

August 25, 2020

Ms. Maureen O'Meara, Town Planner
and Planning Board Members
Town of Cape Elizabeth
320 Ocean House Road
Cape Elizabeth, ME 04107

**RE: Sketch Plan Application
19 & 21 Cunner Lane – Minor Subdivision Amendment**

Dear Maureen and Board Members,

On behalf of David Smith, we respectfully submit the following application for a minor subdivision plan amendment involving two existing parcels on Cunner Lane identified as Lot 26 and Lot 26-1 on Tax Map U14. The properties are located in the Residential A District. The property was divided in 1996 and received approval for a private road to serve a new lot with private access off of Cunner Lane. In 1997, the applicant was granted a building permit to construct a home on Lot 26-1. In 2019, the applicant was granted a permit to revise the private road right-of-way and to construct a fire cistern system, among other improvements and waivers for the private road.

To accommodate a proposed extension to the residence's attached garage on Lot 26-1, the applicant proposes to shift a section of Lot 26-1's southerly boundary/Lot 26's northerly boundary/private road easement's northerly boundary by 30 feet to the south, with a corresponding shift the private road easement's southerly boundary by 6.3 feet to the south. These proposed boundary shifts would reduce the private road's ROW width from 73.7 feet to the required 50 feet, for the purpose of ensuring that the proposed building addition meets the 30 foot setback requirement. The proposed addition to the residence's attached garage includes two garage bays connected via breezeway to the existing garage. The adjustment of the right-of-way does not impact the location and dimensional requirements of the existing paver travel way. An easement will be created to provide access to the existing fire suppression system, and the existing turnaround easement will be redefined.

The following documentation has been provided:



Ms. Maureen O'Meara
And Planning Board Members

Page 2

- Workshop Application
- Copy of the Deed
- Tax Map
- Aerial Plan of the property
- Original Boundary Survey/Subdivision Plan
- Sketch Plan

We look forward to meeting with you at the next available workshop session to review the sketch plan. Should there be any questions before the scheduled meeting, please do not hesitate to contact me.

Sincerely,
Mitchell & Associates



Robert B. Metcalf, Principal
Maine Licensed Landscape Architect



Julia Frederick, Landscape Architect
Maine Licensed Landscape Architect

Enclosure

Cc David Smith

TOWN OF CAPE ELIZABETH
Planning Board
Workshop Application

Applicant Name David Smith

Email refer to Agent below Telephone refer to Agent below

Address 1511 Ivyhill Rd, Cockeysville, MD 21030

Do you own the property? Yes No

If not, do you have written permission from the owner? Yes ___ (please provide) No ___

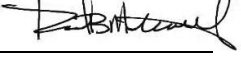
Name Robert Metcalf; Agent Telephone 207-774-4427

Address Mitchell & Associates 70 Center St. Portland, ME 04101

Email
rmetcalf@mitchellassociates.biz

Location of Project 19 Cunner Lane Map/Lot U14/26 and 26-1

Project description: To accommodate a proposed extension to the residence's attached garage on Lot 26-1, the applicant proposes to shift a section of Lot 26-1's southerly boundary/Lot 26's northerly boundary/the existing private road easement's northerly boundary by 30 ft to the south, with a corresponding shift the private road easement's southerly boundary by 6.3 ft to the south. These proposed boundary shifts would reduce the private road's ROW width from 73.7 ft to the required 50 ft, for the purpose of ensuring that the proposed building addition meets the 30 ft setback requirement. The adjustment of the right-of-way does not impact the location and dimensional requirements of the existing paver travel way. An easement will be created to provide access to the existing fire suppression system, and the existing turnaround easement will be redefined.

 Agent August 25, 2020
Signature of Owner Date

Please return to the town planner, ACP Office, Town Hall
maureen.omeara@capeelizabeth.org, 799-0115

Planning Board workshop requests must be submitted at least 7 days before the workshop.

**QUITCLAIM DEED
(With Covenant)**

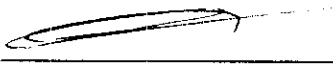
KNOW ALL PERSONS BY THESE PRESENTS, that **DAVID D. SMITH** of Cockeysville, County of Baltimore, and State of Maryland, ("Grantor"), for consideration paid, grants to **CUNNER LANE, LLC**, a Maine limited liability company, with a place of business in Town of Cape Elizabeth, County of Cumberland and State of Maine, whose mailing address is c/o Alan R. Atkins, Jensen Baird Gardner & Henry, P.O. Box 4510, Portland, Maine 04112 ("Grantee"), the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE, BARGAIN, SELL AND CONVEY and forever QUITCLAIM unto the said **CUNNER LANE, LLC**, its successors and assigns forever, the real estate set forth on Exhibit A which is attached hereto and incorporated therein.


TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances thereunto belonging, to the said **CUNNER LANE, LLC**, its successors and assigns forever, to their use and behoof forever.

AND I DO COVENANT with the said Grantee, its successors and assigns, that I am lawfully seized in fee of the premises, that they are free of all encumbrances except as aforesaid, that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs and assigns shall and will warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me.

IN WITNESS WHEREOF, **DAVID D. SMITH** has hereunto executed this Deed and seals this 18 day of Feb, 2010.

WITNESS:



By: 

David D. Smith

STATE OF MARYLAND
COUNTY OF BALTIMORE, ss.

2-18-, 2010

Then personally appeared before me the above **DAVID D. SMITH** and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Public

CAM E. SMART
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND

My Commission Expires Dec. 1, 2010

SEAL

Exhibit A
Lot 2 Description
Cunner Lane – Cape Elizabeth

A certain lot or parcel of land situated on the easterly side of Cunner Lane, so called in the Town of Cape Elizabeth, County of Cumberland, State of Maine, and being shown on a plan entitled Standard Boundary Survey/Division of Land-21 Cunner Lane for R.A.G. Monks Trust by Land Use Consultants, Inc. dated December 30, 1996. Said lot being more particularly bounded and described as follows:

Lot Description

Commencing at a found rebar marking the northeasterly corner of land now or formerly of Hugh G. Farrington as described in a deed recorded in the Cumberland County Registry of Deeds in Book 8292, Page 257. Said point lying on the westerly sideline of Lot 1 as shown on said Plan and marking the termination of Sunrise Drive and the southerly termination of Cunner Lane;

Thence N 13°-36'-00" W, 121.08 feet by and along the easterly sideline of said Cunner Lane to an iron at the southwest corner of the herein described lot and being the Point of Beginning;

Thence N 73°-17'-36" E, 260.00 feet by and along the northerly sideline of said Lot 1 being other land of the Grantor to an angle point marked by an iron;

Thence N 37°-07'-44" E, 293.74 feet by and along the northwesterly side of said Lot 1 being other land of the Grantor to a point near the top of bank adjacent to Staples Cove and the Atlantic Ocean;

Thence continuing N 37°-07'-44" E, by and along the northwesterly side of said Lot 1 being other land of the Grantor to the low water line of said Staples Cove;

Thence generally northwesterly by and along the low water line of said Staples Cove to a point on the easterly prolongation of the southerly sideline of land now or formerly of Albert F. Hannaford and land now or formerly of Patricia A. & Douglas W. Snow as described in Book 10903, Page 268;

Thence S 67°-32'-25" W, 230.0 feet, more or less by and along the southerly sideline of said Hannaford to a point and mark being N 83°-20'-08" W, 296.48 feet from the previously described iron near the top of bank;

Thence continuing along said Hannaford & Snow S 67°-32'-25" W, 140.00 feet to a point on the southerly sideline of said Cunner Lane;

Thence southwesterly and southerly by and along said Cunner Lane by the following courses to the Point of Beginning:

S 67°-32'-25" W	10.0' to a marker
S 46°-05'-00" W	32.77' to an angle point
S 21°-27'-00" W	22.50' to an angle point
S 05°-13'-00" W	28.28' to an angle point
S 03°-15'-00" E	57.57' to an angle point
S 13°-36'-00" E	161.25' to the Point of Beginning

Meaning and intending to describe a parcel of land containing 2.4 acres, more or less between the sideline at Cunner Lane, so called and the top of bank. Also including the area between the top of bank and low water line of Staples Cove as described.

Together with, in common with the Grantor and other entitled to use same:

(A) A right of way over land now or formerly of Albert F. Hannaford from the main road to the Two Lights, so-called, and to said granted premises, said right of way to be over the private road as now located from said main road across land now or formerly of Albert F. Hannaford and for a certain distance adjoining said land hereby conveyed on the westerly and northwesterly lines thereof, said Grantee to use the right of way for the passage of teams, automobiles, persons and for any other use necessary and suitable for the full enjoyment of said granted premises;

(B) Certain rights and easements described in deed from Gordon W. Morrow and Mary A. Morrow to John E. Willard, et al. by Easement Deed dated April 3, 1965 and recorded in the Cumberland County Registry of Deeds in Book 2906, Page 311.

