

1. 10/05/17 - Agenda

Documents:

[10-05-17 AGENDA.PDF](#)

1.I. ZBA Application - 2065 Washington Avenue Extension

Documents:

[2065 WASHINGTON AVE_ZONING BOARD OF APPEALS PACKET.PDF](#)
[2065 WASHINGTON AVE - ZONING MAP.PDF](#)

1.II. ZBA Application - 18 8th Maine Avenue

Documents:

[18 8TH MAINE AVE - PRACTICAL DIFFICULTY VARIANCE.PDF](#)
[18 8TH MAINE AVE - ZONING MAP.PDF](#)

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Kent Avery, Chair
Donna Katsiaficas, Secretary
Robert Bartels
Eric Larsson
Benjamin McCall
Joseph Zamboni

APPEAL AGENDA

The Board of Appeals will hold a Public Hearing on Thursday, October 5, 2017, at 6:30 p.m. in Room 209 on the Second Floor at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeals:

1. New Business:

- A. **Conditional Use Appeal:** 2065 Washington Avenue Extension, Jacqueline Wiegleb, owner, Tax Map 385A, Block A, Lot 003, R-2 Residential Zone: The applicant is seeking a Conditional Use Appeal under Section 14-78(a)(2) to gain approval for an existing accessory dwelling unit in her single-family home. Representing the appeal is the owner.
- B. **Practical Difficulty Variance Appeal:** 18 8th Maine Avenue, Elizabeth Price Chase, owner, Tax Map 85, Block N, Lot 008, IR-2 Island Residential Zone: The applicant is seeking a Practical Difficulty Variance to reduce the minimum side setback from the required 10 feet to 8.75 feet [Section 14-145.11(c)(3)]. Representing the appeal is Shannon Alther of TMS Architects.

2. Adjournment



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:

NAME

Jacqueline Wiegler

BUSINESS NAME

n/a

BUSINESS ADDRESS

BUSINESS TELEPHONE & E-MAIL

Owner

APPLICANT'S RIGHT/TITLE/INTEREST

R2

CURRENT ZONING DESIGNATION

Subject Property Information:

PROPERTY ADDRESS

2065 Washington Ave Ext. Portland 04103

CHART/BLOCK/LOT (CBL)

385A A003 001

PROPERTY OWNER (If Different)

ADDRESS (If Different)

207-400-7158

PHONE # AND E-MAIL

JWiegler@gmail.comCONDITIONAL USE AUTHORIZED BY
SECTION 14- 78a214-78**EXISTING USE OF THE PROPERTY:**

Single family home with existing apartment over the garage. Has been in place for many years (potentially constructed in 1990s) and prior to my purchase in 2015.

TYPE OF CONDITIONAL USE PROPOSED:

Requesting Conditional Use permit to use the existing apartment as an Accessory unit.

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

09-14-2017

September 14, 2017

To: City of Portland Zoning Board of Appeals

Referencing: 2065 Washington Ave Ext. Portland, ME 04103

From: Jacqueline Wiegler
(207) 400-7158
2065 Washington Ave Ext. Portland, ME 04103

Dear Zoning Board of Appeals.

I am writing concerning the house that I purchased on August 28, 2015. At the time of purchase the prior owner, Ann Burrill, represented to me that she had fully completed the process of obtaining a conditional use permit and had also completed the process required to obtain a permanent change of use from a single family dwelling to a two-unit dwelling. Based on the prior owner's representation my mortgage company provided financing so that I could purchase and owner-occupy the property. I have conducted all business on-site in accordance with Portland requirements for a two-unit dwelling including registering the rental unit with the Housing Safety Office (which has inspected both units), paying taxes based on a two-unit building, and actively working to ensure that I am providing a safe, quality rental unit to my tenant. It has only recently come to my attention that the property is not regarded as a legal two unit due to the prior owner's failure to fully complete the change of use process.

I am submitting a Conditional Use Appeal Application to obtain a conditional use permit for the existing apartment within the home to be treated as an "Accessory Dwelling Unit". No alterations are being made to the existing floorplan/footprint.

Key points of compliance with City of Portland Code of Ordinances Section 14-78 (a) (2):

- a) The apartment meets the square footage minimums at 650 sq. ft. and the percentage of the gross floor plan (2721 sq. ft.) at 24%. No portion of the unit has less than 2/3 of its floor-to-ceiling height above the average adjoining ground level.
- b) The property is .35 acre.
- c) The building materials, door, and roofline match the current house and keeps the single-family appearance of the home intact.
- d) The parking lot is paved, professionally landscaped, is blocked from view by high hedges, and has space available for the house and the apartment, and off-street parking will be covered in the lease.
- e) As the homeowner, I reside in the principal dwelling.

The intended use of the "Accessory Dwelling Unit" is as a residential rental for one or two people. No surrounding properties will be impacted. No unsanitary or harmful conditions will be created.

