

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

25 HNTS PT

January 4, 2021

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

Re: Gould Broad Cove Subdivision Amendment

Dear Chairman Chalot  
and Planning Board Members:

My wife and I request you to place us on your January 19, 2021 agenda for an expedited formal review of our proposed subdivision amendment. For this purpose I submit eight copies of this letter, including two exhibits and Town of Cape Elizabeth Planning Board Application. Separately I submit a \$300 fee, eight rolled surveys entitled Gould Broad Cove Subdivision Amendment, and a digital copy of these materials.

This matter came before your board at a workshop meeting on October 6, 2020, at which time your board approved our proposed amendment for an expedited review. As stated then, my wife and I plan to build a garage adjacent to our existing home. This will replace an existing garage beneath our house and make it easier for us to age in place. To build the new garage within the 25' setback restrictions in our neighborhood, we need final approval of your board to amend the Broad Cove subdivision by consolidating two adjacent parcels that we own into a single lot.

As detailed in our presentation at your board's October workshop, our house is located on lot 1-29 of 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. Our deed also includes an abutting 40' wide parcel on its northwestern side, designated as a "Private Way." See Exhibit 1. This parcel is described in our deed 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 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 within the private way, but we cannot build it if we must maintain a 25' setback from the southwest boundary of the private way. 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 and the access it permits to the property behind us will be undisturbed. See Exhibit 2.

We look forward to any questions you may have, and to your approval of the attached Gould Broad Cove Subdivision Amendment.

Sincerely yours,



L. Scott Gould

Enclosures and attachments:  
Planning Board Application and fee  
Survey for Gould Broad Cove  
Subdivision Amendment