

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, May 12, 2014 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston

AGENDA

I. ROLL CALL

II. ADJUSTMENTS TO THE AGENDA

III. CORRESPONDENCE

IV. PUBLIC HEARINGS:

A petition request by Bernstein Shur, Counselors at Law on behalf of Marshwood Nursing Care Center to allow for the continued operation of the Marshwood Nursing Care Center at 33 Roger Street and to increase the number of residents allowed to live in the Center from 100 to 108 to conform with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility.

V. OTHER BUSINESS:

a) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

VI. READING OF THE MINUTES: Motion to adopt the April 14, 2014 draft minutes

VII. ADJOURNMENT



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: May 8, 2014
RE: May 12, 2014 Planning Board Agenda Item IV(a)

To consider a request by Bernstein Shur, Counselors at Law on behalf of Marshwood Nursing Care Center to allow for the continued operation of the Marshwood Nursing Care Center at 33 Roger Street and to increase the number of residents allowed to live in the Center from 100 to 108 to conform with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility.

Bernstein Shur, Counselors at Law on behalf of Marshwood Nursing Care Center have submitted a petition pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to amend the existing conditional rezoning agreement for the property at 33 Roger Street. This property of approximately 6.5 acres consists of a 32,223 square foot nursing care facility that provides short, long, and transitional care services.

The property received a conditional use permit from the Board of Appeal in 1976 and 1977 for 120 bed nursing home facility which was constructed in 1979. In October 1994, the property was conditionally rezoned from Suburban Residential (SR) and Neighborhood Conservation "A" (NCA) to the Institutional-Office (IO) District to allow for the continued operation of a licensed nursing home and for the remodeling and expansion of the facility, limited to 100 residents. The conditional rezoning removed the requirement of the property being regulated as a conditional use. However, the conditional rezoning also specifically limited the number of residents from the initially approved 120 to 100 beds/residents.

The purpose of this amendment to the existing conditional rezoning agreement is to allow for the continued operation of a licensed nursing home and to increase the number of residents allowed to live at the facility from 100 to 108, to conform with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility. No other changes are being proposed. The property will remain conditionally rezoned IO with a capacity of 108 residents.

ACTIONS NECESSARY

1. Make a motion to consider a petition submitted by Bernstein Shur, Counselors at Law on behalf of Marshwood Nursing Care Center to allow for the continued operation of the Marshwood Nursing Care Center at 33 Roger Street and to increase the number of residents allowed to live in the Center from 100 to 108;
2. Obtain input on the petition;
3. Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's

consideration to amend the existing conditional rezoning agreement for the property at 33 Roger Street to allow for the continued operation of the Marshwood Nursing Care Center at 33 Roger Street and to increase the number of residents allowed to live in the Center from 100 to 108 (subject to any concerns raised by the Planning Board or staff, should there be any).

RECEIVED

MAY - 1 2014

207-774-1200 main
207-774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

BERNSTEIN SHUR

COUNSELORS AT LAW

Philip R. Saucier
(207) 228-7160 direct
psaucier@bernsteinshur.com

April 30, 2014

David Hediger, City Planner
City of Lewiston
27 Pine Street
Lewiston, ME 04240

Re: Marshwood Conditional Rezoning Amendment

Dear David,

Please find attached a second petition page with additional signatures for review related to the proposed amendment to the Marshwood Nursing Care Center conditional rezoning agreement.

Please let us know if there is any additional information you will need. Thank you for the opportunity to present the amendment and we look forward to working with you on our request.

Sincerely,



Philip Saucier
Attorney for Marshwood Nursing Care Center

Enclosures

cc: Daniel Maguire, Sandy River Company

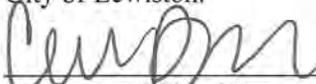
PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

