwesterly to the most northerly corner of said Gordon land; thence, southeasterly by said Gordon land five hundred thirty-seven and twenty-five hundredths (537.25) feet to said Anderson Street to the point of beginning.

Together with and also conveying the right to maintain said Track No. 33 across a portion of the remaining land of Industries, Inc. situated northwesterly of said Frank B. Gordon's land and connecting with the line of the Portland Terminal Company, to the extent now in force and applicable.

ALSO CONVEYING the right to construct, maintain and operate an additional side track from land of the Portland Terminal Company to land of said Frank B. Gordon across the remaining land of Industries, Inc. situated northwesterly of land of Frank B. Gordon, to the extent now in

force and applicable.

Also conveying a right to maintain a gasoline tank near the northeasterly line of the premises conveyed in the second parcel hereinbefore described, to the extent now in force and applicable.

Parcels One and Two described above are conveyed SUBJECT to the following:

1. Rights and easements granted to Central Maine Power Company and New England Telephone and Telegraph Company by Harcon Iron & Steel Co. by deed dated June 2, 1977, and recorded in said Registry of Deeds in Book 4079, Page 47.
2. Installation of groundwater extraction wells and excavation of soils greater than one (1) foot below the surface is prohibited except with the consent of the State of Maine Department of Environmental Protection, or any successor agency. Nothing herein shall obligate the Grantee herein, or its successors and assigns to obtain the consent of any party other than the Maine Department of Environmental Protection or its successor agency, including without limitation the Grantor herein or its successors or assigns, in order to undertake any of the activities specified in this paragraph.

This conveyance is made together with all the Grantor's right, title and interest in any appurtenant rights which may continue to benefit the above-described premises.

Reference may be had to a deed from Harcon Iron & Steel Co., dated August 27, 2001, and recorded in the Cumberland County Registry of Deeds in Book 16782, Page 251.

This conveyance is also made subject to the following:

1. Rights granted to AK110 LLC by Bayside Beautification Project LLC as set forth in a deed dated May 10, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17622, Page 135, including but not limited to rights for parking, access, rights in an "outdoor circulation easement area", installation of utilities, encroachments and location of a dumpster.
2. Matters shown on the Site Plan and provisions of a Development Agreement, both as referred to in the deed from Bayside Beautification Project LLC to AK110 LLC as set forth in said deed in Book 17622, Page 135.

EXCEPTING from the above-described premises a certain lot or parcel of land together with all buildings and improvements thereon, located on the westerly side of Anderson Street in Portland, County of Cumberland and State of Maine, and being the existing "Warehouse" building at 110 Anderson Street, together with all land between it and the westerly side of Anderson Street, and all other land within 0.5 feet of the face of said Warehouse walls, all as depicted on that plan entitled "Site Plan made for Bayside Beautification Project, LLC by Titcomb Associates dated April 8, 2002 ("Site Plan") to be recorded in the Cumberland County

Registry of Deeds. The real estate herein conveyed being more particularly bounded and described as follows:

Beginning at an iron pin on the westerly side of Anderson Street located 87.37 feet northerly from the most southerly corner of the land described in the deed to Bayside Beautification Project, LLC from Harcon Iron & Steel Co. dated August 27, 2001 and recorded in said Registry of Deeds in Book 16782, Page 251; thence S 48° 54' 37" W 36.73 feet to a point; then N 40° 56' 44" W 99.35 feet to a point; thence N 49° 15' 46" E 37.66 feet to a point; thence N 86° 41' 29" E 5.27 feet to a point; N 03° 18' 31" W 20.60 feet to a point; thence N 86° 41' 29" E 57.67 feet to an iron pin on the westerly side of Anderson Street; thence southerly by the westerly side of Anderson Street 99.72 feet to the point of beginning.

The above described parcel contains 7,335 square feet and is designated on the Site Plan as "Buyer's Property."

Bayside Beautification Project, LLC herein retains the remaining land and appurtenant rights thereto which it acquired from Harcon Iron & Steel Co. by said deed recorded in the Cumberland County Registry of Deeds in Book 16782, Page 251, which it intends to further develop. Bayside Beautification Project, LLC's intent is that the above-described premises conveyed to AK110 LLC will be developed and used by said AK110 LLC in a manner consistent and compatible with Bayside Beautification Project, LLC's development. Accordingly, the above-described premises are conveyed subject to the following easements, covenants and restrictions, all of which shall be considered covenants running with the land for the benefit of the land retained by Bayside Beautification Project, LLC and binding upon Bayside Beautification Project, LLC and AK110 LLC and their respective heirs, successors and assigns.

Reference is hereby made to the Site Plan which depicts the land which Bayside Beautification Project, LLC acquired from Harcon Iron & Steel Co. ("Development Parcel"). The Site Plan shows portions of the Development Parcel as "Buyer's Property" and Seller's Retained Property". Seller's Retained Property is the Development Parcel, less "Buyer's Property," but including "Proximate Parking Area" and "Outdoor Circulation Easement Area." References to other discreet areas listed herein are as depicted on the Site Plan which is incorporated herein.

The respective rights and obligations of Bayside Beautification Project, LLC and AK110 LLC are further specified in that "Development Agreement" of even or near date herewith, as it may be amended from time to time, provided that nothing in said Development Agreement shall in any way materially change the basic rights and responsibilities set forth in this Deed.

1. Parking. Buyer's Property shall have the non-exclusive right to park up to twenty-four (24) passenger vehicles or light trucks on Seller's Retained Property in locations to be determined from time-to-time by Bayside Beautification Project, LLC. Six (6) of those parking spaces shall be within the Proximate Parking Area. All parking shall be subject to such reasonable rules and regulations as Bayside Beautification Project, LLC shall impose.

When any parking areas are constructed or further improved, AK110 LLC shall pay Bayside Beautification Project, LLC its pro rata portion of Bayside Beautification Project, LLC's Parking Space Development Cost, as defined in the Development Agreement. AK110 LLC shall also be responsible for its pro rata share of on-going maintenance expenses of the parking areas as set forth in the Development Agreement.

Nothing herein or in the Development Agreement shall obligate Bayside Beautification Project, LLC to further develop the Development Parcel or require AK110 LLC to elect to utilize its parking rights. Any permanent reduction in the number of spaces dedicated to AK110 LLC on the Development Parcel shall be reflected in an amendment hereto recorded in said Registry of Deeds.

2. Access. AK110 LLC's primary access to Buyer's Property shall be from its frontage on Anderson Street. AK110 LLC shall also have access to its designated parking spaces through reasonable direct routes laid out from time to time by Bayside Beautification Project, LLC. AK110 LLC's access to exterior loading docks as shown on the Site Plan or otherwise shall be solely at Bayside Beautification Project, LLC's discretion and pursuant to specific written approval of Bayside Beautification Project, LLC, subject to the terms of the Development Agreement and any conditions contained in Bayside Beautification Project, LLC's approval.

AK110 LLC may utilize one of the areas designated on the Site Plan as "possible location of exterior stairs" for purposes of providing pedestrian access to Buyer's Property. All steps, ramps, or other improvements constructed within these areas shall be of good quality and maintained in a safe and clean condition by AK110 LLC for the benefit of Bayside Beautification Project, LLC. If AK110 LLC shall elect to so utilize a designated area, Bayside Beautification Project, LLC shall designate pedestrian access to that area.