The dwelling complies with all standards listed on the Conditional Use Appeal Application:

- 1. The volume and type of vehicle traffic to be generated: 1 car per 1 or 2 tenants
Hours of operation: Residential = 24 hours
Pavement will not be expanded

Parking Spaces already exist and the number of parking spaces required will not be substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and

2. It is a residential 1 bedroom apartment, so will not cause 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 including landscaping, screening, arrangement of structures, and materials storage, and trash or waste generation, are already in place and will not have a greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone. There will be no signs, no loading, and no deliveries.

No site plan is necessary.

Thank you for your consideration; I am hopeful that you will be able to grant this conditional use. Please contact me if I can clarify or provide any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jacqueline Wiegler". The signature is stylized with a large initial "J" and a long, sweeping underline.

Jacqueline Wiegler

(207) 400-7158

jwiegler@gmail.com

PLAT MAP

Borrower: Jacqueline Wiegleb
Property Address: 2065 Washington Ave
City: Portland
Lender: PMAC Lending Services, Inc.

File No.: JW1507136
Case No.: 231-1321406
State: ME Zip: 04103

All existing structures



FLOORPLAN SKETCH

Borrower: Jacqueline Wiegler

File No.: JW1507136

Property Address: 2065 Washington Ave

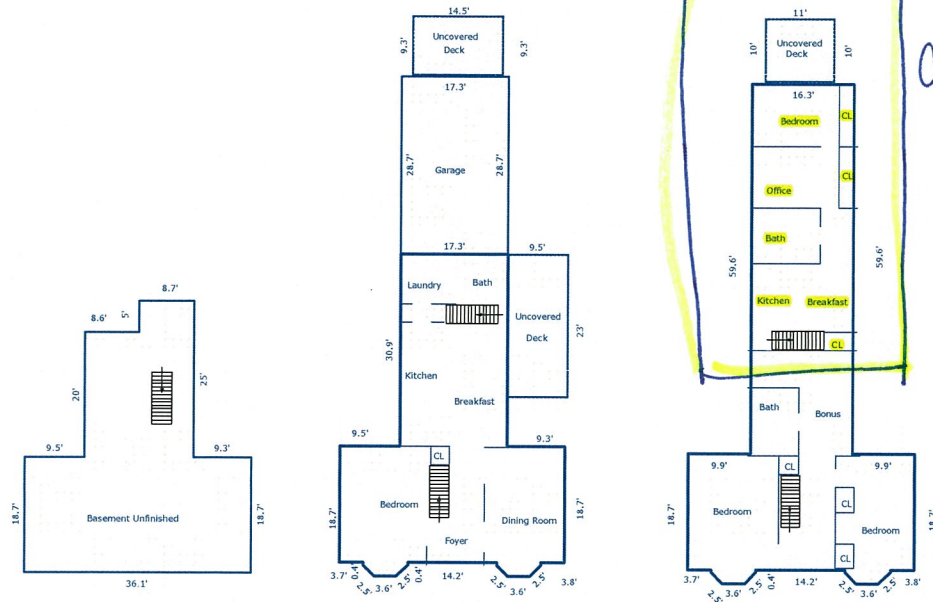
Case No.: 231-1321406

City: Portland

State: ME

Zip: 04103

Lender: PMAC Lending Services, Inc.