Pursuant to Appendix A, Article XVII, Section 5 Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to amend the existing Conditional Zone Agreement as recorded in the Androscoggin County Registry of Deeds Book 3351 Page 19 for the property located at 33 Roger Street, said property to remain conditionally rezoned Institutional Office (IO), to allow for the continued operation of a licensed nursing home, the Marshwood Nursing Care Center at 33 Roger Street, and to increase the number of residents allowed to live in the Center from 100 to 108, to conform with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility, as described in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Alicia Foster	do Charms St	4/28/14
2		Donna Barnes	43 Shank Street	4-28
3		Lorraine Davis	3 Harmony Ln	4/28
4		Debra Grover	64 Oxford St	4/28/14
5		Jean Crockett	52 Howard St	4/28/14
6		Charley Sanders	107 Strawberry Ave 4	4/29/14
7		Tea Chouinard	1377 Sabbath Rd	4/28/14
8		PAUL Lemay	101 Ridelout Ave	4-28-14
9		Kevin T Lemay	101 Ridelout Ave	4-28-14
10		TRAVIS Lemay 57 Morse Ave	57 Morse Ave	4-28-14
11		Rachel Gagne	57 Morse Ave	4-28-14
12		Jackie Leger	53 Morse Ave	4-28-14
13		LYNNA Gilbert	53 Morse Ave	4-28-14
14		Marice GAGNE	57 Morse Ave	4-28-14
15				
16				
17				
18				
19				

CIRCULATOR'S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.


Signature of Circulator

Carrie Donn
Printed Name of Circulator

4/28/14
Date

REGISTRAR'S CERTIFICATION

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 13

Total Invalid: 1


Signature of Registrar/Deputy Registrar

Date: 4-1-2014

RECEIVED
APR 22 2014

207-774-1200 main
207-774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Philip R. Saucier
(207) 228-7160 direct
psaucier@bernsteinshur.com

April 21, 2014

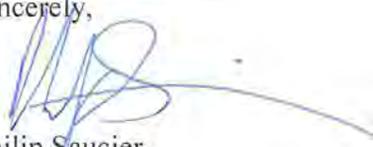
City of Lewiston Planning Board
Attention: David Hediger, City Planner
City of Lewiston
27 Pine Street
Lewiston, ME 04240

Dear Planning Board Members,

Marshwood Nursing Care Center is a licensed nursing home located at 33 Roger Street that has been located in Lewiston for approximately thirty seven years. The City conditionally rezoned Marshwood's property in 1994 to allow for a renovation and slight expansion. The sole purpose of this proposed amendment to the existing conditional rezoning agreement is to allow for the continued operation of Marshwood and to increase the number of residents allowed to live in the Center from 100 to 108, to conform with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility. There are no plans to expand or renovate the facility.

Thank you for the opportunity to present this amendment and we look forward to working with you on our request.

Sincerely,


Philip Saucier
Attorney for Marshwood Nursing Care Center

Enclosures

cc: Daniel Maguire, Sandy River Company

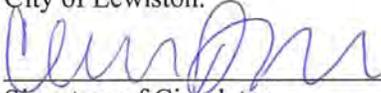
PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

Pursuant to Appendix A, Article XVII, Section 5 Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to amend the existing Conditional Zone Agreement as recorded in the Androscoggin County Registry of Deeds Book 3351 Page 19 for the property located at 33 Roger Street, said property to remain conditionally rezoned Institutional Office (IO), to allow for the continued operation of a licensed nursing home, the Marshwood Nursing Care Center at 33 Roger Street, and to increase the number of residents allowed to live in the Center from 100 to 108, to conform with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility, as described in the exhibits attached hereto:

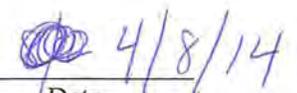
	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Lea Chouinard	1377 Sabbathus Rd	4/8/14
2		Nick Farrand	13 Androscoggin Ave	4/8/14
3		DONNA BARRIES	43 Shark Street	4-8-14
4		Lorraine Davis	3 Harmony Lane	4/8/14
5		Jessica Hersom	4 Towle St	4-8-14
6		Gabrielle Galarza	799 Lisbon St	4-8-14
7		Melanie F. Gu	161 Holland St.	4/8/14
8		Sarah Ann Kemp	120 Holland St	4-8-14
9		Tim Pitman	184 Kendall Rd #23	4-8-14
10		Catherine Michaud	121 Grove St	4-8-14
11		Katie Pelletier	535 College St.	4-8-14
12		Alicia Foster	14 Charles St.	4/8/14
13		Kendra Sprague	4 Parkview Ln	4/8/14
14		Lisa Roy	83 Webster St.	4-8-14
15		PRAPAPORN CHARTIER	28 Webster St	4-8-14
16		Rita Lemay	101 Riverside Ave	4-8-14
17		Eileen Hall	32 Dow Ave	4-8-14
18		Amanda Fitzsimmons	72 Cassell St	4-8-14
19		Cikoni Healey	72 Cassell St	4-8-14

CIRCULATOR'S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.