3. Circulation Area. AK110 LLC shall have a non-exclusive easement in the "Outdoor Circulation Easement Area" shown on the Site Plan to construct pedestrian walkways and customary landscaping attendant to the pedestrian entrance to Buyer's Property, and installation of customary utilities serving Buyer's Property. All of AK110 LLC's improvements shall be of good quality and maintained in a safe and clean condition by AK 110 LLC for the benefit of Bayside Beautification Project, LLC. Bayside Beautification Project, LLC specifically reserves to itself all rights which do not materially interfere with AK110 LLC's rights hereunder, including the installation of overhead and underground utilities in and through this area, provided Bayside Beautification Project, LLC shall restore the surface of the land to its former condition following the exercise of such reserved rights.

4. Building Restoration and Maintenance. AK110 LLC is hereby conveyed a perpetual, non-exclusive easement for encroachments for customary building structures

which currently extend beyond the boundary lines of Buyer's Property, including minor variations in exterior wall plants, roof overhangs, gutters, window details, entrance details and canopies.

AK110 LLC may install dumpsters or trash collection devices on Seller's Retained Property or Proximate Parking Area as provided in the Development Agreement in locations as may be directed from time to time by Bayside Beautification Project, LLC. The cost of installing the dumpster pad and equipment, and of maintaining same, shall be born solely by the AK110 LLC.

Following six (6) months advance written notice to AK110 LLC by Bayside Beautification Project, LLC, AK110 LLC shall complete certain exterior improvements to Buyer's Property as specified in the Development Agreement. At the request of Bayside Beautification Project, LLC, AK110 LLC shall also join a lot owners association which shall include the other owner(s) of the Development Parcel provided that in so doing, AK110 LLC will not incur obligations or costs beyond those provided in the Development Agreement.

Any notices to be provided hereunder shall be in writing and delivered to the respective addresses as set forth herein, or as otherwise agreed in the Development Agreement. Any disputes arising hereunder or under the Development Agreement shall be submitted to the dispute resolution process set forth in the Development Agreement.

Reference to the above-excepted parcel may be had to a deed from Bayside Beautification Project, LLC to AK110 LLC dated May 10, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17622, Page 135.

PARCEL THREE

A certain parcel of land situated southerly of, but not adjacent to, Cove Street in the City of Portland, County of Cumberland, State of Maine being bounded and described as follows:

Beginning on the easterly sideline of land formerly of the Portland Terminal Company, now or formerly of the State of Maine, reference Book 16707 Page 206 and land now or formerly of Bayside Beautification Project, Inc., reference Book 16782 Page 251 as shown on a plan entitled "Standard Boundary Survey for Tewksbury Industries, Inc. Anderson Street Portland, Maine" dated august 1994 by Anderson-Livingston;

Thence N 7° 31' 00" E along said land of the State of Maine a distance of 115.91 feet;

Thence S 82° 29' 00" E a distance of 102.30 feet to land of said Bayside Beautification Project, Inc.;

Thence S 48° 56' 55" W along said land a distance of 154.59 feet to the point of

beginning, containing, 5,298 square feet, more or less.

This description was prepared without the benefit of a current survey and is based on the above referenced plan.

Also being a portion of the premises conveyed to Sleepy Hollow Development, Inc. by deed of Investment Associates, Inc. dated September 1, 1995 and recorded in the Cumberland County Registry of Deeds in Book 12102, Page 108.

Received
Recorded Register of Deeds
Dec 22, 2006 11:31:35A
Cumberland County
John B OBrien

Portland, Maine



Yes. Life's good here.

Michael A. Russell, MS, Director
Permitting and Inspections Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS

Conditional Use Appeal Application

Applicant Information:

Dana Cunningham
NAME

BUSINESS NAME

140 Pennell Ave Portland ME
BUSINESS ADDRESS

775-5656 genatdana@gmail.com
BUSINESS TELEPHONE & E-MAIL

OWNER
APPLICANT'S RIGHT/TITLE/INTEREST

R3
CURRENT ZONING DESIGNATION

EXISTING USE OF THE PROPERTY:

Singh Family

TYPE OF CONDITIONAL USE PROPOSED:

new attached accessory dwelling

Subject Property Information:

140 Pennell Ave
PROPERTY ADDRESS

347 A008 001 thru 347 A008 016
PROPERTY OWNER (If Different)

775-5656 genatdana@gmail.com
ADDRESS (If Different)

775-5656 genatdana@gmail.com
PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY
SECTION 14- _____

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

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

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

Dana Cunningham
SIGNATURE OF APPLICANT

10-31-16
DATE

December 22, 2016

City of Portland Zoning Board of Appeals
389 Congress Street
Portland, Maine 04101

RE: Conditional Use Appeal for Accessory Dwelling

To Whom It May Concern:

I am requesting a permit to have an accessory dwelling that will be located above a three car garage and attached to my current dwelling.

I believe this will be good for the neighborhood considering that the unit will be located at the very end of Pennell Avenue where the dwelling unit is surrounded by forests to the rear and North side. The property is located on several city lots that I purchased a few years ago which provides a rural setting within itself, with walking trails that continue by the property down the paper street portion of Pennell Avenue and eventually connecting to the Portland Trail network.

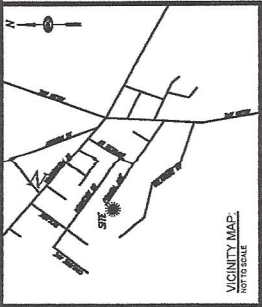
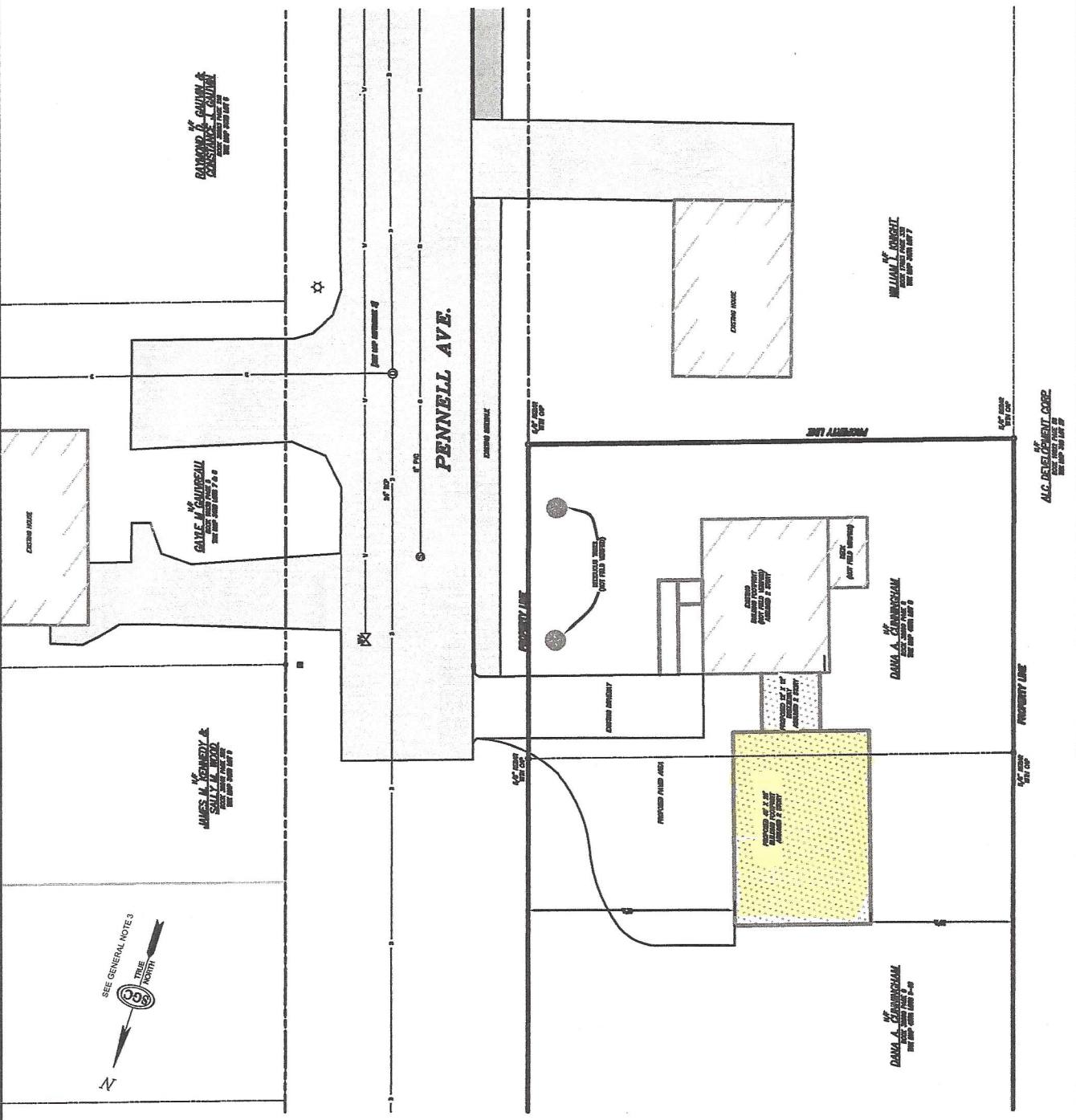
My intention would be to rent the unit at an affordable rate. The location is ideal to those who have children as the property is within walking distance to Lyseth or Lyman Moore Schools.

