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**Paul F. Driscoll**

January 29, 2015

Barbara Barhydt, Development Review Manager  
City of Portland  
389 Congress Street  
Portland, ME 04101

Re: One India Street, Tax Map 19-B-1

Dear Ms. Barhydt:

On behalf of LRAR LLC, we request that the Director of Planning and Urban Development (the "Planning Director") review and approve the enclosed plan entitled "Amended Subdivision Plan Regarding The Longfellow, A Condominium, and Adjacent Land of LRAR, LLC, Fore Street and India Street, Portland, Cumberland County, Maine, Made for Owners of Record LRAR, LLC and GSB Corporation", prepared by John W. Swan, PLS, of Owen Haskell, Inc. dated January 30, 2015 (the "Amended Plan"), under Section 14-496(c) of the City of Portland's Land Use Ordinance. Pursuant to your instructions, this letter is submitted together with Level III – Preliminary and Final Site Plans Development Review Application. LRAR LLC will record the Amended Plan in the Cumberland County Registry of Deeds once the Planning Director reviews and approves it.

The Amended Plan depicts a proposed lot and building thereon at One India Street. The proposed lot is part of the land of LRAR LLC shown on City of Portland Tax Map 19-B-1. The proposed lot is currently part of a two-unit condominium known as "The Longfellow, A Condominium" (the "Condominium") formed by LRAR LLC by Declaration of dated September 29, 2006 and recorded in the Cumberland County Registry of Deeds in Book 24419, Page 122 (the "Declaration"). The proposed lot is a portion of the "Condominium Parcel" shown on the Condominium Plat of the Condominium of the same date and recorded in the Registry in Plan Book 206, Page 618 (the "Condominium Plat"). LRAR LLC is seeking the Planning Director's approval to reduce the "Condominium Parcel" from the size depicted on the Condominium Plat to the size depicted on the Amended Plan.

The present One India Street parcel was originally created as part of the waterfront development project by the City of Portland and State of Maine as shown on the subdivision plan approved by the Planning Board on July 13, 1993 and recorded in the Registry of Deeds in Plan Book 193, Page 187 through 193 (the "Original Subdivision Plan", of which the One India Street Parcel is only delineated on Page 187). This latter plan was later amended as part of the Ocean Gateway project by the City of Portland as shown on the subdivision plan approved by the Planning Board on August 24, 2004, and recorded in the Registry of Deeds in Plan Book 204, Page 622 (the "2004 Subdivision Plan"). The 2004 Subdivision Plan did not alter or amend the lot lines for the One India Street parcel but dealt with unrelated matters not relevant to this application. All plans referred to herein are enclosed with this letter.

The parcel is currently located in B-6 Eastern Waterfront Mixed Zone (Division 15.1 of the City's Land Use Ordinance). The Grand Trunk Railroad Building located on the parcel is identified as a contributing structure within the Portland Waterfront Historic District, which is a certified local historic district.

On September 29, 2006, LRAR LLC conveyed Unit No. 1 in the Condominium to GSB Corporation by Quitclaim Deed with Covenant of that date recorded in the Registry of Deeds in Book 24420, Page 30. The remaining Unit in the Condominium, Unit No. 2, is under contract for sale by LRAR LLC to GSB Corporation. In the Purchase and Sale Agreement between LRAR LLC and GSB Corporation, the parties have agreed that the Condominium Parcel will be reduced in size to conform to the parcel depicted on the enclosed Amended Plan. In connection with the sale of Unit No. 2 in Condominium to GSB Corporation, LRAR LLC will release all development rights reserved in the Declaration for the development of its adjacent land, including the right to declare and add new units to the Condominium on the adjacent land of LRAR LLC. GSB Corporation will utilize the two Units in the Condominium for all uses permitted in the Zone including, but not limited to, commercial office space. All parking associated with GSB Corporation's use of the Units will be met by either on-site parking or by leasing parking spaces in the nearby Ocean Gateway Garage, or by other means allowed under the Ordinance including the use of parking spaces in other available parking facilities.

On December 30, 2014, we received the enclosed zoning determination (the "Zoning Determination") from the City's Planning and Urban Development Department confirming that the proposed reduction of the size of the Condominium Parcel does not violate any applicable zoning, subdivision or land-use requirements of the City of Portland and will remain in compliance with all of the City of Portland land-use ordinances, including those governing zoning and subdivisions. In its Zoning Determination, the City also confirmed that there are no active or anticipated land-use complaints pending against the Condominium, and that the present use of the

Condominium is in compliance with all of the City of Portland land-use requirements, including those relating to zoning and subdivision.