Accessory Unit

All existing Structure

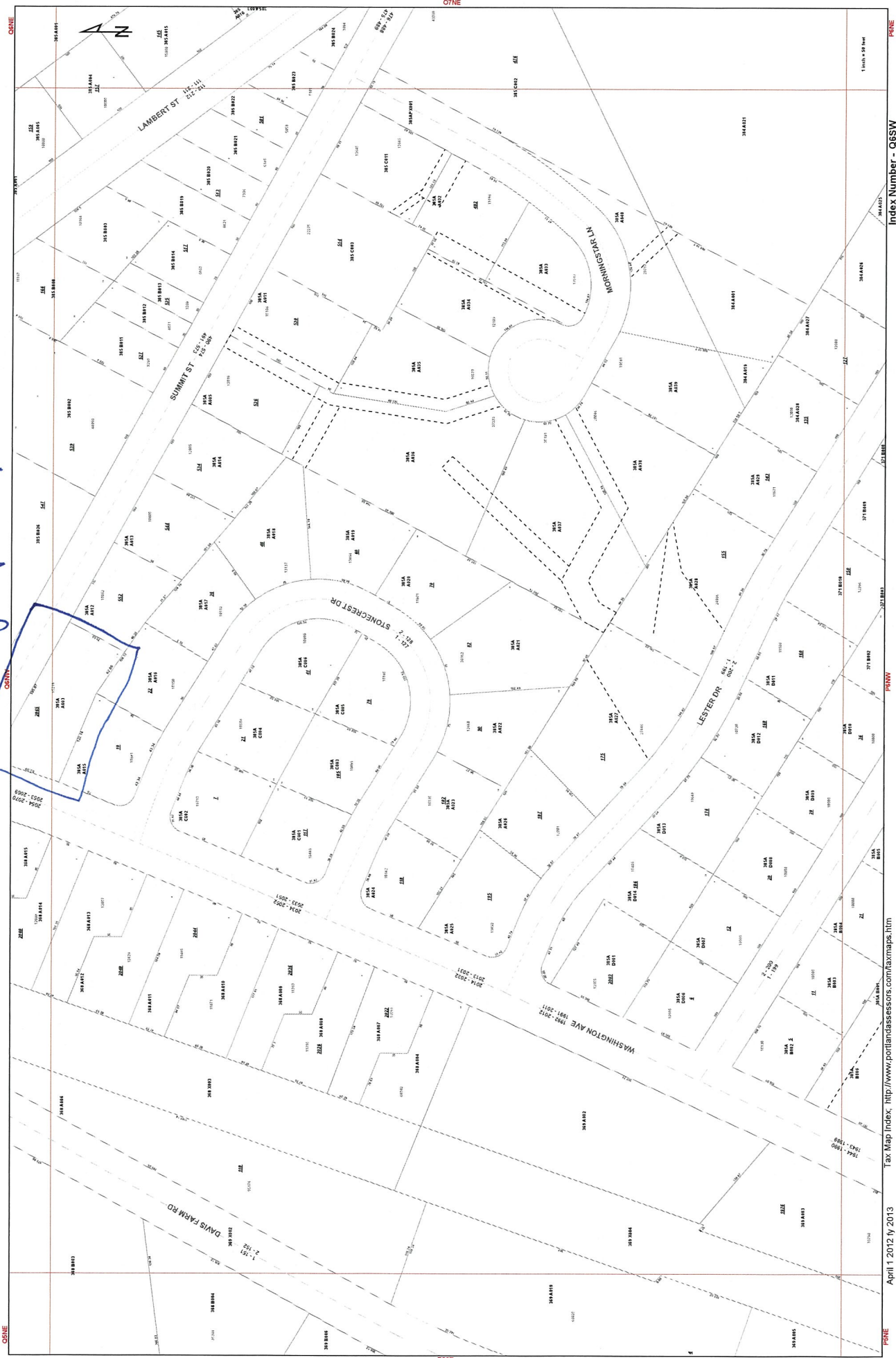
Sketch by Apex Sketch v5 Standard™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GBA1	First Floor	1234.84	1234.84
GBA2	Second Floor	1671.75	1671.75
BSMT	Basement	1064.57	1064.57
GAR	Garage	496.51	496.51
P/P	Wood Deck	218.50	
	Wood Deck	134.85	
	Wood Deck	110.00	463.35
Net BUILDING Area		(rounded)	2907

BUILDING AREA BREAKDOWN			
	Breakdown		Subtotals
First Floor			
	17.3	x	30.9
	36.1	x	18.7
	0.4	x	7.2
	0.4	x	7.2
0.5 x	1.8	x	1.8
0.5 x	1.8	x	1.8
	3.6	x	1.8
	3.6	x	1.8
0.5 x	1.8	x	1.8
0.5 x	1.8	x	1.8
Second Floor			
	16.3	x	59.6
	0.4	x	7.2
	0.4	x	7.2
	18.7	x	36.1
0.5 x	1.8	x	1.8
0.5 x	1.8	x	1.8
	3.6	x	1.8
	3.6	x	1.8
0.5 x	1.8	x	1.8
0.5 x	1.8	x	1.8
20 Items			(rounded)

Subject property



Jacqueline Wiegler
2065 Washington Ave.

Exterior Photos Including Parking



10/10/2017 10:47 AM



10/10/2017 10:47 AM



10/10/2017 10:47 AM

Accessory Unit Photos



Kitchen / Dining Area



Kitchen



Heat Unit

Jacqueline Wiegleb
2065 Washington Ave



Living Room



Bathroom



Bedroom

MAINE REAL ESTATE TAX-Paid

WARRANTY DEED
(Maine Statutory Short Form)

DLN#1001540004388

KNOW ALL PERSONS BY THESE PRESENTS, that, **Ann Louise Burrill** of 2065 Washington Avenue, Portland County of Cumberland and the State of Maine, for consideration paid, hereby **GRANTS** to **Jacqueline M. Wiegler** whose mailing address is 14 Taylor Street, Portland, ME 04102, with **WARRANTY COVENANTS**, the land with any buildings thereon situated in Portland, County of Cumberland and State of Maine, described as follows:

See Attached Exhibit A

Meaning and intending to convey the same premises conveyed to Ann Louise Burrill by virtue of a Deed from Geraldine J. Powell dated May 27, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22696, Page 323.

Witness my hand and seal this 28th day of August, 2015.

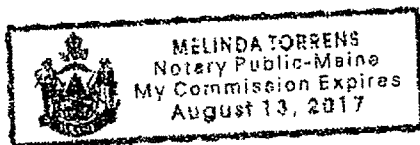
Witness

Ann Louise Burrill
Ann Louise Burrill

STATE OF MAINE
COUNTY OF CUMBERLAND

August 28, 2015

Then personally appeared before me the above named Ann Louise Burrill and acknowledged the foregoing instrument to be her free act and deed.



