



# PORTLAND MAINE

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*Penny St. Louis Littell- Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

November 29, 2010

Ronald N. Ward, Esq.  
Drummond Woodsum  
84 Marginal Way, Suite 600  
Portland, ME 04101-2480

RE: 261 Commercial Street, Cross Street and Fore Street – 038-F-009 (the “Property”)  
B-3 Zone with a Downtown Entertainment Overlay Zone and with Pedestrian  
Activities District (PAD) along Commercial and Fore Streets

Dear Attorney Ward,

I am in receipt of your request for a determination letter concerning the Property. You have posed a question in regards to the question of subdivision. My determination is based upon the information supplied by you, including a survey that is sealed and signed by John W. Swan and dated September 20, 2010. I have also had discussions with Planning staff concerning the type of review that was done in 2007 concerning the new addition between the old Akari building and the Portland Harbor Hotel. There was no division of land at that time. All the underlying land was owned and continues to be owned by Dictar Associates II.

It is my understanding that a single parcel of land which consists of land described on the survey as “A” and “B”, is to be sold to Casco View Holdings II, LLC. It is my determination that this is a single division of land into two parcels and does not constitute a subdivision. My research supports your claim that the 2007 activity did not result in a division of land at that time and therefore would **not** be considered another division to be added to the current division of land to Casco View Holdings II, LLC within a five year period and therefore triggering a required subdivision review.

As I stated, parcels “A” & “B” are considered at this time to be one parcel under a single ownership (Casco View Holdings II, LLC) and the rest of the land is the second parcel under a separate ownership (Dictar Associates II). If parcel “A” and “B” are separated from each other by another sale within five (5) years, it would trigger a subdivision review prior to its sale. Of course, any other division of land not associated with parcels “A” and “B” would also be considered a subdivision requiring review prior to its division.

You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If

you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

If you should have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Sincerely,

Marge Schmuckal  
Zoning Administrator

Cc: file