The Zoning Determination also stated that there is no specific minimum number of parking spaces required for the Condominium by the land use ordinance “except to maintain any existing parking spaces.” When the 2004 Subdivision Plan was approved by the Planning Board, the Condominium was located in B-5 Zone which is governed by Division 12.6 of the City’s Land Use Ordinance. The only parking requirements applicable to B-5 Zone are set forth in Divisions 20 and 21.<sup>1</sup> *See* Sec. 14-230.5(f) (“Off-street parking and loading are required as provided in division 20 and division 21 of this article”). Section 14-332.1(g) of Division 20 provides that, “[n]o off-street parking shall be required” in B-5 Zone, except that parking existing on or servicing contributing structures or historic landmarks in historic districts may not be decreased from that existing on or servicing the lot on March 15, 1999 (unless necessary to comply with ADA).

The Condominium is presently located in B-6 Zone. As with the B-5 Zone, the only parking requirements for B-6 Zone are contained in Division 20 of the Land Use Ordinance. *See* 14-273(f) (“Off street parking is required as provided in division 20 (off-street parking) of this article. Division 21 (off-street loading) of this article shall not apply.”). Because the Grand Trunk Railroad Building is a contributing structure in a local historic district, “no parking in excess of that existing on or servicing the lot as of March 15, 1999” is required for the Condominium. *See* 14-332.2(d).

In this case, no parking is required for the Condominium because no parking existed on or serviced the One India Street as of March 15, 1999. The 2004 Subdivision Plan likewise does not refer to any parking existing on or serving the One India Street parcel. The Planning Board did not impose any specific parking requirement on the One India Street parcel in 2004 when it approved the 2004 Subdivision Plan. Similarly, the Original Site Plan approved by the Planning Board in 1993 does not refer to any parking on or for the One India Street parcel. This all serves to confirm that no parking existed on or serviced the One India Street parcel as of March 15, 1999 for the purposes of Section 14-332.2(d).

Please note that the Condominium Plat created and recorded in 2006 (two years after the current 2004 Subdivision Plan was approved by the Planning Board) depicts an area designated as “Common Element Parking Area.” Upon the approval of the Amended Plan by the Planning Director, the Condominium boundaries will be adjusted to reduce or eliminate this area. This “Common Element Parking Area” was created only as a private amenity of the Condominium in 2006 and not to comply with a zoning or

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<sup>1</sup> Division 21 governs off-street loading and is not applicable here.

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land-use ordinance and, accordingly, is irrelevant for the purposes of Section 14-332.2(d) and determining whether parking existed on or serviced the parcel as of March 15, 1999. To avoid any doubt or ambiguity in the future, however, we request that the City confirm in writing that the proposed parcel as depicted on the Amended Plan does not require any specific minimum number of on-site parking spaces under the City's Land Use Ordinance.<sup>2</sup>

Although not depicted on the enclosed plan, the remaining land shown as Tax Map 19-B-1 will be a separate, undeveloped lot complying with the dimensional standards of the B-6 zone. That land will be separately owned by LRAR following the amendment of the Condominium and transfer of Unit 2 to GSB Corporation. If there is any question in this regard, please advise us immediately.

As mentioned above, Unit 2 in the Condominium is presently under contract and the proposed reduction in the size of the Condominium Parcel is one of the final elements needed for the completion of this transaction and will trigger another set of important deadlines for LRAR LLC's remaining contractual commitments. We very much appreciate your prompt attention to this matter, and if there is anything we can do to help you process this application expeditiously, please do not hesitate to contact me at 207-553-4608 and [pdriscoll@nhdlaw.com](mailto:pdriscoll@nhdlaw.com); or Darya Haag of this firm at 207-553-4677 and [dhaag@nhdlaw.com](mailto:dhaag@nhdlaw.com) at any time. Thank you very much for your assistance.

Very truly yours,



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Paul F. Driscoll  
Counsel for LRAR LLC

PFD/pfd

cc: James M. Bradley, Esq. (w/encl.)  
Paul J. Nasser, CFO and COO  
Richard A. Shinay, Esq. (w/encl.)  
Darya I. Haag, Esq. (w/encl.)  
John W. Swan, PLS (w/out encl.)

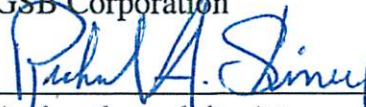
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<sup>2</sup> We originally sought this determination in our zoning determination request of December 9, 2014. We were later informed that an affirmative determination of the proposed parcel's compliance with the parking requirements would be made by the Planning Director in the review of the instant amendment request.

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GSB Corporation, owner of Unit 1 in the Condominium, acting through its Attorney, Richard A. Shinay, hereby joins in this letter solely for the purpose of consenting to LRAR LLC's request set forth above and to satisfy the requirement that LRAR LLC evidence sufficient right, title and interest in the property the subject of said request.

GSB Corporation



Acting through its Attorney,

Richard A. Shinay