Before me,

Melinda Torrens
Notary Public/ Attorney at Law

Printed Name: Melinda Torrens

My Comm. Exp: 8/13/2017

EXHIBIT A

A certain lot or parcel of land with, any buildings thereon, situated in Portland, County of Cumberland and State of Maine, at the intersection of the southeasterly sideline of Washington Avenue and the southwesterly sideline of Summit Street and being Lot No. 1 on Plan of Fieldstone prepared for Kasprzak, Inc. by Land Plan Associates recorded in the Cumberland County Registry of Deeds in Plan Book 139, Page 31. Reference is hereby made to said Plan for a more particular description of the within conveyed parcel.

2065 Washington Ave - Conditional Use





ONE CATE ST | PORTSMOUTH, NH 03801 | P 603.436.4274 | F 603.431.1828

18 8 th Maine Avenue Peaks Island Maine

9-18-2017

Cover Letter to the Zoning Board of Appeals

1. Cover Letter
2. Appeal Application
3. Shoreland Map Diagram
4. Tax Map
5. Plot Plan
6. Proposed Plans / Elevations
7. Photos
8. Authorization Letter
9. Deed

Proposed Request: Modify an existing addition on the east side of the existing building and property from an entry with steps and toilet area to a full first floor bathroom. The existing door and steps to grade would be removed in this project. No increase in building footprint is intended and in fact a reduction of 5.3 SF is anticipated.

Shannon Alther

TMS Architects

603-436-4274

pod1@tms-architects.com



TMS Architects 9-18-2017
Chase Residence
18 8th Maine Avenue Peaks Island Maine

**PORTLAND ZONING BOARD OF APPEALS
2017 MEETING SCHEDULE
THURSDAYS ROOM #209, PORTLAND CITY HALL**

**DEADLINE FOR SUBMISSIONS
OF APPEALS – 12:00 NOON ON:**

**MEETING DATES
6:30 PM**

DECEMBER 19, 2016 -----
JANUARY 3, 2017 -----
JANUARY 17th -----
JANUARY 30th -----
FEBRUARY 13th -----
FEBRUARY 27th -----
MARCH 20th -----
APRIL 3rd -----
APRIL 18th -----
MAY 1st -----
MAY 15th -----
MAY 30th -----
JUNE 26th -----
JULY 17th -----
JULY 31st -----
AUGUST 21st -----
SEPTEMBER 5th -----
SEPTEMBER 18th -----
OCTOBER 2nd -----
OCTOBER 16th -----
OCTOBER 30th -----
NOVEMBER 20th -----
DECEMBER 18, 2017 -----

JANUARY 5, 2017
JANUARY 19, 2017
FEBRUARY 2nd
FEBRUARY 16th
MARCH 2nd
MARCH 16th
APRIL 6th
APRIL 20th
MAY 4th
MAY 18th
JUNE 1st
JUNE 15th
JULY 13th
AUGUST 3rd
AUGUST 17th
SEPTEMBER 7th
SEPTEMBER 21st
OCTOBER 5th
OCTOBER 19TH
NOVEMBER 2nd
NOVEMBER 16th
DECEMBER 7th
JANUARY 4, 2018

Submission
Date



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

Ann Machado
Zoning Administrator

CITY OF PORTLAND

APPLICATION PROCESS FOR THE ZONING BOARD OF APPEALS

Eleven (11) separate packets of the following MUST be submitted to hold a place on the agenda:

- tms 1. A copy of Appeal application.
- tms 2. A cover Letter addressed to the **Zoning Board of Appeals** stating what you want to do.
- tms 3. A plot plan showing the site and location of all structures, existing and proposed, in relation to the lot lines AND, if applicable, indicating parking. Lot size and setback dimensions must be shown.
- tms 4. A floor plan, if applicable, showing dimensions of existing and proposed rooms and/or structures.
- tms 5. A copy of the tax map (obtained in the Assessor's Office) with the property highlighted.
- tms 6. Photos of the property
- Lisa 7. Deed, sales agreement, lease or intent to lease.
- tms 8. Owner, lessee, prospective purchase or legal representation, must sign the application.
- Lisa 9. A letter from the property owner, giving permission to the applicant to represent the property, if applicable.
- tms 10. All plans must also be folded neatly with each packet and banded.
- tms 11. A complete copy in PDF form

If additional information is needed to complete the packet for the ZBA, you will be notified. Please make sure you include a contact phone number on your cover letter. If we cannot contact you, the item will be tabled until the next regular meeting.

The application fee is \$100.00 to appear before the ZBA. ***This fee is nonrefundable.*** Please note that the applicant is also responsible for the \$50.00 processing fee, the cost of the legal ad in the Portland Press Herald, and the cost of sending abutters notification within 500' of the subject property. ***The City of Portland will bill you for the processing fee, legal ad, and abutter's notification.***

You may apply for an appeal/permit at City Hall, Room 315. If you choose to file on the deadline date, please note that applications are accepted ONLY until noon. ***You will be sent a letter confirming the time and date of the meeting along with an agenda.***

389

TMS Architects 9-18-2017
Chase Residence
18 8th Maine Avenue Peaks Island Maine

\$100 + \$50
Application Fee = \$150
Additional processing fee once known



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:

Shannon Alther - TMS Architects

NAME

1 Cate Street Portsmouth NH 03801

ADDRESS

603-436-4274 pod1@tms-architects.com

PHONE # & E-MAIL

Architect representing Owner

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

IR-2

CURRENT ZONING DESIGNATION

Subject Property Information:

18 8th Maine Ave, Peaks Island

PROPERTY ADDRESS

085 N008

CHART/BLOCK/LOT (CBL)

Elizabeth Chase

PROPERTY OWNER (if different)

18 8th Maine Ave, Peaks Island

ADDRESS

520-360-4033 lisa@lchaselaw.com

PHONE # & E-MAIL

PRACTICAL DIFFICULTY VARIANCE
FROM SECTION 14- 473 (C)(3)

EXISTING USE OF PROPERTY:

Existing, Year-Round Use, Single Family Residence

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.

Shannon Alther AIA

SIGNATURE OF APPLICANT

9-18-2017

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:

The need for the variance for setback relief is based on the desire to enclose the existing steps to grade of a side entry on the east side of the property that is currently unused. The enclosed portion of the entry area currently only has a toilet and enclosing the existing steps would permit the addition of a sink, shower, washer/dryer to create a full second bathroom for the three bedroom property. If the variance is approved, a reduction of 5.3 square feet within the setback would occur.

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:

The strict application of the dimensional standards would preclude the construction of a second reasonable bathroom and laundry area where plumbing currently exists. It would be cost prohibitive to construct a second bathroom on the north or west sides of the property because in order to install the plumbing to Code, new plumbing from the incoming water line on the east side of the property would be required to traverse the entire un-heated space of the building. This would require additional basement and dirt floor storage area insulation and finishing, installation of heating units and / or heat tape on all water pipes and sewer drains. If the variance is denied, it would cause substantial economic injury as the value of the property with a single second floor bathroom is substantially lower than what the value of the property would be with a second full bathroom on the first floor.

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:

The uniqueness of the house location on the existing lot (close to the setback) and being built in 1900 prior to current Zoning and Planning Ordinances, precipitates the need for the variance.

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:

The existing side entry element shape and footprint will create the zone in which the new work would occur. The character of the house would not change regarding architectural style. The use will not change and the proposed work would most likely increase fair market value of abutting properties.

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:

The proposed work has not been done nor is the practical difficulty a result of action by the applicant, current owner or prior owner.

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 reasonably feasible alternative (and siting the outline in numbers 1 & 2) is available except the variance.

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:

The granting of the variance in this application would reduce existing house footprint by 5.3 SF within the existing setback area. This would not create adverse effect on the natural environment.

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:

The property is not located within a Shoreland Area nor within a Shoreland Zone or Flood Hazard Zone.