Thank you for your time and consideration in this matter.

Sincerely,



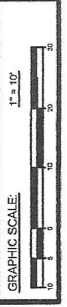
Dana Cunningham
140 Pennell Avenue
Portland, ME 04103



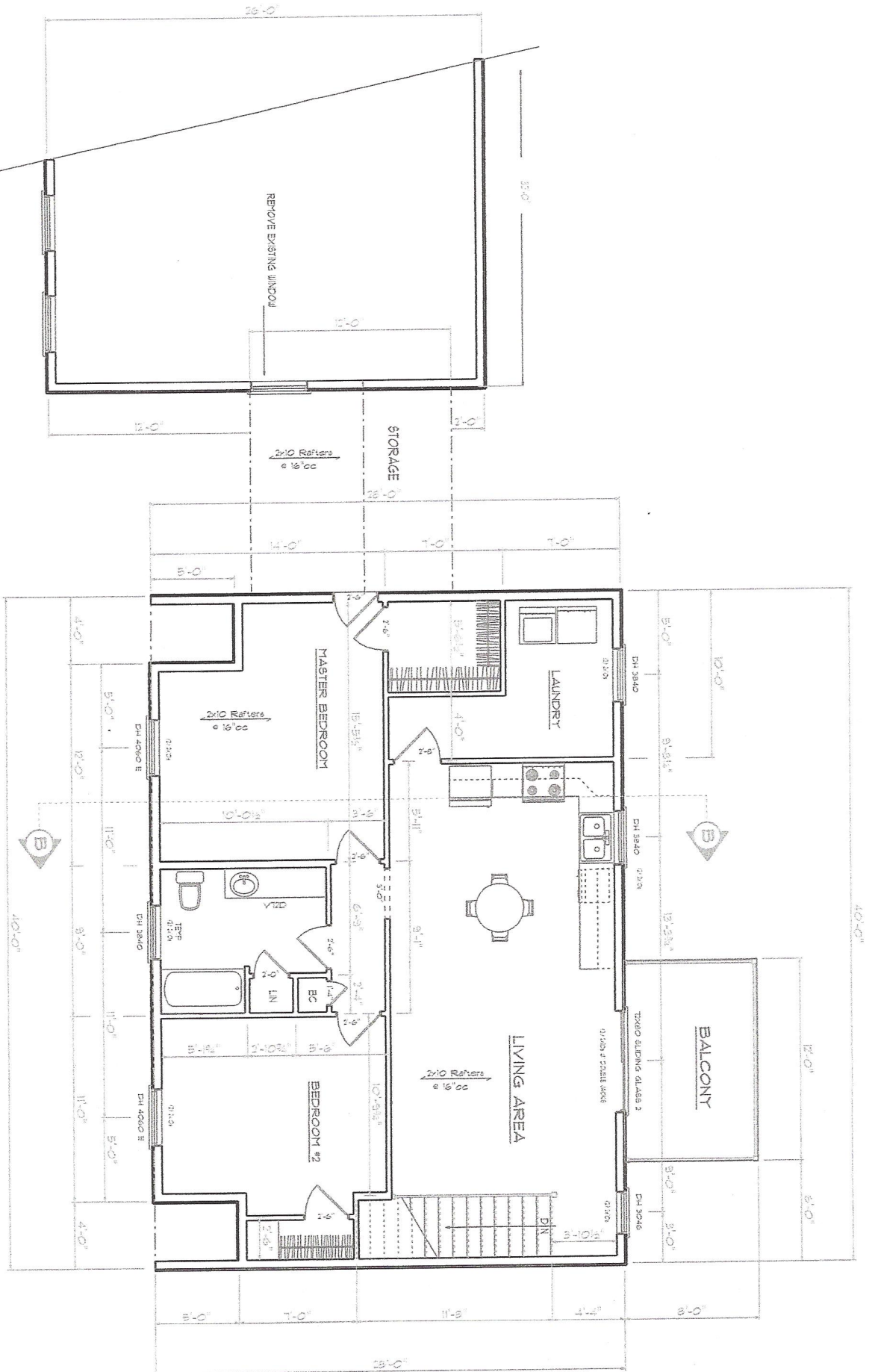
- GENERAL NOTES:**
- 1) THE PLAN AND ALL WORK ASSOCIATED WITH IT WAS PERFORMED BY SGC ENGINEERING, LLC PURSUANT TO A PROFESSIONAL ENGINEERING AGREEMENT BETWEEN SGC ENGINEERING, LLC DATED AUGUST 28, 2016
 - 2) THE PURPOSE OF THIS PLANTU IS TO SHOW A PROPOSED ADDITION INTO THE HOUSE BROWN ON 1207 B STREET BY SGC ENGINEERING, LLC. THE HOUSE BROWN ON 1207 B STREET DOES NOT HAVE A LOCATION OF ARTING ON AND HAS BEEN SINCE 2007.
 - 3) THE BUILDING'S EXISTENCE ARE REFERENCED TO THE MAGNETIC MERIDIAN OF 1921 AND ARE BASED ON MAP REFERENCE 1.
 - 4) ABUTTING PROPERTY OWNER INFORMATION REFERENCED HEREIN WAS OBTAINED FROM THE CITY OF PORTLAND ASSESSORS DATA AS OF THIS SURVEY.
 - 5) NO SURFACE INVESTIGATION HAS BEEN PERFORMED BY SGC ENGINEERING, LLC. INVESTIGATIONS SHOULD BE COMPLETED PRIOR TO COMMENCING ANY EXCAVATION. (986-3447703)
 - 6) NO DETERMINATION OF SOIL ENGINEERING REGARDING THE RESOURCES OR REMEDIATING IS THE RESPONSIBILITY OF THE APPLICANT.