Signature of Circulator

Carrie Dunn
Printed Name of Circulator


Date

REGISTRAR'S CERTIFICATION

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 9

Total Invalid: 10


Signature of Registrar/Deputy Registrar

Date: 4.24.14

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Revised Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE ~~VIII~~IV. ESTABLISHMENT OF DISTRICTS

Section 1. Zoning Map

The "Official Zoning Map, City of Lewiston," adopted pursuant to this section, is hereby amended by modifying the existing conditional rezoning agreement as recorded in the Androscoggin County Registry of Deeds Book 3351 Page 19 for conditionally rezoning a portion of the property located at 33 Roger Street, from Suburban Residential (SR) District to Institutional Office (IO) District and a portion of the property located at 25 Roger St. from Neighborhood Conservation "A" (NCA) District to Institutional Office (IO) District, in accordance with the conditions and restrictions attached hereto as Exhibit "A", and shown on the map attached hereto as Exhibit "A", said property to remain conditionally rezoned Institutional Office (IO) in order to expand and remodel the existing nursing home.

REASONS FOR THE PROPOSED AMENDMENT

The sole purpose of this amendment to the existing conditional rezoning agreement is to allow for the continued operation of a licensed nursing home, the Marshwood Nursing Care Center at 33 Roger Street (see Exhibit B, as recorded in the Androscoggin County Registry of Deeds Book 5858, Page 267), and to increase the number of residents allowed to live in the Center from 100 to 108, to conform with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility.

CONFORMANCE WITH COMPREHENSIVE PLAN

The City Council hereby determines that the change to the Zoning Map is in conformance with the Comprehensive Plan for the following reasons:

1. As Marshwood is philosophically residential in character (being home to approximately ~~400~~108 frail elderly residents) and as the adjoining neighborhood

consists of traditional residential dwellings, ~~this expansion is~~ and remains compatible with the surrounding uses.

2. Marshwood has been a good neighbor for approximately ~~47-~~ 37 years and wishes ~~only to renovate and expand a limited amount, which renovations will~~ make a positive contribution to the surrounding neighborhood, ~~by enhancing the relationship of Marshwood to the natural setting.~~
3. ~~When completed,~~ Marshwood will continue to provide access to the surrounding streets with adequate capacity to meet the anticipated needs of the nursing home.
4. ~~The renovated Marshwood will~~ continue not be intrusive on adjacent neighbors nor will it have a negative impact on these neighbors' views.
5. ~~According to the City's policy relating to non-residential uses adjacent to residential uses, Marshwood's~~ Marshwood's site is ~~of~~ remains of adequate size and professionally designed to eliminate any adverse impact on abutters and neighbors.
6. ~~Also~~ Marshwood has adequate water and sewer capacity to preclude any problems with neighbors.
7. There will be no adverse impact from stormwater runoff to downstream abutters and ~~professional designed landscaping/buffering will~~ continue to protect adjacent residential neighbors.

CONDITIONAL REZONING AGREEMENT

The proponent requests that the official zoning map for the City be amended by modifying the existing conditional rezoning agreement with the subject property remaining conditionally rezoned Institutional Office (IO), subject to the limitations more fully described below.

In compliance with the provisions of the Code, Article XVII, Section 5(g), the proponent hereby proposes the following conditions:

- A. The use of the property shall remain limited that of a nursing home facility and shall be limited to 108 residents.
- B. The only access to Marshwood Nursing Care Center shall be via Roger Street.
- C. The following standard conditions also apply:

1. A violation of any of the conditions shall constitute a violation of the Zoning and Land Use Code.
2. The conditions shall bind the owners, their successors, assigns and any person in possession or occupancy of the premises or any portion thereof and shall inure to the benefit of and be enforceable by the City of Lewiston.
3. The owners, at their expense, shall record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of the petition by the City and that the form of recording be in a form satisfactory to the City of Lewiston.
4. The conditions shall run with the subject premises.
5. In addition to all other remedies to which the City may be entitled under applicable provisions of the statute or ordinance, that if any party in possession or use of the premises fails or refuses to comply with any of the conditions imposed that any rezoning approved by the City in accordance with the conditions shall be of no force and effect, and in that event, any use of the premises and any buildings and structures developed pursuant to the rezoning shall immediately be abated and brought into compliance with all applicable provisions of the Zoning and Land Use Code with the same effect as if the rezoning had never occurred.
6. If any of the conditions are found by a court of competent jurisdiction to be invalid, such a determination shall not invalidate any of the other conditions
7. Any rezoning approved by the City conditionally shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.
8. By submitting this proposal, the proponent agrees in writing to the conditions described herein.