005-N008
CBL

59-776

Q



0500

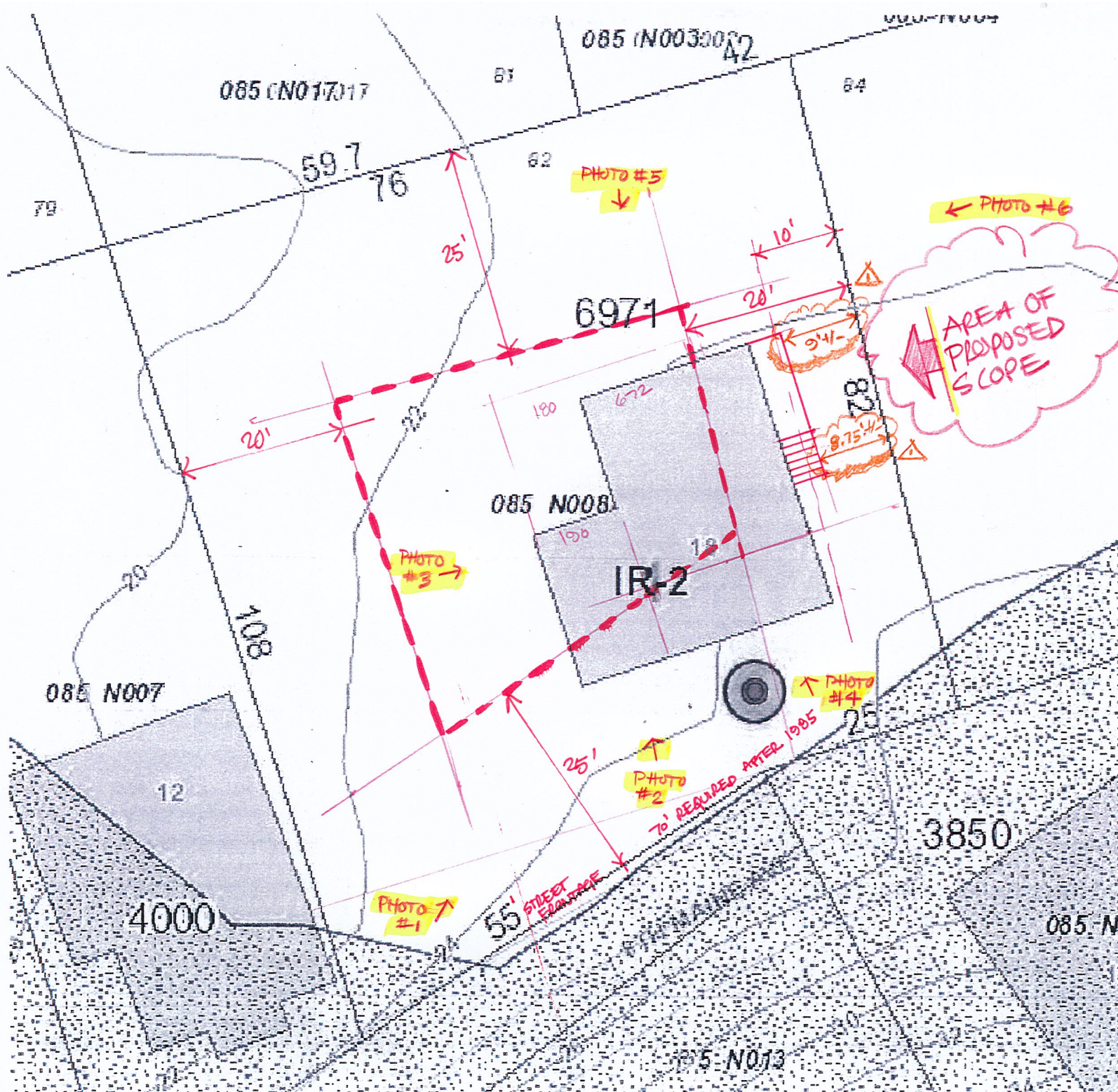
344

95-W013

085-M

8TH GRADE





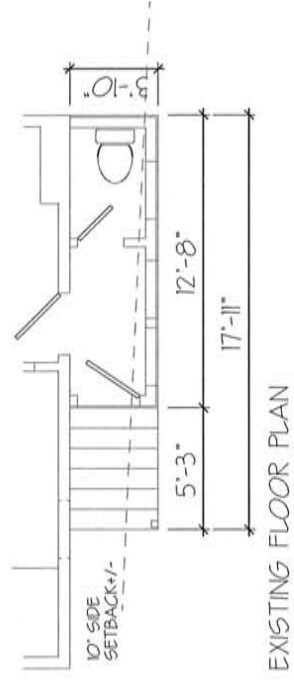
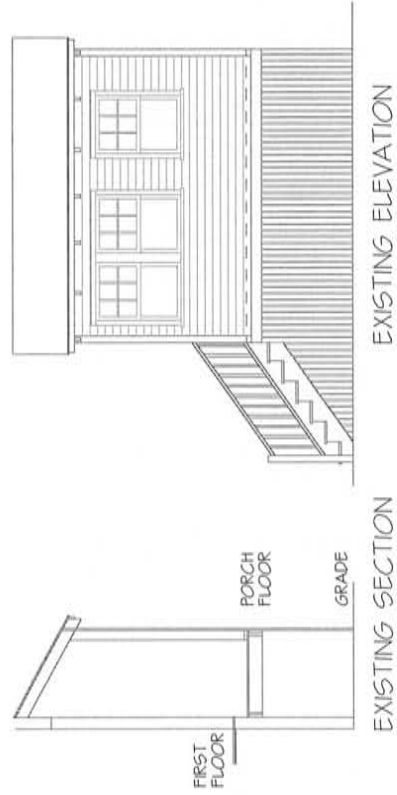
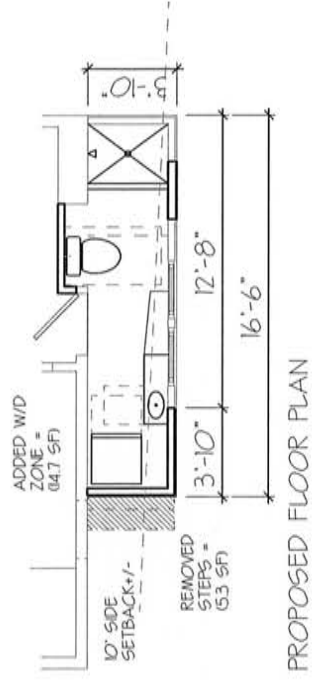
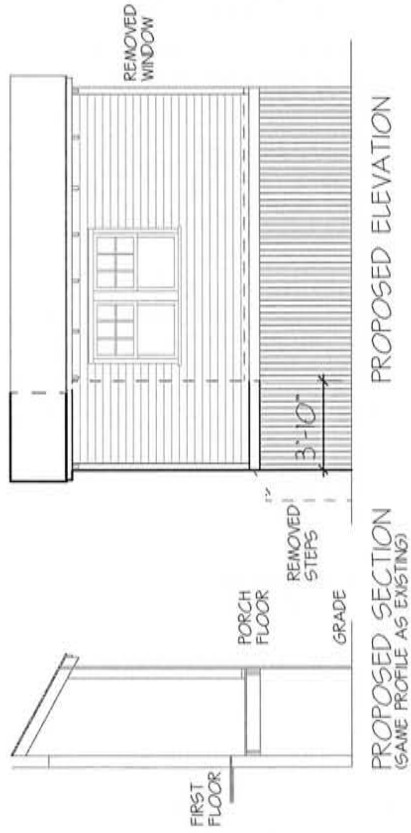
9.25.17
ADDED SETBACK
DIMENSIONS