- MAP REFERENCES:**
- 1) A PLAN ENTITLED THE HOMESTATE OF PORTLAND AND MAINE OWNED BY THE CITY AND SUBURBAN LAND TRUST DATED SEPTEMBER, 1991, SURVEYED BY E.C. BROWN AND L. CO. REFERENCED AT "CLAREMONT AND TOWN" CITY REGENCY OF DEEDS AND RECORDS, WINDHAM, MAINE
 - 2) A PLAN ENTITLED BOWDOIN SQUARE SURVEY MAP OF BOWDOIN SQUARE IN THE CITY OF BOWDOIN, MAINE, COGNATE TO PLAN 228 MAP 228, DATED JANUARY 26, 1991, SURVEYED BY ITICAM ASSOCIATES AND RECORDED AT CLAREMONT AND TOWN CITY REGENCY OF DEEDS IN PLAN BOOK 228 PAGE 97.
 - 3) A PLAN ENTITLED "SOUTH CONDUITS FOR STEINBERG MANAGEMENT, DATED DOCUMENT 1, 2000, SURVEYED BY GEO ENGINEERING, LLC.
 - 4) A PLAN ENTITLED "WILEY PLAY FOR WRIGHT BRACKET, DATED AUGUST 22, 2007, SURVEYED BY GEO ENGINEERING, LLC.

- [illegible]



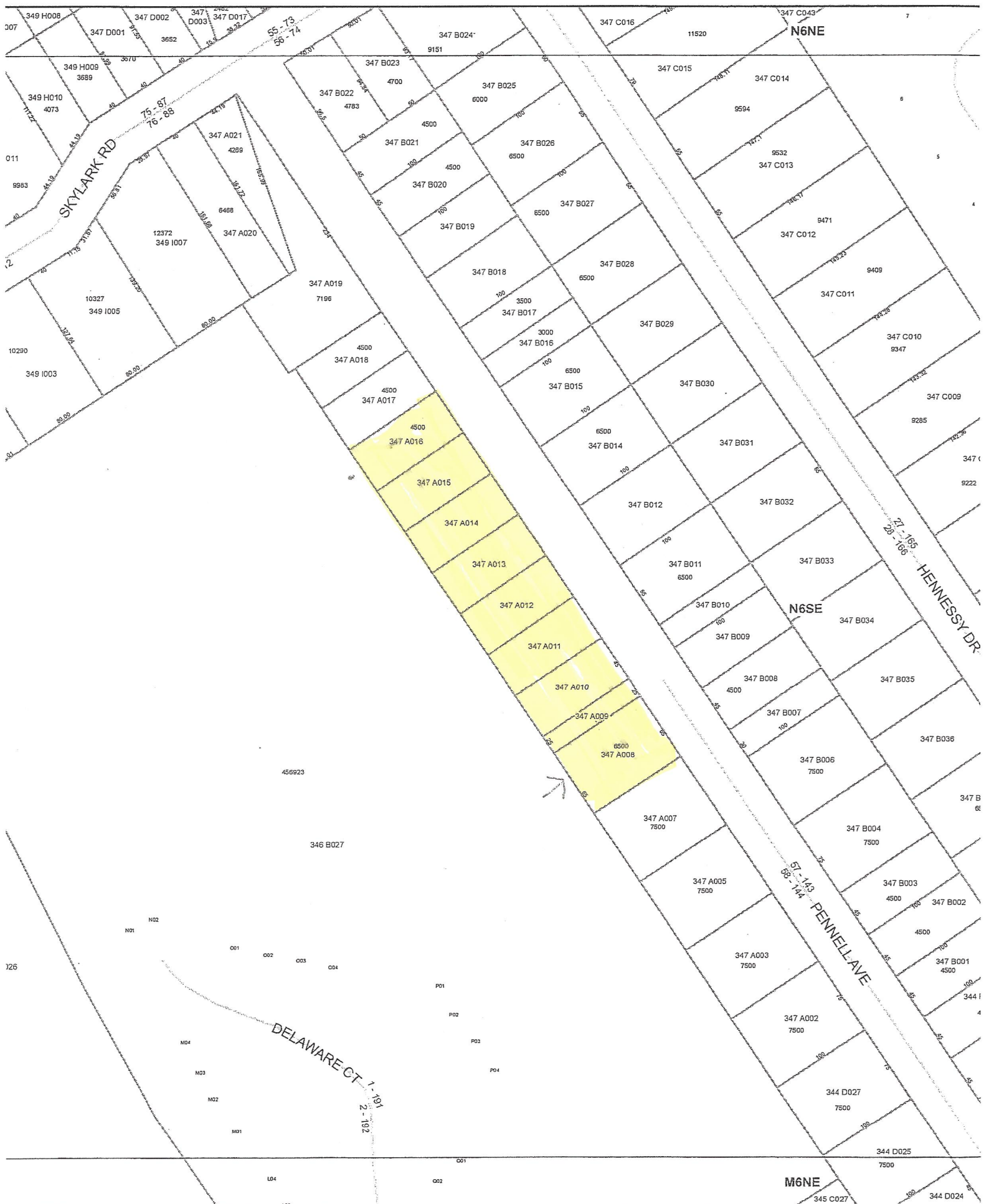
Upper Floor Plan
1/4" = 1'-0"



WAYNE PARADIS INC.

Custom Design
Services
Tel: 692-3424
Cell: 223-7641

George Aedon
Plan For:
Dana Cunningham
Drawn by: Wayne Paradis





QUITCLAIM DEED WITH COVENANT

Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, that I, **Dana A. Cunningham**, of Portland, County of Cumberland, Maine for consideration paid, release to **Dana A. Cunningham**, of Portland, Cumberland County, Maine, whose mailing address is 140 Pennell Avenue, with **QUIT CLAIM COVENANT**, the land in the City of Portland, County of Cumberland, and State of Maine, described as follows:

See Attached Exhibit A

WITNESS his hand and seal this 19th day of October, 2015.

Signed, Sealed and Delivered in the presence of:

Witness

Dana A. Cunningham
Dana A. Cunningham

STATE OF MAINE
Cumberland County, ss.

October 19, 2015

Then personally appeared the above named Dana A. Cunningham and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Jill Morrisseau
Notary Public/Attorney at Law

my Commission Exp: 5/10/20

EXHIBIT A**Parcel One:**

A certain lot or parcel of land located on the westerly side of Pennell Avenue and being more particularly bounded and described as follows:

Commencing at a stone monument with cap 6" below grade with cap PLS #1273, said stone monument is on the easterly side of Pennell Avenue approximately 2.98 feet westerly of a found 5/8" rebar 2" above grade with no cape and bent, thence;

N 85° 37' 18" W a distance of fifty-one and 04/100 (51.04') feet to a 5/8" rebar with cap to be set on the westerly side of Pennell Avenue. Said point also being the point of beginning, thence;

S 17° 51' 00" E a distance of sixty five and 00/100 feet (65.00') along the westerly side of Pennell Avenue to a 5/8" rebar with cap set, thence;

S 71° 31' 00" W a distance of one hundred and 01/100 feet (100.01') along the land on the south now or formerly of William L. Knight as described in Deed Book 17683, Page 338 recorded in the Cumberland County Registry of Deeds and the parcel of land herein described, to a 5/8" rebar with cap set, thence;

N 17° 51' 00" W a distance of sixty-five and 00/100 feet (65.00') along the land to the west now or formerly of ALC Development Corporation as described in Deed Book 18822, Page 58 recorded in the Cumberland County Registry of Deeds and the parcel of land herein described, to a 5/8" rebar with cap to be set, thence;

N 71° 31' 00" E a distance of one hundred and 01/100 feet (100.01') along the land to the north of Stonemark Management, Inc., as Trustee of the Robinson Family Trust, to the westerly sideline of Pennell Avenue to a 5/8" rebar with cap to be set, said point also being the Point of Beginning.

Containing 6500 +/- square feet or .015 acres, more or less, and being lots numbered 36 and the southerly 20 feet of Lot 37 on Plan of the Holmsteads prepared by E.C. Jordan, C.E. and dated September, 1921. Said plan being recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 70.