Driveway and Turn-Around Easement

Said parcel herein described is subject to an easement for a driveway and turn-around being more particularly bounded and described as follows:

Commencing at the southwest corner of Lot 2 on the easterly side of Cunner Lane;

Thence N 13°-36'-00" W, 40.00 feet by and along the easterly sideline of said Cunner Lane to the Point of Beginning;

Thence N 76°-24'-00" E, 40.00 feet through said Lot 2 to an angle point;

Thence N 13°-36'-00" W, 50.00 feet through said Lot 2 to an angle point;

Thence S 76°-24'-00" W, 40.00 feet through said Lot 2 to an angle point on the easterly side of said Cunner Lane;

Thence S 13°-36'-00" E, 50.00 feet by and along the easterly sideline of said Cunner Lane to the Point of Beginning.

Meaning and intending to describe a 40' x 50' easement area for the purpose of constructing and maintaining a driveway and turn-around area as shown on said Plan.

Utility Easement Over Lot One

Said lot being benefited by a 20' utility easement over the adjoining Lot 1 and being more particularly bounded and described as follows:

Commencing at the southwesterly corner of said Lot 2 at an iron on the easterly sideline of said Cunner Lane;

Thence N 73°-17'-36" E, 260.00 feet by and along the northerly sideline of Lot 1 to an angle point marked by an iron;

Thence N 37°-07'-44" E, 73.93 feet by and along the northerly sideline of Lot 1 to the Point of Beginning;

Thence S 66°-46'-31" E, 222.99 feet through said Lot 1 to an angle point;

Thence N 23°-13'-29" E, 20.00 feet through said Lot 1 to an angle point;

Thence N 66°-46'-31" W, 218.04 feet through said Lot 1 to an angle point on the southeasterly sideline of said Lot 2;

Thence S 37°-07'-44" W, 20.60 feet by and along the southeasterly sideline of said Lot 1 to the Point of Beginning.

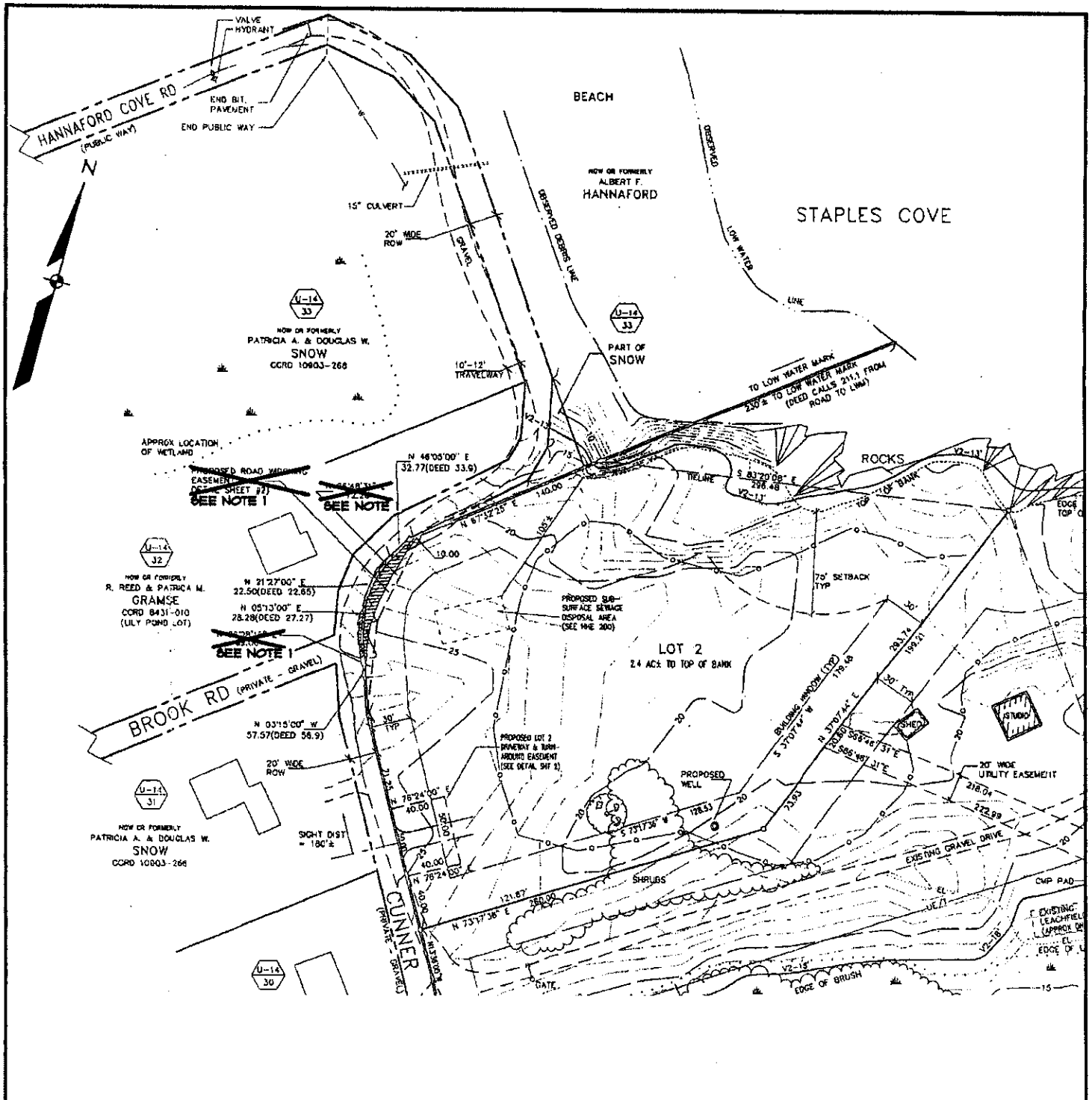
Meaning and intending to describe a 20 foot wide utility easement through Lot 1 from the existing service pad area in Lot 1 to Lot 2 herein described.

