

TOWN OF CAPE ELIZABETH
Planning Board
Workshop Application

Applicant Name SCOTT & KRISTIN GOULD

Email SFOULD5@GMAIL.COM Telephone 207 799-7999

Address 25 HUNTS POINT ROAD 207 420-1235 CA

Do you own the property? Yes No

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

Project Contact Person (one only):

Name SCOTT GOULD Telephone _____


Address SAME AS ABOVE

Email _____

Location of Project 25 HUNTS POINT ROAD Map/Lot U38-6-2

Project description: SUBDIVISION AMENDMENT

CONCERNING PRIVATE WAY



Signature of Owner

9/21/20
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.

L. Scott Gould
Attorney and Counselor at Law
25 Hunts Point Road
Cape Elizabeth, Maine 04107
(207) 420-1235 . Email sgould@maine.rr.com

September 25, 2020

Josef Chalot, Chair, and Members
of the Cape Elizabeth Planning Board
Town of Cape Elizabeth
P. O. Box 6260
Cape Elizabeth, Maine 04107

Re: Subdivision amendment concerning Private Way

Dear Chairman Chalot
and Planning Board Members:

I attach a Workshop Application and exhibits concerning a subdivision amendment my wife and I request for property we own on Hunts Point Road. We ask that you place us on the agenda for the October 6, 2020, workshop of the planning board.

My wife and I plan to build a garage with a small living space above in order to ease our ability to get around as we age. To accomplish this within the 25' side yard setback restrictions in our neighborhood, we need approval of your board to consolidate two adjacent parcels that we own into a single lot.

Our house is located on lot G-29 on the Plan of Hunts Point Road made by H.I. & E.C. Jordan, Surveyors, as recorded in the Cumberland County Registry of Deeds in Plan Book 77, Page 37 (See Exhibit 1, Map U 38). Our deed also includes an abutting 40' wide parcel on its northwestern side, designated as a "Private Way." This parcel is described in our deed (Exhibit 2) as follows:

Also another certain lot or parcel of land situated on the northwesterly side of Hunts Point Road in the Town of Cape Elizabeth, County of Cumberland and State of Maine, being that parcel of land marked "Private Way" bounded northeasterly by Lot G-29 as shown on the Plan of Hunts Point made by H.I. & E. C. Jordan-Surveyors, recorded in the Cumberland County registry of Deeds in Plan Book 77, Page 37, southeasterly by Lot G-31 as shown on said Plan, and northwesterly by land formerly or [sic] Fred S. Woods.

The original developer also reserved an easement within this private way to access land on its northwestern side, the same land accessed by the private way, as follows:

Excepting and reserving to I. Alan Balfour, his heirs and assigns, an easement over, through, across and under the southwesterly half of said parcel of land to pass and repass on foot or by vehicle and to install and maintain utility cables, conduits, and pipes therein, between [sic] Hunts Point Road and said woods [sic] land, which property was at the date of conveyance to Donald C. Barratt et. Al. Herein [sic] owned by I. Alan Balfour.

My wife and I can build the garage we have designed without encroaching on the 20-foot easement, but we cannot build it if we must maintain a 25' setback from the southwest boundary of the private way. See Exhibit 3. By consolidating our two lots, our setback will be measured from Lot 31, our next-door neighbor, giving us the same 25' side yard minimum as every other residence on our road. The easement will be undisturbed, and the private way will continue to overlie the easement.

We look forward to discussing any questions or concerns you may have at your October workshop.