Witness

MARSHWOOD ASSOCIATES

By its General Partner

Marshwood, Inc.

MARSHWOOD REALTY, INC

President

David L. Friedman _____,

Androscoggin, ss.

1994~~2014~~

Lewiston, Maine

Personally appeared the above named ~~David L. Friedman~~ _____, and acknowledged the foregoing to be his free act and deed.

Notary Public

EXHIBIT "A"
CONDITIONAL REZONING AMENDMENT

The City of Lewiston hereby ordains that Article 4IV, Section 1, Appendix A of the Zoning and Land Use Code "A map entitled Official Zoning Map, City of Lewiston Zoning Map" be amended by conditionally rezoning Tax Map 25D Map 10, Lot 135, 33 Roger Street from Suburban Residential (SR) to Institutional Office (IO) District, subject to the following conditions:

A. — The sole purpose of the conditional zone change to is allow for the continued operation of this licenses nursing home and for the remodeling and expansion of Marshwood Nursing Care Center which changes shall be done in strict compliance with the approved plan currently before the Lewiston Planning Board. Furthermore, Marshwood Nursing Care Center shall be limited to 100 ~~108~~ residents.

B. — Subject to state and city fire departments, the only access to Marshwood Nursing Care Center shall be via Roger Street.

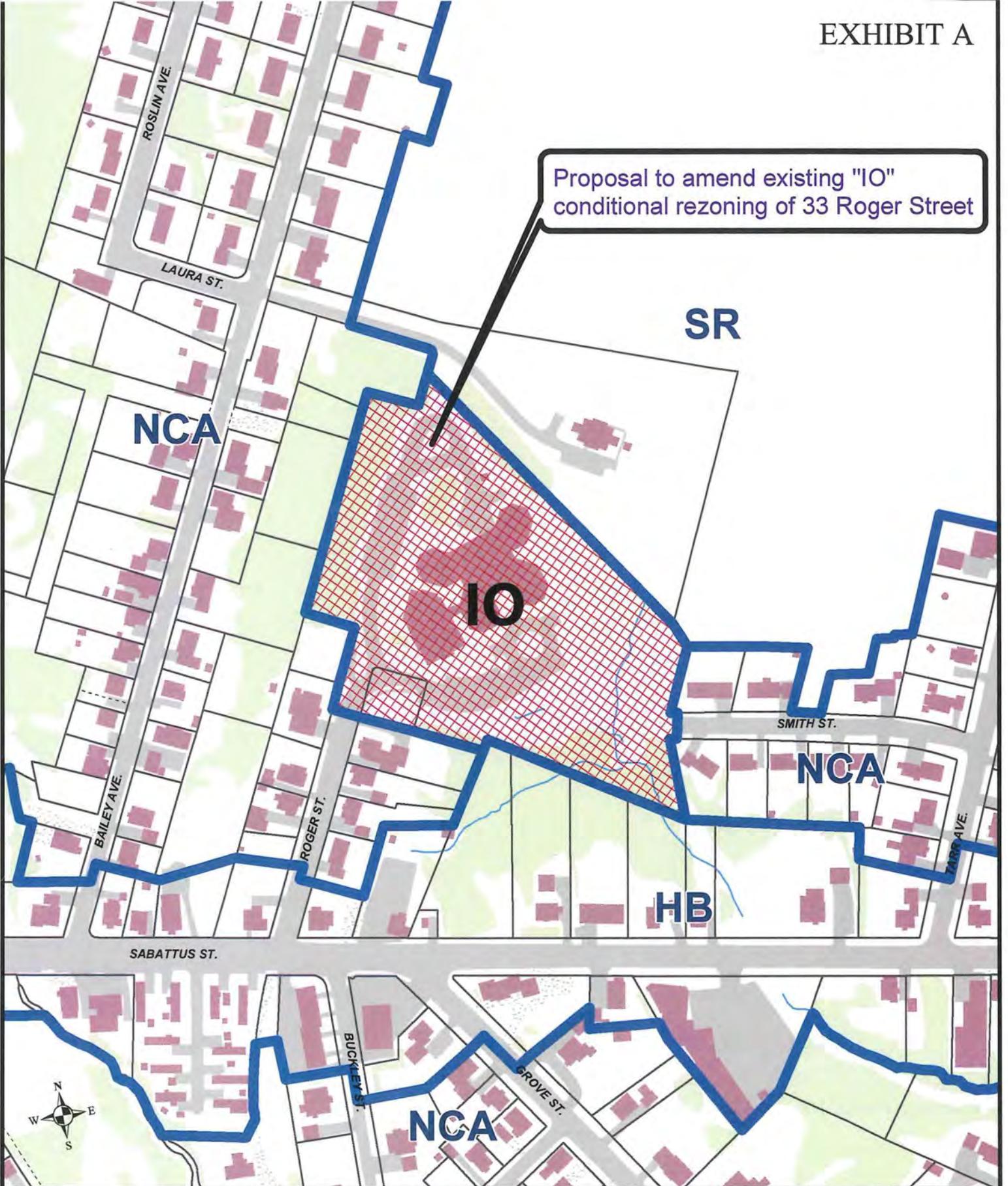
C. — Any future changes to the exterior of Marshwood Nursing Care Center shall be first reviewed and approved by the Lewiston Planning Board and City Council.