This description is based solely on data abstracted from said Plan by Land Use Consultants.

Bearings herein are based on the meridian shown on said Plan by Land Use Consultants.

The aforesaid described premises are a portion of the premises conveyed to the Grantor herein by Deed of John P. M. Higgins and Ellen M. Higgins, Trustees of the Robert A. G. Monks Trust dated January 16, 1945 and recorded at the Cumberland County Registry of Deeds in Book 13561, Page 053.

The aforesaid premises are conveyed subject to the following restriction which is a covenant running with the land for the benefit of the remaining land of the Grantor: That any construction on the aforesaid conveyed Premises be built solely within the confines of that portion of Lot 2 designated as "building window" on the standard boundary survey by Land Use Consultants, Inc. dated December 30, 1996, a copy of which is attached hereto and incorporated herein.



GENERAL NOTES:

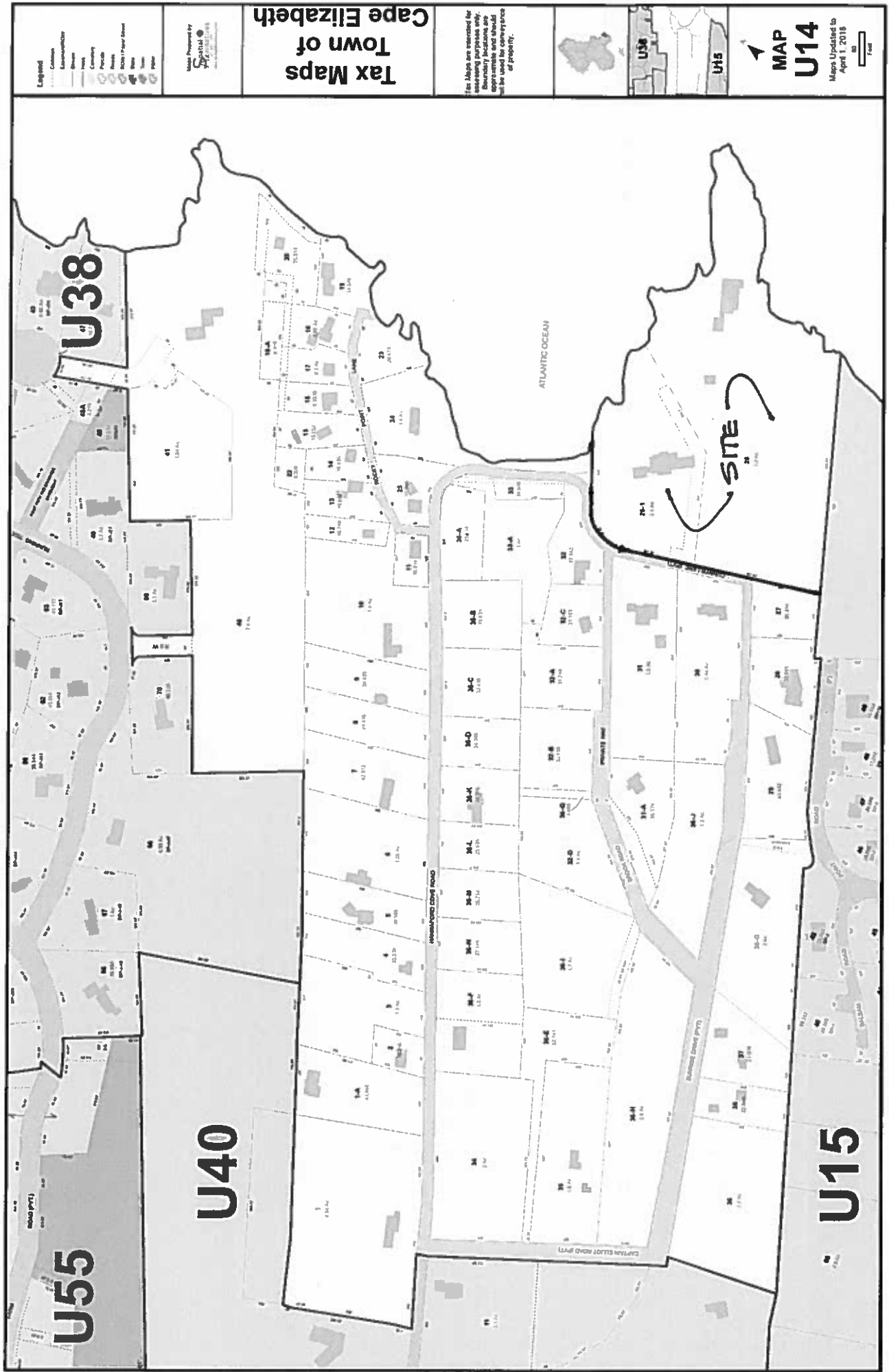
1. THIS EXHIBIT HEREBY AMENDS A PORTION OF THE STANDARD BOUNDARY SURVEY AND DETAILS SHEET CALLED DIVISION OF LAND, 21 CUNNER LANE, CAPE ELIZABETH, MAINE, AS PREPARED FOR RAG MONKS TRUST, 45 