



Planning & Urban Development Department

*Jeff Levine, AICP, Director**Marge Schmuckal, Zoning Administrator*

January 24, 2014

Brenda M. Buchanan, Esq.
c/o Warren Currier & Buchanan
57 Exchange Street
Portland, Maine 04101-5020

RE: 290 & 292 Island Avenue (087-T-009), Peaks Island - called "Berndt Parcel" and
308 Island Avenue (087-T-001), Peaks Island - called "Gulliver Parcel" - IR-2 Zone

Dear Attorney Buchanan,

I am in receipt of your request for a determination letter concerning the division of property located at 290 & 292 Island Avenue, Peaks Island. The entire parcel is located in an IR-2 (Island Residence -2) zone with a Shoreland Zone overlay on a portion of the property. My determination is based upon an unstamped and unsigned survey by Gene Schleh of Northeastern Land Surveying. My determination is also based upon removal or relocation of a 12' x 12' outbuilding currently on the Berndt Parcel. This outbuilding shall be removed or relocated with the benefit of a permit.

Based on the above information, the proposed division of land containing two residential structures and the conveyance of land to an abutter does not constitute a reviewable subdivision. A subdivision by definition is the division of land in common ownership into three lots. The State and City Subdivision regulations exempt divisions accomplished by the transfer of any interest in land to the owners of abutting land. Because there is a proposal to convey approximately 3,780.4 square feet to the abutting owner(s) of the Gulliver Parcel, this proposal is only a two lot division and does not rise to the level of a subdivision review.

I have reviewed the chain of title submitted so that I can determine whether the conveyance of 3,780 sf from the Berndt Parcel to the Gulliver Parcel would result in a buildable lot of record as defined and allowed under § 14-433 as it applies to property on Peaks Island. With the addition of the 3,780 sf of land conveyed to the Gulliver Parcel, I have determined that the New Gulliver Parcel will become a buildable lot under § 14-433. However, this letter does not grant permissions to build. Separate application(s) are required for complete reviews and approvals. This letter only addresses the buildable lot issue.

I can further affirm that the remaining division of land of the Bendt Parcel into two separate lots as shown on the submitted survey will result in two conforming lots as allowed under § 14-422 and conforming to the dimensional requirements of the IR-2 zone. Again as stated previously above and within your letter to me, this determination is based upon the removal or relocation of the outbuilding shed prior to the act of division.



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

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal".

Marge Schmuckal
Zoning Administrator
City of Portland, Maine