DC. — The following standard conditions also apply:

1. — A violation of any of the conditions shall constitute a violation of the Zoning and Land Use Code.
2. — The conditions shall bind the owners, their successors, assigns and any person in possession or occupancy of the premises or any portion thereof and shall inure to the benefit of and be enforceable by the City of Lewiston.
3. — The owners, at their expense, shall record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of the petition by the City and that the form of recording be in a form satisfactory to the City of Lewiston.
4. — The conditions shall run with the land being rezoned.
5. — In addition to all other remedies to which the City may be entitled under applicable provisions of the statute or ordinance, that if any party in possession or use of the premises fails or refuses to comply with any of the

~~conditions imposed that any rezoning approved by the City in accordance with the conditions shall be of no force and effect, and in that event, any use of the premises and any buildings and structures developed pursuant to the rezoning shall immediately be abated and brought into compliance with all applicable provisions of the Zoning and Land Use Code with the same effect as if the rezoning had never occurred.~~

- ~~6. If any of the conditions are found by a court of competent jurisdiction to be invalid, such a determination shall not invalidate any of the other conditions.~~



Proposed Amendment to Conditional Rezoning
33 Roger Street

March 2014

Bk 5858 Pg 267 #7939
04-07-2004 @ 01:09P

SHORT FORM WARRANTY DEED

NURSING ADMINISTRATORS, INC., a Maine corporation, doing business in Lewiston, Maine FOR CONSIDERATION PAID, grants to MARSHWOOD REALTY, INC., whose mailing address is c/o Sandy River Health Systems LLC, 509 Forest Avenue, Portland, Maine 04101, WITH WARRANTY COVENANTS, the real property located in Lewiston, Androscoggin County, State of Maine, more particularly described on Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, Nursing Administrators, Inc. has caused this instrument to be executed by Daniel J. Maguire, its duly authorized Vice President, this 1st day of April, 2004.

WITNESS:

NURSING ADMINISTRATORS, INC.

NO MAINE R.E.
TRANSFER TAX PAID

Melodie L. Hopkins

By: *Daniel J. Maguire*
Daniel J. Maguire, Vice President

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

April 6, 2004

Personally appeared the above-named Daniel J. Maguire, Vice President of Nursing Administrators, Inc., as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Nursing Administrators, Inc.

Before me,

Auralee J. Bussone
Notary Public/Attorney-at-Law



Print Name: AURALEE J. BUSSONE
My commission expires: NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JULY 11, 2005

EXHIBIT A
LEGAL DESCRIPTION
FEDERAL HOUSING ADMINISTRATION
PROJECT NO. 024-22043
MARSHWOOD NURSING CARE CENTER

A certain lot or parcel of land situated in Lewiston, in Androscoggin County, State of Maine, bounded and described as follows:

Beginning at a point in the northwesterly line of Roger Street, so called, at the northeasterly terminus of said Roger Street, as accepted by the Inhabitants of the City of Lewiston on January 6, 1949; said point also being in the southeasterly line of land conveyed to Robert R. Caron and Carmen S. Caron by Joseph D. Caron by deed dated May 16, 1968; and recorded in the Registry of Deeds for Androscoggin County in Book 987, Page 735; thence

