



Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

December 17, 2008

Mr. Scott Teas
TFH Architects
80 Middle St
Portland, ME 04101

Mr. Joseph W. Reynolds
Pearl Properties LLC
198 Tuttle Road
Cumberland, ME 04021

RE: **61 India Street (rear)**
CBL: **020 E021001**
Application ID: **#2008-0116**

Dear Mr. Teas and Mr. Reynolds:

This letter confirms an amendment to Condition iii of the approval letter dated October 6, 2008 relating to the proposal to construct a four story infill building totaling 5411 sq ft floorspace, incorporating the remains of an existing structure of historic interest (3 story front elevation) at the rear of 61 India Street.

Condition iii of that approval stated:

"That there shall be a building permit application for any change of use to add a new apartment; if this occurs within five years of the Certificate of Occupancy, an application for Subdivision Review shall also be submitted; and"

The Associate Corporation Counsel has advised that this condition as worded is not consistent with the wording of the City's Land Use Ordinance as it relates to the definition of a subdivision.

I therefore Condition iii has been amended to read as follows:

"Condition iii. That there shall be a building permit application for any change of use to add a new apartment; if this occurs within five years of the creation of the second residential lot/unit in this property (which was issued a change of use permit on March 28, 2006) and within five years of the creation of the third residential lot/unit (which was the subject of the current approval), an application for Subdivision Review shall also be submitted. The dates of the creation of the second and third residential lots/units shall be determined by the date of the earliest sale document (lease, purchase and sale agreement, purchase option or deed) for each; and"

The remainder of the approval letter dated October 6, 2008 remains unchanged.

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If there are any questions, please contact Jean Fraser at 874- 8728.

Sincerely,

Alexander Jaegerman
Planning Division Director

Electronic Distribution:

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