November 8, 2016

Tom Federle

Federle Law

254 Commercial St.

Portland, ME 04101

RE: 747 and 749 Congress Street, CBL: 047-A-020 & 047-A-028, (the “Property”)

Dear Mr. Federle:

I have received your request for a zoning interpretation for the above referenced Property, which your client proposes to split into two lots. You have asked whether the proposed lot split would be unlawful pursuant to Maine Subdivision Law, 30-A M.R.S. §§ 4401 *et seq.* and Article IV of Chapter 14 of the City of Portland Code of Ordinances. I have based my interpretation on the “Subdivision Recording Plat,” prepared by Pinkham & Greer Civil Engineers, 28 Vannah Avenue, Portland, Maine on 10/17/16 (the “Plat”).

Under both the state subdivision law and the City of Portland Code of Ordinances, a subdivision is created when a parcel is split into three or more lots within any five-year period. The division of the Property into the two lots, as shown on the Plat, would not create a subdivision, provided that there have been no outparcels created from the Property within the previous five years of the date of the split. Based on the deeds and Commitments for Title Insurance that you have provided, it does not appear that there have been any outparcels created within the last five years.

You also asked whether the division of the Property into two lots would trigger the requirement to submit a performance guarantee. A single lot split that does not create a subdivision and where no building permit, street opening permit, or certificate of occupancy is currently sought, would not, by itself, trigger the requirement for a performance guarantee.

I trust that this sufficiently satisfies your needs. If, however, you have any questions or concerns please do not hesitate to contact me at (207) 874-8695. This zoning interpretation is based on the information provided and available at the time, and the current City of Portland Code of Ordinances. It is not binding on the City of Portland in any future decisions. A final determination will be made when a site plan and/or building permit are submitted to develop the Property.

Yours truly,

Christina Stacey

Zoning Specialist

Permitting and Inspections Department

City of Portland, Maine

207.874.8695

[cstacey@portlandmaine.gov](mailto:cstacey@portlandmaine.gov)

Sincerely,

Ann B. Machado

Zoning Administrator

Permitting and Inspections Department

City of Portland, Maine

207. 874.8709

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