1. North forty one degrees three minutes twenty eight seconds East (N 41° 03' 28" E) along the southeasterly line of said Caron's land and along the projection northeasterly of the northwesterly line of said Roger Street, a distance of one hundred eighty four and thirty hundredths (184.30) feet to an iron pipe set in the ground at the easterly corner of land conveyed to said Robert R. Caron and Carmen S. Caron by said Joseph D. Caron by deed dated June 24, 1970 and recorded in said Registry in Book 1019, Page 712, thence;
2. North forty eight degrees fifty six minutes thirty two seconds West (N 48° 56' 32" W) along the northeasterly line of said Caron's land and at right angles to the last mentioned line, a distance of ninety one and seventeen hundredths (91.17) feet to an iron pipe set in the ground at the northerly corner of said Caron's land; said iron pipe also being in the southeasterly line of land conveyed to Jacqueline D. Tardiff by Allan Wilson and Patricia Wilson by deed dated September 7, 1979 and recorded in said Registry in Book 1424, Page 344, thence;
3. North forty one degrees three minutes twenty eight seconds East (N 41° 03' 28" E) along the southeasterly line of said Wilson's land and along the southeasterly line of land conveyed to Joseph Nadeau and Germaine Nadeau by Richard A. Moore by deed dated September 22, 1978 and recorded in said Registry in Book 1360, Page 327 and along the southeasterly line of land conveyed to Jaqueline C. Roy by Edward B. Yokell by deed dated October 10, 1972 and recorded in said Registry in Book 1062, Page 57 and also along the southeasterly line land conveyed to Richard H. Roy by Joseph D. Caron by deed dated March 9, 1966 and recorded in said Registry in Book 955, Page 287, and parallel to the first mentioned line, a distance of three hundred ninety nine and ninety four hundredths (399.94) feet to an iron rod set in the ground at a corner of said Roy's land, thence;
4. South forty eight degrees fifty six minutes thirty two seconds East (S 48° 56' 32" E) along the southwesterly line of said Roy's land and at right angles to the last

mentioned line, a distance of ninety one and seventeen hundredths (91.17) feet to an iron rod set in the ground at the southerly corner of said Roy's land, thence;

5. North forty one degrees three minutes twenty eight seconds East (N 41° 03' 28" E) along the southeasterly line of said Roy's land and parallel to the first mentioned line, a distance of sixty and fifty six hundredths (60.56) feet point, thence;
 6. South eighteen degrees forty five minutes seventeen seconds East (S 18° 45' 17" E) a distance of six hundred fifty two and seventy eight hundredths (652.78) feet to a point at the northwesterly corner of land conveyed to George P. Phillips and Rena S. Phillips by Reina S. Leonas by deed dated January 22, 1987 and recorded in said Registry in Book 2045, Page 268, thence;
 7. South thirty seven degrees thirty four minutes no seconds West (S 37° 34' 00" W) along the westerly line of said Phillips' land, a distance of one hundred sixteen and sixty seven hundredths (116.67) feet to an iron rod set in the ground at the southwesterly corner of said Phillips' land said iron rod also being on a projection westerly of the northerly line of Smith Street, so called, thence;
 8. South sixty four degrees fifty three minutes no seconds East (S 64° 53' 00" E) along the southerly line of said Phillip's land and along the projection westerly of the northerly line of said Smith Street, a distance of twenty four and thirty six hundredths (24.36) feet to a point in the westerly terminus of said Smith Street as accepted by the Inhabitants of the City of Lewiston on November 19, 1953, thence;
 9. Southwesterly and southerly direction along the westerly terminus of said Smith Street and along the arc of a forty (40) foot radius curve to the left, a distance of fifty two and thirty four hundredths (52.34) feet to a point in the southerly line of said Smith Street, said point also being in the northerly line of land conveyed to Timothy Pelletier and Lori Pelletier by Roger A. Spencer and Vera M. Spencer by deed dated June 10, 1986 and recorded in said Registry in Book 1943, Page 131, thence;
 10. North sixty four degrees fifty three minutes no seconds West (N 64° 53' 00" W) along the projection westerly of the southerly line of said Smith Street and also along the northerly line of said Pelletier's land, a distance of thirty one and eight hundredths (31.08) feet to an iron rod set in a twelve inch stump at the northwesterly corner of said Pelletier's land, thence;
 11. South twelve degrees sixteen minutes ten seconds West (S 12° 16' 10" W) along the westerly line of said Pelletier's land, a distance of one hundred forty three and ninety seven hundredths (143.97) feet to a point at the southwesterly corner of said Pelletier's land, said point being in the northerly line of land conveyed to Roland Martin and Judy Martin by Acadia Resources, Inc. by deed dated March 26, 1985 and recorded in said Registry in Book 1729, Page 203, thence;
-