All bearings herein referenced to the Magnetic Meridian of 1921 and are based on the aforementioned plan.

Subject to a provision contained in a deed from Stonemark Management Corporation, Inc., as Trustee of the Robinson Family Trust to Stonemark Management C., Inc., dated December 19, 2007 recorded in said Registry of Deeds in Book 25727, Page 185 granting a portion of the land conveyed herein, such portion being the above referenced portion of Lot 37 on said Plan of the Holmsteads, which provision provides that if any owner of said portion of said Lot 37 attempts to divide the merged parcel containing said portion and the above-referenced Lot 36 on said Plan

of the Holmsteads, at any time within five years from the date of said deed, then said deed and conveyance shall be and become null and void, and the title to said portion of said Lot 37 conveyed therein shall immediately revert to Stonemark Management Co., Inc., its heirs, successors and assigns.

Meaning and intending to describe the same premises as conveyed by a Warranty Deed from Paul Thomas King Farlow and Sarah Joanne Farlow to Dana A. Cunningham dated September 7, 2012 and recorded in the Cumberland County Registry of Deeds at Book 29923, Page 98.

Parcel Two:

Certain property located in the City of Portland, County of Cumberland and State of Maine, described as follows:

City of Portland Tax Assessor Map for 2012, Lots 347 A-9 through A-16.

Meaning and intending to describe lots numbered: 38, 39, 40, 41, 42, 43, 44 and the remaining portion of Lot 37, all as shown on the Plan of Holmsteads, recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 70, to which plan reference is hereby made for a more particular description. (Excluded from this conveyance is the southerly portion of Lot 37 described in a deed from StoneMark Management Company, Inc., as Trustee of the Robinson Family Trust to StoneMark Management Company, Inc., dated December 19, 2007 and recorded in the Cumberland County Registry of Deeds, Book 25727, Page 185.)

Being a portion of the premises conveyed by Scott Robinson to the Grantor by deed dated November 27, 2012 and recorded in the Cumberland County Registry of Deeds in Book 30235, Page 190; and by deed of Robin Grady to the Grantor dated November 30, 2012, and recorded in the Cumberland County Registry of Deeds in Book 30235, Page 191.

Meaning and intending to describe the same premises as conveyed by a Release Deed from Gary Baril to Dana Cunningham dated January 28, 2013 and recorded in the Cumberland County Registry of Deeds at Book 30363, Page 99.

Received
Recorded Register of Deeds
Oct 27, 2015 09:14:21A
Cumberland County
Nancy A. Lane

RE: New Attached Accessory Unit-140 Pennell Ave., Portland, ME 04103

Memorandum for Standard of Approval

Dear Members of the Zoning Board of Appeals,

I would like to address the Standard Conditions of Approval for R-3 for an Accessory Unit by providing answers for A-J under Code of Ordinances, Sec 14-88, #2.

- a. The gross floor area of the principal building is 4,192 and the accessory unit will be 1,120 or 26.7%, below the maximum percentage of 30%. The accessory unit exceeds the minimum floor area requirement of 400 square feet.
- b. As shown in the floor plans, the accessory unit does not include any open outside stairways or open fire escapes above ground floor.
- c. The accessory unit will not create any changes to the exterior of the building.
- d. The lot size is 40,500 square feet which exceeds the requirement of 6,500 square feet.
- e. Not listed in Section I 4-88.
- f. Not listed in Section I 4-88.
- g. The main dwelling unit's floor area will be reduced to 3,072 square feet, greater than the 1,000 square feet minimum.
- h. Parking will include 3 spaces in the garage and 3 parking spaces in the driveway. The tenants of the accessory unit will be provided up to 2 spaces.
- i.
 - i. The accessory unit will not create any changes to the exterior of the building.
 - ii. There are no planned changes to the parking surface or landscaping.
- j. The principal unit will be occupied by the owner, Dana Cunningham.

In response to the three standard questions listed on the Conditional Use Appeal Application:

- 1. The property is located at the end of a dead-end street. The intention is to rent to up-to two individuals with no more than two registered vehicles. This will not substantially increase the vehicle traffic that would normally occur in this zone. This will be a residential unit in a residential zone, therefore the hours of operation do not apply.
- 2. The unit will be rented exclusively as a residential unit.
- 3. Again, the unit will be rented exclusively as a residential unit.

If you have any questions or need additional information, please contact Dana Cunningham at 207-775-5656. Thank you.



Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS

Conditional Use Appeal Application

Applicant Information:

ETHOS CARPENTRY MINAS
NAME

ETHOS CARPENTRY
BUSINESS NAME

77 WILLIAM ST PORTLAND, ME 04103
BUSINESS ADDRESS

207.831.7654 / ETHOSCARPENTRY@GMAIL
BUSINESS TELEPHONE & E-MAIL

OWNER / BUILDER
APPLICANT'S RIGHT/TITLE/INTEREST

R-5 TWO-FAMILY
CURRENT ZONING DESIGNATION

Subject Property Information:

77 WILLIAM ST
PROPERTY ADDRESS

117 DO 15001
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

ADDRESS (If Different)

207.831.7654 / ETHOSCARPENTRY@GMAIL
PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY
SECTION 14- 118

EXISTING USE OF THE PROPERTY:

TWO-FAMILY RESIDENTIAL

TYPE OF CONDITIONAL USE PROPOSED:

CONVERT TO THREE-FAMILY RESIDENTIAL WITH

ADDITION OF (1) AFFORDABLE UNIT IN EXISTING ATTIC

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

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

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

SIGNATURE OF APPLICANT

DATE

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

Addition of third living unit to 77 William Street

Members of the Zoning Board of Appeals,

We are writing to formally request the review of our proposal to renovate the attic of an existing 2-unit building located at 77 William Street Portland, Maine to serve as an additional 844 square foot living unit. The attic is presently unfinished and not accessory space to either of the existing units on the first and second floors. This new unit would be rented in accordance to the affordability requirement currently mandated for a third unit in the City's R5 zone. We intend to work with the Housing and Community Development Division to ensure that the rental of this proposed unit conforms to the requirements for an affordable apartment.

We'd like to bring to your attention the precedent for this type and scale of building on the street. Immediately abutting, 81 William St is currently being converted into a 3-unit building, while across the street 62, 72, and 74 William St are existing 3-unit buildings. Two parcels to the northeast on the same side of the street, is another 3-unit building at 69 William St.

Some minor exterior modifications will need to be made to accommodate the new unit but will be limited to replacing windows in existing openings, replacing a 2-unit window with a French balcony door and adding a balcony over the shed roof portion of the structure toward the rear of the building. The balcony and new doors and windows will be designed in keeping with the building's existing architectural style, color, and finish materials. The balcony's details are to match those already existing on the building's porches and balcony.

Because the 3rd floor unit we are proposing will have only one stairwell as a means of egress, a fire suppression sprinkler system will be added throughout all units of the building.

The new unit will not impact traffic patterns, and existing off-street parking exceeds requirements for the building from section 14-332-(A)2 of the City Land Use Ordinance.

Thank you for your time and consideration.

