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-CITY OF PORTLAND -

***** -PLANNING DEPT. - ***** 2077568258-*****

City of Portland
Department of Planning and Development
Planning Division
 389 Congress Street, 4th Floor
 Portland ME 04101
 (207)874-8721 or (207)874-8719
 Fax: (207)756-8258



FAX

To: Scott Teas & Will Tinkelenburg

Company: TFH Architects

Fax #: (207) 773-0194

Date: Sept. 13, 2007

From: Molly Coats, Planner

You should receive 4 page(s) including this cover sheet.

Comments:

F41- This letter came into our office. I am forwarding it to you for your reference. I also mailed a hardcopy to your office and to Casco Bay Ventures.

- Molly



PORTLAND MAINE

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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

September 13, 2007

Mr. Waldon Geyer
Casco Bay Ventures
233 Woodville Road
Falmouth, ME 04105

Scott Teas
TFH Architects
100 Commercial Street
Portland, ME 04101

RE: Estates of Longfellow Inn, 130 Eastern Promenade, (Application ID # 2007-0123)

Dear Mr Geyer and Mr. Teas:

We received the attached letter, dated September 4, 2007 from Bruce A. McGlaughlin, Esq. regarding the proposed addition and renovation at 130 Eastern Promenade and are forwarding it for your reference. Marge Schmuckal, Zoning Administrator has taken the issues identified in the letter under advisement. We will be in touch with you shortly with Marge's interpretation.

If you have any questions, please contact me at 874-8901 or by email at mpc@portlandmaine.gov.

Sincerely,

Molly Casto, Planner

cc: Barbara Barhydt, Development Review Services Manager
Penny Littel, Associate Corporation Counsel
Alex Jaegerman, Director of Planning Division
Marge Schmuckal, Zoning Administrator

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAUFLIN
bmcglaulin@petrucellimartin.com

September 4, 2007

Ms. Molly Casto
Planning and Inspections Department
City of Portland
389 Congress St.
Portland, Maine 04101

RE: 130 Promenade East

Dear Ms. Casto:

Thank you for speaking to me on the phone about the proposed development at 130 Promenade East, which abuts property owned by my clients, Nicolino & Patricia Ciccomancini. The Ciccomancinis own a three-story apartment building at 14 Wilson Street. You indicated to me that Casco Bay Ventures, Inc., the owner of 130 Promenade East, has submitted an application, that the application is being reviewed as a subdivision application, and that it is currently scheduled for planning board review at a workshop scheduled for October 9, 2007. The purpose of this letter is to express the Ciccomancinis' opposition and to draw your attention, and the planning board's attention, to specific requirements in the zoning ordinance, which we feel provide clear and sufficient basis for denying the application.

We begin with the understanding that the existing building or buildings are non-conforming as to bulk and space requirements in the ordinance. In particular, the existing buildings do not conform to the ten-foot setback requirements and the overall square footage requirement in the R-6 zone. Both the principal structure and the one-story addition fail to comply with the ten-foot side setback and the lot size (7,905.9 sq. ft.) does not comply with the minimum square footage of 1,000 sq. ft. per unit (11 units x 1,000). See Section 14-139(1)(a) and (b)(1). Because 130 Promenade East is a grandfathered nonconforming building, no alterations or additions are allowed except in strict compliance with the Zoning Ordinance provisions governing nonconforming buildings.

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The proposed alterations and addition fail to comply with at least two of these provisions, Sections 14-382(d) and 14-388.

Section 14-382(a) states that no alterations, modifications or additions may be made to a nonconforming building, except as provided in Division 23. Subsection (d) of Section 14-382 states that a building which is nonconforming as to space, bulk or dimensional requirements may be altered, modified or added to if the proposed changes to existing exterior walls or roofs would be within the space occupied by the existing shell of the building. The proposed addition and renovation are not confined to the space occupied by the existing shell.

Under Section 14-388, a building that is nonconforming as to area per dwelling unit may not be enlarged unless the resulting building is made to conform to all area per dwelling regulations. The proposed structure does not so conform. The R-6 zone requirements mandate 1,000 sq. ft. per unit for the first three units, and 1,200 sq. ft. for the next six units, resulting in a total required lot area of 10,200 sq. ft for the proposed 11 units. The application must be denied because the lot consists of only 7,905.9 square feet.

We also read the ordinance as requiring site plan review for this application. Section 14-136(a)(2)(f) requires site plan review for any alteration of a multi-family dwelling structure that was in residential use on December 2, 1987. One of the applicable site plan review requirements states:

The bulk, location or height of proposed buildings and structure minimizes, to the extent feasible, any substantial diminution in the value or utility to neighboring structures under different ownership and not subject to a legal servitude in favor of the site being developed.

Section 14-526(a)(4). If Casco Bay Ventures, Inc. is allowed to proceed with a three-story addition, it will substantially diminish the value of the Ciccomancinis' property at 14 Wilson Street because it will completely block the expansive views enjoyed by the residents of the six-unit apartment building. The height of the proposed building maximizes, not minimizes, the diminution of value of the Ciccomancinis' property.

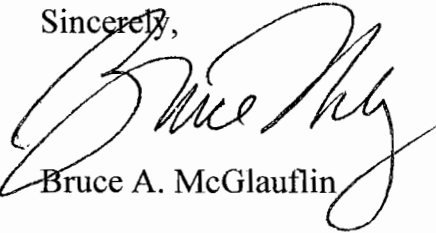
Thus, based on an initial review of the application and the City's Zoning Ordinance, there are at least three distinct and separate reasons why the application should be denied. A more detailed review may uncover additional reasons related to

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parking and other applicable requirements and standards. We request that you bring these concerns to the Planning Administrator and the Planning Board at your earliest convenience. Thank you for your consideration of these concerns.

Sincerely,



Bruce A. McGlaufflin

BMcG/d

cc: Nicolino & Patricia Ciccomancini