12. North sixty four degrees fifty three minutes no seconds West (N 64° 53' 00" W) along the northerly line of said Martin's land and parallel to the southerly line of said Smith Street, a distance of forty nine hundredths (0.49) feet to a point at the westerly corner of said Martin's land and at the easterly corner of land conveyed to The Secretary of the Department of Veterans Affairs by Lomas Mortgage USA, Inc. by deed dated October 5, 1993 and recorded in said Registry in Book 3136, Page 158, thence;
 13. North forty two degrees sixteen minutes one second West (N 42° 16' 01" W) along the northeasterly line of said Secretary of the Department of Veterans Affairs' land and along the northeasterly line of land conveyed to Jean Paul Tardif and Anita Tardif by Joseph J. Madore and Juliette T. Madore by deed dated May 2, 1960 and recorded in said Registry in Book 825, Page 477 and also along the northeasterly line of land conveyed to Byron C. Adams, Jr. and Yvette A. Adams by Jennie C. Adams by deed dated January 27, 1964 recorded in said Registry in Book 909, Page 348 and conveyed to said Byron C. Adams, Jr. and Yvette C. Adams by Byron C. Adams, Jr. by deed dated January 9, 1968 and recorded in said Registry in Book 983, Page 793, a distance of three hundred seventy two and two hundredths (372.02) feet to an iron rod set in the ground at the northerly corner of said Adams' land, thence;
 14. South forty seven degrees fifty nine minutes twenty seven seconds West (S 47° 59' 27" W) along the northwesterly line of said Adams' land, a distance of twenty eight and twenty eight hundredths (28.28) feet to a point at the northerly corner of land conveyed to Nursing Administrators, Inc. by Michael R. Tardif and Mary B. Tardif by deed dated August 4, 1994 and recorded in said Registry in Book 3313, Page 81, thence;
 15. North forty eight degrees fifty six minutes thirty two seconds West (N 48° 56' 32" W) along the northeasterly line of said Nursing Administrators, Inc.'s land, a distance of one hundred twenty four and twenty one hundredths (124.21) feet to an iron rod set in the ground at a corner of said Nursing Administrators, Inc.'s land, thence;
 16. North forty one degrees three minutes twenty eight seconds East (N 41° 03' 28" E) along the southeasterly line of said Nursing Administrators, Inc.'s land and at right angles to the last mentioned line and also parallel to said Roger Street, a distance of ten and no hundredths (10.00) feet to a point, thence;
 17. North forty eight degrees fifty six minutes thirty two seconds West (N 48° 56' 32" W) at right angles to the last mentioned line, a distance of one hundred and no hundredths (100.00) feet to a point, said point being on a projection northeasterly of the southeasterly line of said Roger Street, thence;
 18. South forty one degrees three minutes twenty eight seconds West (S 41° 03' 28" W) along the northwesterly line of said Nursing Administrators, Inc.'s land and along the projection northeasterly of the southeasterly line of said Roger Street, a distance of eleven and fifty eight hundredths (11.58) feet to an iron rod set in the ground at the northeasterly terminus of said Roger Street, thence;
-

19. Northwesterly and westerly and southwesterly direction along the northeasterly terminus of said Roger Street and along the arc of a forty (40) foot radius curve to the left a distance of seventy two and ninety four hundredths (72.94) feet to the point of beginning.

Being the same property referenced in an "ALTA/ACSM Land Title Survey on Roger Street, Lewiston, Maine 04240 Made For Marshwood Realty, Inc. 33 Roger Street, Lewiston, Maine 04240," prepared by Owen Haskell, Inc. dated February 24, 1999 and revised as of March 31, 2004.

Bearings are magnetic, January 1972.

O:\UNB\78232 Sandy River\340-HUD Refinancings\Marshwood\EXHIBIT A.doc

ANDROSCOGGIN COUNTY
Tina M. Chaurand
REGISTER OF DEEDS