Sincerely,

Eletherios Minas
77 William Street
Portland, Maine 04103
(207) 831-7654

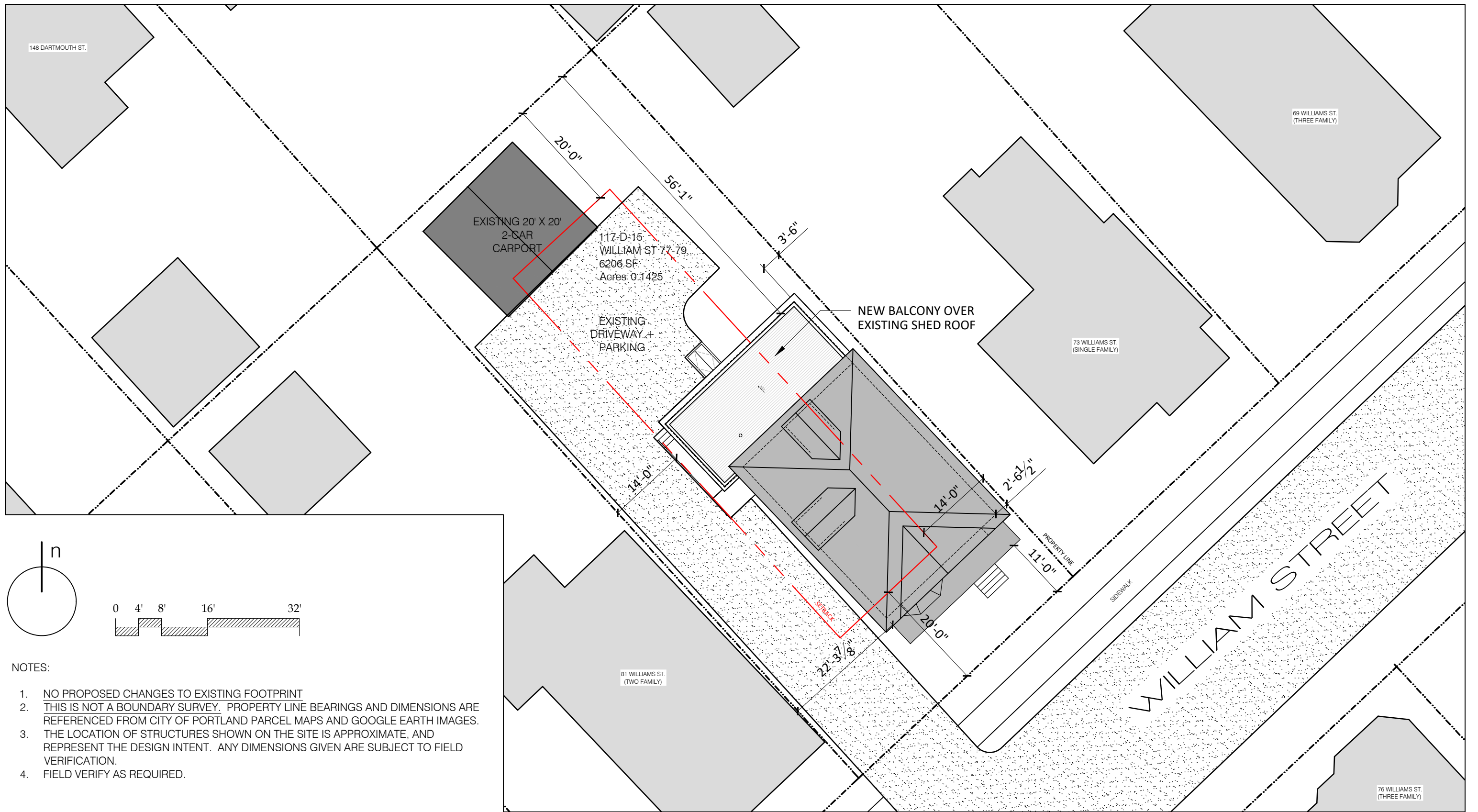
Project Zoning Compliance Memo – 77 William Street, Portland Maine

The following list indicates how the proposed project to convert the attic of 77 William Street into an affordable residential unit meets each requirement (A-F) of Sec. 14-118(5) of the City of Portland Land Use Ordinance:

- 5(A) – The additional unit will only bring the total number of units for the lot up to (3).
- 5(B) – The additional unit's ownership will remain connected to the second floor unit and is not to be sold off as a condominium unit.
- 5(C) – We intend to ensure compliance with the affordable rent requirement by working with the Housing & Community Development Department when determining the maximum allowable rent for the new unit. Using the HUD AMI figures and the current *Section 8 Monthly Housing for Tenant-Furnished Utilities and Other Services Based on Family Subsidy Size Table*, we expect the unit to rent for \$1,076.25 minus utilities as the maximum monthly rent.
- 5(D) – The space allotted for the new unit is in no way connected or currently used by either of the two existing units and therefore will not take square footage away from their use. The proposed unit as planned will provide 844 square feet of interior living space for the occupant.
- 5(E) – Proposed modification to the exterior of the structure will be minimal involving the replacement of windows in existing openings, the conversion of one window unit into a balcony door, and the addition of two small skylights. Also proposed is the addition of an exterior balcony to be added atop the existing 2-story shed roof portion of the building at the rear of the structure. The balcony will have exclusive access from the new, third floor unit. All repair and modification will be in keeping with the existing style and architecture of the building.
- 5(F) - The new unit will not impact traffic patterns, and existing off-street parking (up to 9 vehicles) exceeds requirements for the building as proposed from section 14-332-(A)2 of the City Land Use Ordinance.

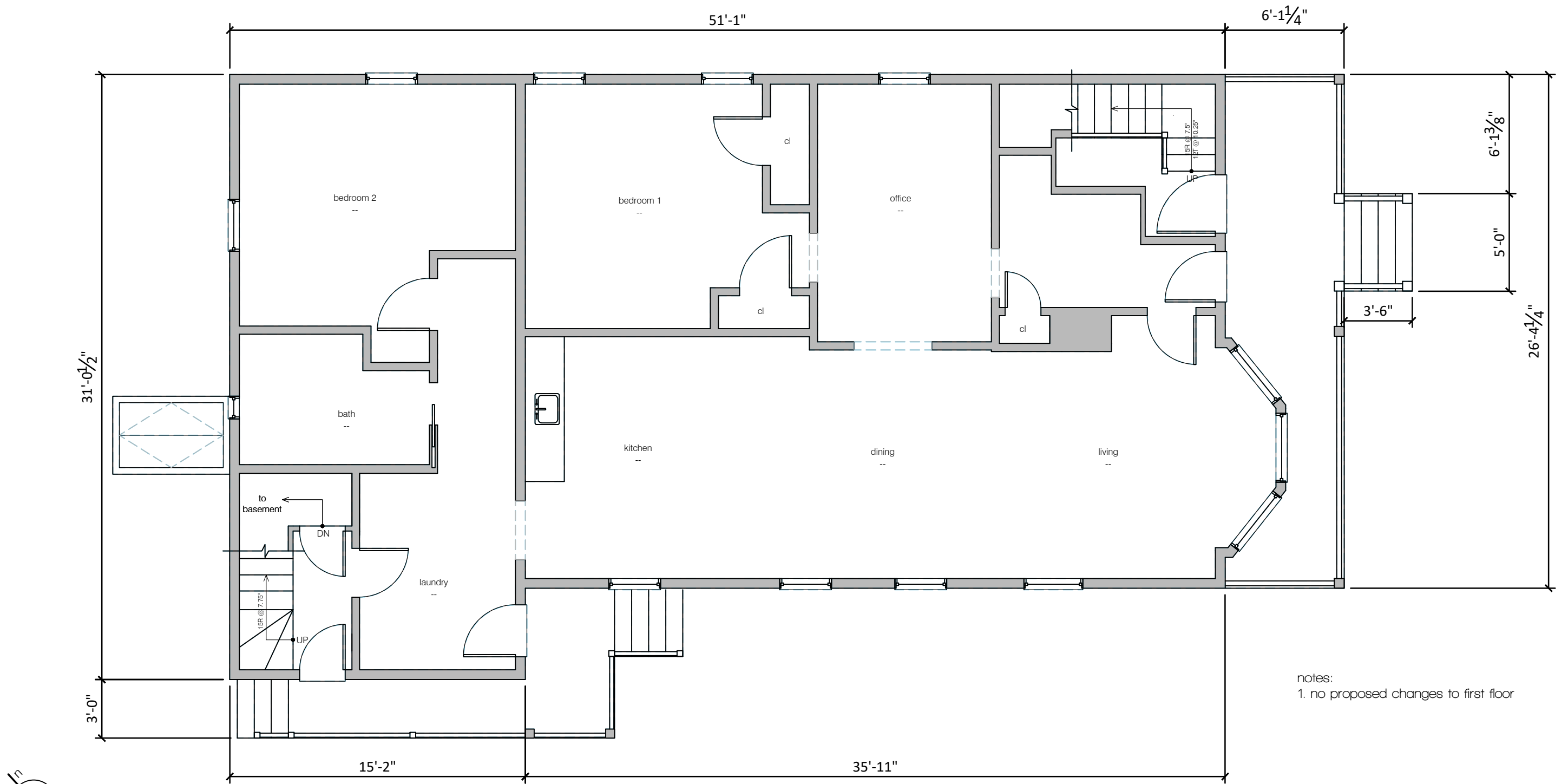
Conditional Use Standards:

- (1) – Existing accommodations for off street parking (up to 9 vehicles) exceed the requirement for the change in use of the building and the addition of a single unit will make for traffic equal to or less than that of surrounding buildings on the street.
- (2) – The proposed change from a 2-unit to a 3-unit will not create significant glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter that would cause harmful or unsanitary conditions.
- (3) - The proposed change from a 2-unit to a 3-unit residential building poses no greater impact/effect on surrounding uses than those already existing in the zone as well as the immediate vicinity and will be similar to that of the surrounding 3-unit apartment buildings on the street.

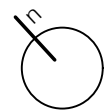


- NOTES:
1. NO PROPOSED CHANGES TO EXISTING FOOTPRINT
 2. THIS IS NOT A BOUNDARY SURVEY. PROPERTY LINE BEARINGS AND DIMENSIONS ARE REFERENCED FROM CITY OF PORTLAND PARCEL MAPS AND GOOGLE EARTH IMAGES.
 3. THE LOCATION OF STRUCTURES SHOWN ON THE SITE IS APPROXIMATE, AND REPRESENT THE DESIGN INTENT. ANY DIMENSIONS GIVEN ARE SUBJECT TO FIELD VERIFICATION.
 4. FIELD VERIFY AS REQUIRED.



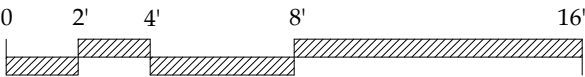


notes:
1. no proposed changes to first floor



- new construction
- existing construction
- existing construction to be removed

1 first floor plan
3/16" = 1'-0"

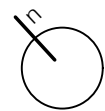
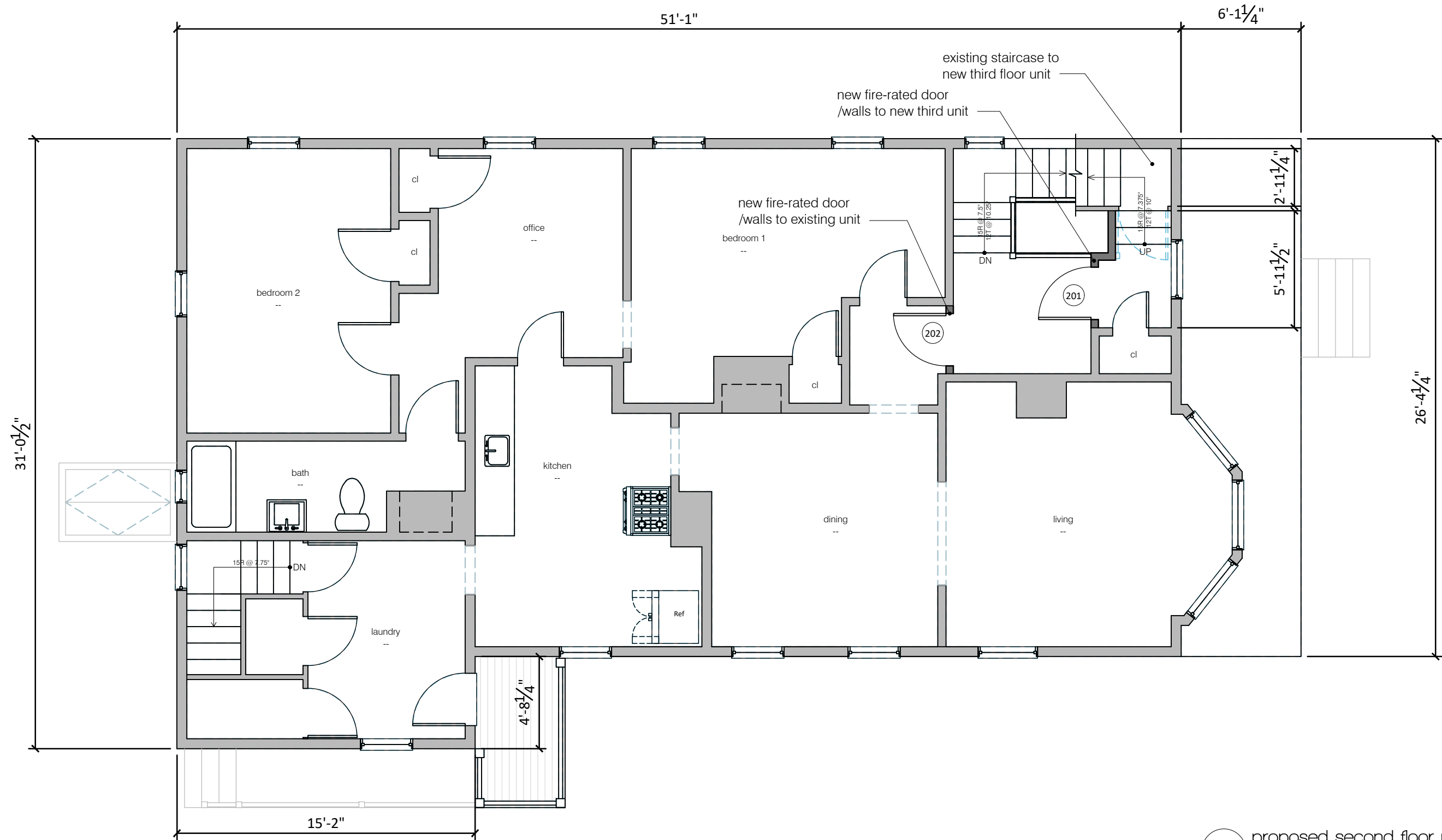


ALEXANDER LEHEN
51 Hammond Street
Portland, Maine 04101
alx.lehen@gmail.com
207 408 2804

© COPYRIGHT 2016

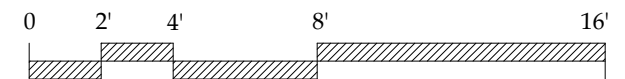
renovations to
77 WILLIAM STREET
77 William Street - Portland, Maine 04103