PHOTO #7
NORTH

DATA

1. $1/16" = 1'0"$
2. Lot size = 6971 SF ±
3. 20% = 1394
4. House/Deck = $\frac{10427-72}{11127-72}$
= 15.9%
COVERAGE

3

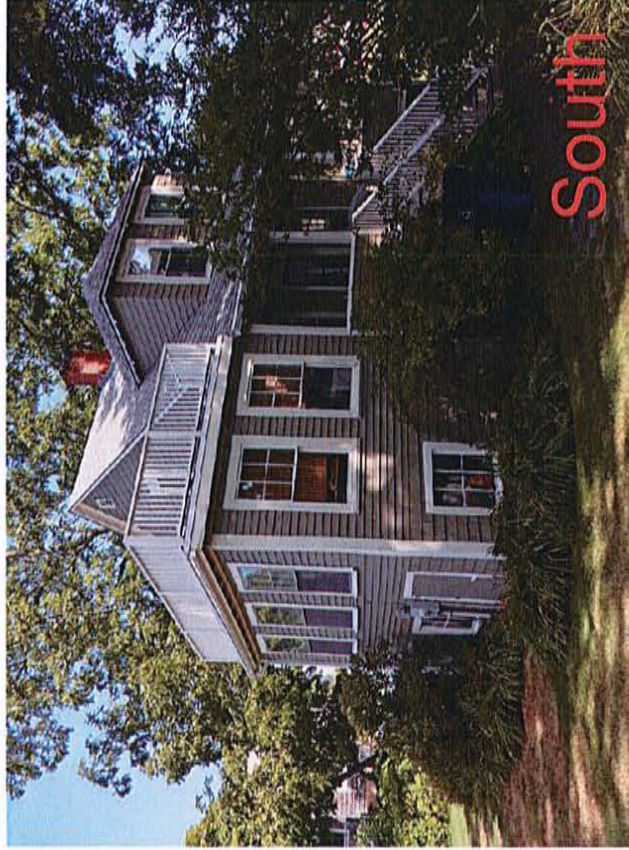


18 8TH MAINE AVENUE PEAKS ISLAND MAINE
1/8"=1'-0"