EXCHANGE STREET, SUITE 303, PORTLAND, MAINE, DATED DECEMBER 30, 1996, BY LAND USE CONSULTANTS, INC., PORTLAND, MAINE. SAID PLAN IS PART OF THE MUNICIPAL RECORD IN CAPE ELIZABETH. THIS EXHIBIT IS BASED SOLELY ON AN EXCERPT FROM THE PLAN REFERENCED ABOVE (BY OTHERS). NOTES HAVE BEEN ADDED BY SEBAGO TECHNICS, INC. NO FIELD WORK OF ANY KIND HAS BEEN PERFORMED IN ASSOCIATION WITH SEBAGO TECHNICS' PREPARATION OF THIS EXHIBIT.

REVISED 04-08-10

Sebago Technics Engineering Expertise You Can Build On One Chabot Street Westbrook, Me 04068-1338 Tel (207) 858-0277 250 Goddard Rd. - Suite B Lewiston, ME 04240 Tel (207) 783-5656 WWW.SEBAGOTECHNICS.COM	EXHIBIT B OF FEBRUARY 18, 1997 CONDITIONS OF APPROVAL	SCALE: 1"=100'
		DATE: 01-18-10
LOCATION: CUNNER LANE CAPE ELIZABETH, MAINE	FOR: DAVID SMITH COCKEYSVILLE, MD	SHEET: 1 OF 1

09432ex-B.dwg, TAB: Model

Received
 Recorded Register of Deeds
 Apr 20, 2010 02:38:50P
 Cumberland County
 Pamela E. Lovley



**Tax Maps
Town of
Cape Elizabeth**

The Maps are intended for general information only. Boundary locations are approximate and should not be used for conveyance of property.

**MAP
U14**
Maps Updated to
April 1, 2018
100 Feet

SITE LOCATION

