

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Warren J. Turner, Zoning Specialist DATE: 4/21/87
FROM: Richard P. Flewelling, Associate Corporation Counsel
SUBJECT: Donatello Appeal

With reference to Lawrence Donatello's variance appeal which appears as the first item on the Board's April 23rd agenda, further research has disclosed that Davis Farm Road is apparently a dedicated street and is shown on the City's Official Map which is maintained by the Department of Parks and Public Works. (The minutes of the Planning Board's March 13, 1973 meeting contain references to possible future City "acceptance" of the street. Additionally, it is shown on the approved and recorded plan of NET's property, which is sufficient under both the statutory and case law to constitute a dedication.) Accordingly, no variance from Section 14-403 should be necessary in order for Mr. Donatello to build.

My understanding is that Joseph Gray has directed that this item be "removed" from the Board's agenda. Technically, the Board should simply table it indefinitely.

If you have any questions, please let me know.

Richard P. Flewelling
Richard P. Flewelling
Associate Corporation Counsel

RPF/smb

cc: David A. Lourie, Corporation Counsel
Joseph E. Gray, Jr., Director of Planning/Urban Development