1



2



South

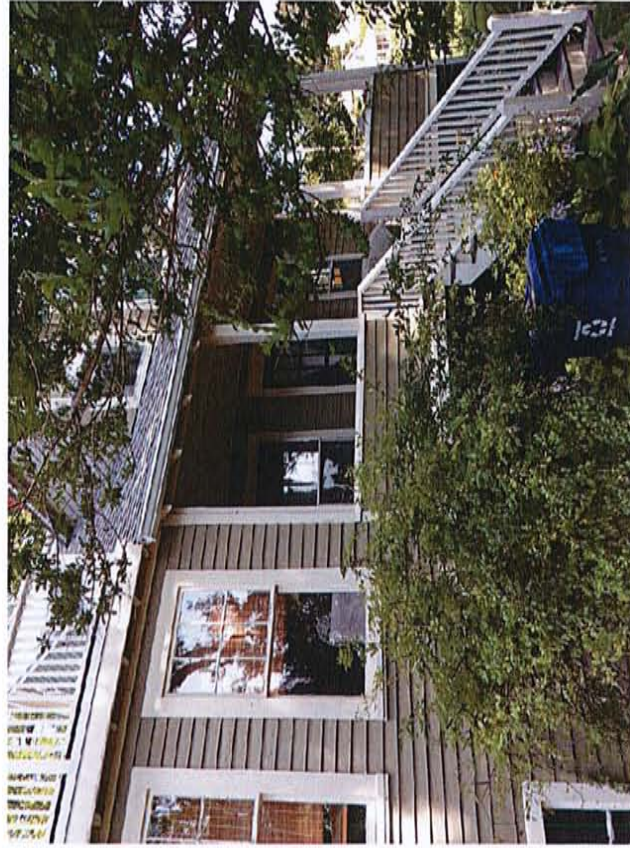
Existing Photos

3



West

4

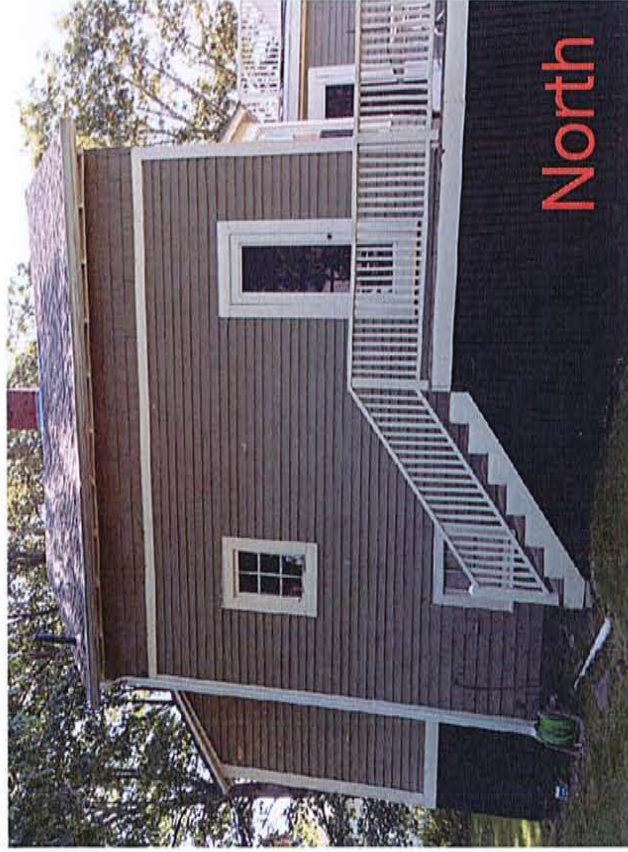


4

4

18 8th Maine Ave
Peaks Island
Maine

5



6



East Elevation

East Elevation:
Area of Proposed
Scope

7



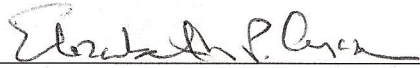
East Elevation

Authorization Letter

18 8th Maine Avenue Peaks Island Maine

8-30-2017

This letter authorizes TMS Architects / Shannon Alther to represent this project on my behalf.

Elizabeth Chase 

Date 8/30/2017

QUITCLAIM DEED WITH COVENANT

KNOW ALL PERSONS BY THESE PRESENTS, that we, **Elizabeth Price Chase**, Trustee of The Bacon Chase Family Trust dated July 18, 2005 and **Clay Benjamin Bacon**, Trustee of The Bacon Chase Family Trust dated July 18, 2005 of Tucson, and the State of Arizona for consideration paid, grant, convey and forever quitclaim to **Elizabeth Price Chase**, of Tucson, and the State of Arizona as her sole and separate property whose mailing address is 4970 E. River Road, Tucson, Arizona 85718 with quitclaim covenant, the land with buildings thereon in Peaks Island, Portland, County of Cumberland, and the State of Maine, described as follows:

A certain lot or parcel of land with the buildings thereon, situated on the southerly side of Peaks Island, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at the southwesterly corner of lot numbered eighty-four (84), as shown on a Plan of the Henry M. Brackett Estate, recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 57;

Thence westerly by the northerly line of lot numbered eighty-five (85), twenty-five (25) feet, more or less, to an angle and continuing on by the northerly side of a road called Eighth Maine Avenue, fifty-five (55) feet, more or less, to lot numbered eighty (80);

Thence northerly by the easterly line of said lot numbered eighty (80), one hundred eight (108) feet, more or less, to lot numbered eighty-one (81);

Thence easterly by the southerly sideline of lot numbered eighty-one (81), seventy-six (76) feet more or less, to lot numbered eighty-four (84);

Thence southerly by the westerly sideline of said lot numbered eighty-four (84), eighty-two (82) feet, more or less, to the bounds first mentioned. Said lot containing 6,971 square feet. Meaning and intending to convey and hereby conveying lot numbered eighty-two (82) as shown on the above mentioned plan.

Also hereby conveying that certain easement set forth in the deed from Frances Russell to Joseph B. Drake et al dated September 6, 1952, and recorded in said Registry of Deeds in Book 2102, Page 383 and being subject to the maintenance agreement set forth herein.

Subject to restrictions and easements of record, if any.

Meaning and intending to convey the same premises conveyed to the Grantors by virtue of a Warranty Deed from Paul M. Tuttle, Jr. dated September 16, 2005 and recorded in the Cumberland County Registry of Deeds in Book 23166, Page 296.

This deed is exempt from transfer taxes pursuant to Title 36 MRSA, §4641-C.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be sealed as their free act and deed this 24th day of November 2008.

THE BACON CHASE FAMILY TRUST DATED JULY 18, 2005

Pamela A. Liberty

WITNESS

PAMELA A. LIBERTY

By: Elizabeth Price Chase
Elizabeth Price Chase, Trustee

Pamela A. Liberty

WITNESS

PAMELA A. LIBERTY

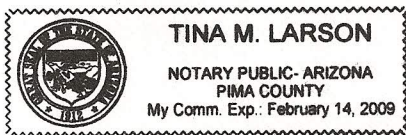
By: Clay Bacon, Trustee
Clay Benjamin Bacon, Trustee

STATE OF ARIZONA)
)
COUNTY OF PIMA)

ss:

November 24TH, 2008

Personally appeared before me the above-named Elizabeth Price Chase and Clay Benjamin Bacon and acknowledged the above-instrument to be their free act and deed.



EXP. 2/14/09

Tina M. Larson
Notary Public/Attorney-at-Law

Received
Recorded Register of Deeds
Mar 26, 2009 02:46:04P
Cumberland County
Pamela E. Lovley

2,948,727.354 299,742.942 Feet