Sincerely yours,



L. Scott Gould
Attachments

BETH

25 Hunts Point Road
EXHIBIT 1

U36



6000

25 Hunts Point Road
EXHIBIT 2

BK 13953PG225

WARRANTY DEED
Maine Statutory Short Form

042808

KNOW ALL PERSONS BY THESE PRESENTS, that STEVEN G. MAIER, of 25 Hunts Point, Cape Elizabeth, Maine 04107, in the County of Cumberland and State of Maine,

being married, for consideration paid, grant to
KRIS GOULD & LINDSAY SCOTT GOULD, as JOINT TENANTS

MAINE REAL ESTATE TAX PAID

of BASKING RIDGE, in the County of _____ and
State of NEW JERSEY, whose mailing address is
105 RIVERSIDE DRIVE

with warranty covenants, the land in Cape Elizabeth, in the County of Cumberland and State of Maine, described as follows, viz:

AS MORE PARTICULARLY DESCRIBED IN THE SCHEDULE A
ATTACHED HERETO AND MADE A PART HEREOF

BEING and intended to be the same premises conveyed to the party of the first part by deed dated August 27, 1993 and recorded in the Cumberland County Registry of Deeds on in Book 10919 at Page 167.

THE premises are not in an agricultural district and premises are entirely owned by Grantors.

WITNESS my/our hand(s) and seal(s) this 20th day of the month of

May, 1998.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:

Marian Large
Witness: Marian Large

Jay W. Schroeder
Witness: Jay W. Schroeder

Steven G. Maier
STEVEN G. MAIER:

STATE OF ~~Maine~~ Ohio
COUNTY OF Franklin SS:

Personally appeared the above named Steven Maier and N/A and acknowledged the foregoing instrument to be his free act and deed.

Before me, Jay W. Schroeder
Notary Public/Attorney at Law
Printed Name: JAY W. SCHROEDER
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES J. N. 31, 1999

STATE OF MAINE
COUNTY OF _____, SS:

Personally appeared the above named _____ and _____ and acknowledged the foregoing instrument to be _____ free act and deed.

Before me, _____
Notary Public/Attorney at Law
Printed Name: _____

SCHEDULE A

A certain lot or parcel of land, with the buildings thereon, situated on the northwesterly side of Hunts Point Road in the town of Cape Elizabeth, in the County of Cumberland and State of Maine, and being Lot No. G-29 as shown on a Plan of Hunts Point Road made by H.I. & E.C. Jordan, Surveyors, and recorded in the Cumberland County Registry of Deeds in Plan Book 77, Page 37, to which plan reference is hereby made for a more particular description.

This conveyance is made subject, however, to an easement 10 feet in width along the sideline of Hunts Point Road for the construction and maintenance of a sidewalk.

This conveyance is also made subject to the condition that no dwelling house or other structure shall be erected on said premises unless the plans and specifications therefor and the site location thereof shall have been approved by I. Alan Balfour, which said approval shall not be unreasonably withheld.

Also another certain lot or parcel of land situated on the northwesterly side of Hunts Point Road in the Town of Cape Elizabeth, County of Cumberland and State of Maine, being that parcel of land marked "Private way" bounded northeasterly by Lot G-29 as shown on Plan of Hunts Point made by H.I. & E.C. Jordan - Surveyors, recorded in the Cumberland County Registry of Deeds in Plan Book 77, Page 37, southeasterly by Lot G-31 as shown on said Plan, and northwesterly by land formerly of Fred S. Woods.

This Conveyance is made subject, however, to an easement 10 feet in width along the sideline of Hunts Point Road for the construction and maintenance of a sidewalk.

Excepting and reserving to I. Alan Balfour, his heirs and assigns, an easement over, through, across and under the southwestly half of said parcel of land to pass and repass on foot or by vehicle and to install and maintain utility cables, conduits, and pipes therein, between Hunts Point Road and said woods land, which property was at the date of conveyance to Donald C. Barratt et. Al. Herein owned by I. Alan Balfour.

RECEIVED
REGISTRY OF DEEDS

1938 JUL -2 PH 2:39

CUMBERLAND COUNTY

John B. O'Brien

**25 Hunts Point Road
EXHIBIT 3**

Highlands Lot 13

Lot G-31

Lot G-29

Private Way

**Subdivision amendment needed
to consolidate parcel with Lot G-29
by removing lot line**

Planned Garage

Existing Structure

25' Setback

20' Easement

N 26° 19' W

N 26° 19' W

0.1

sidewalk easement

○ lamp post



5/8" iron rod
5'10"

Hunts Point Road