December 20, 2016



- new construction
- existing construction
- existing construction to be removed

1 proposed second floor plan
 $\frac{3}{16}" = 1'-0"$

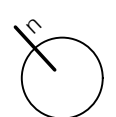
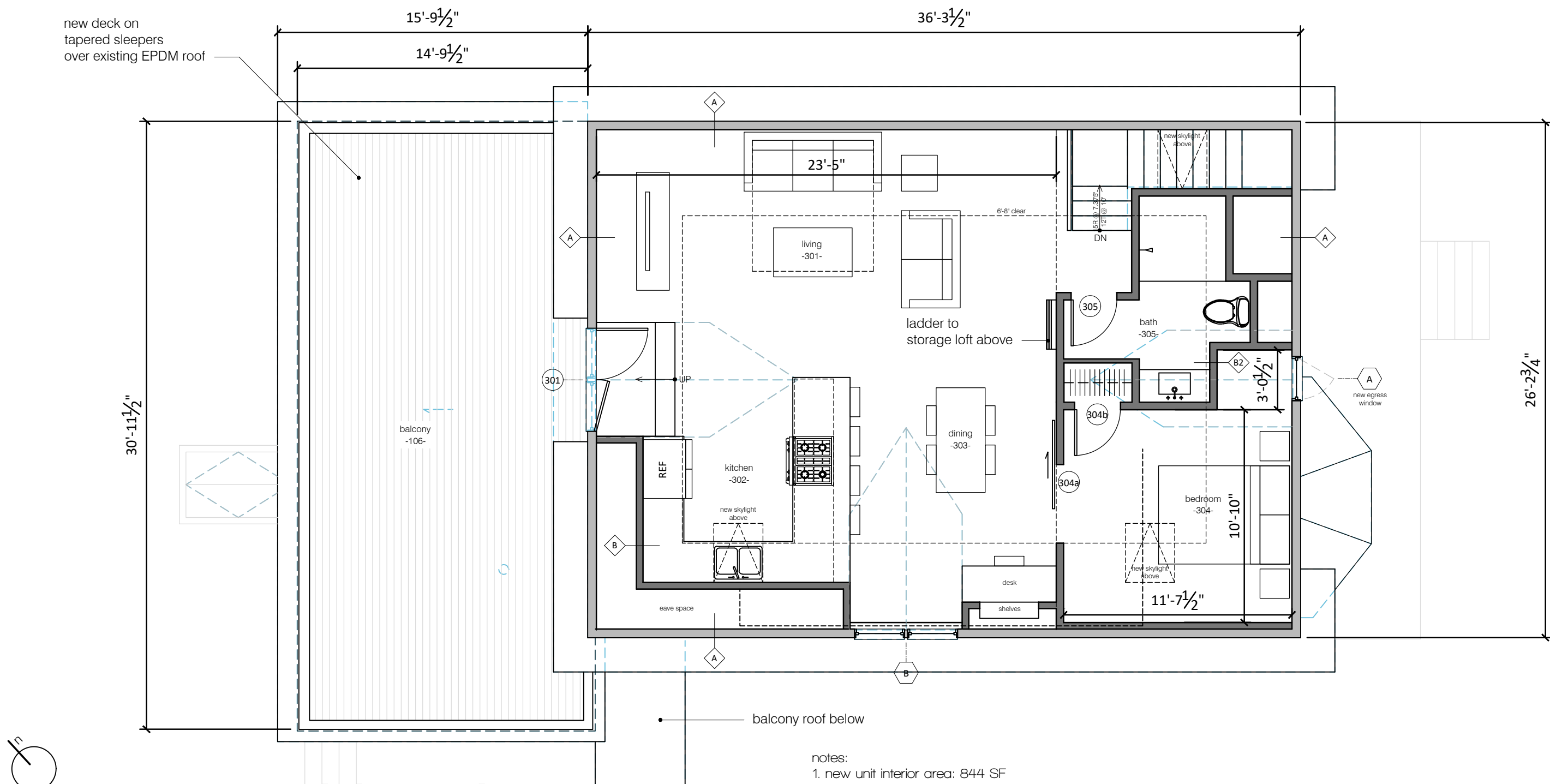


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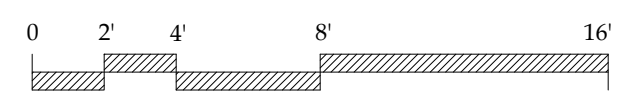
renovations to
77 WILLIAM STREET
 77 William Street - Portland, Maine 04103

December 20, 2016



- new construction
- existing construction
- existing construction to be removed

1 proposed third floor plan
3/16" = 1'-0"



ALEXANDER LEHNEN
51 Hammond Street
Portland, Maine 04101
alx.lehnen@gmail.com
207 408 2804

© COPYRIGHT 2016

renovations to
77 WILLIAM STREET
77 William Street - Portland, Maine 04103

December 20, 2016



WARRANTY DEED

DLN: 1001540002826

Now Comes the Grantors, **Mimi Brooks Clark** and **Robert Rust Clark** both with a mailing address of 302 Ferry Road, Saco, Maine ("Grantors"), who hereby sell, transfer and convey, with Warranty Covenants to the Grantee, **Eletherios Minas** with a mailing address of P.O. Box 3812, Portland, Maine 04101 the real property, and improvements thereon found and located at 77 Williams Street, Portland, County of Cumberland, State of Maine, and being more particularly described as follows:

A certain lot or parcel of land with the buildings thereon, situated at Oakdale in the Deering District of said Portland being lot Number Nine (9) on William Street on the plan of land of the Deering Land Company recorded in Cumberland County Registry of Deeds, Plan Book 4, Page 29, bounded and described as follows:

Beginning at a point on the Northerly sideline of William Street, three hundred thirty-eight and fifty-one hundredths (338.51) feet from an iron monument in the Easterly side line of Deering Avenue, formerly Deering Street, at its intersection with the Northerly sideline of William Street; thence Easterly by William Street, fifty (50) feet to a point; thence Northerly from the two points so located in a direction at right angles with Dartmouth Street, one hundred twenty-four and one-half (124 ½) feet, more or less, to points on a line midway between William Street and Dartmouth Street, subject to the building restrictions contained in a deed from Deering Land Company to William S. Thompson, dated November 25, 1892 and recorded in said Registry, Book 597, Page 114.

Reference is hereby made to a Deed of Distribution by the Estate of Estelle S. Brooks to Mimi Brooks Clark recorded in the Cumberland County Registry of Deeds, and to a deed from said Mimi Brooks Clark to herself and Robert Rust Clark found at Book 30160, Page 200 of said same registry.

In witness whereof, the said Mimi Brooks Clark and Robert Rust Clark have caused this instrument to be signed and sealed this 3rd day of ~~March~~ April, 2015.

Witness:

Print Name: Shawn W. Casey

Print Name: Shawn W. Casey

Mimi Brooks Clark
Mimi Brooks Clark, Grantor

Robert Rust Clark
Robert Rust Clark, Grantor

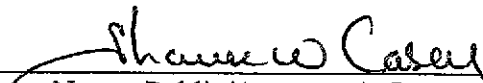
STATE OF MAINE
CUMBERLAND COUNTY, ss

April
March 3, 2015

Then personally appeared the above-named Mimi Brooks Clark and acknowledged the foregoing instrument to be her free act and deed.

SHAWN W. CASEY
Notary Public, Maine
My Commission Expires January 12, 2020

Before me,


Notary Public/Attorney At Law

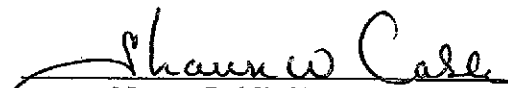
STATE OF MAINE
CUMBERLAND COUNTY, ss

April
March 3, 2015

Then personally appeared the above-named Robert Rust Clark and acknowledged the foregoing instrument to be his free act and deed.

SHAWN W. CASEY
Notary Public, Maine
My Commission Expires January 12, 2020

Before me,


Notary Public/Attorney At Law