



Permitting and Inspections Department  
Michael A. Russell, MS, Director

*Ann Machado, Zoning Administrator*

September 9, 2016

Jeffrey Herbert, Esq.  
The Law Offices of Robert E. Danielson  
65 West Commercial Street, Suite 106  
P.O. Box 545  
Portland, ME 04101

RE: 1165 Washington Avenue, Portland, Maine  
CBL: 408-D-011, 012 and 019

Dear Mr. Herbert:

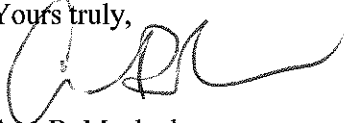
You have requested a determination as to whether the proposed division of 3 existing lots (408-D-012; 408-D-011; and 408-D-019) at 1159, 1165 and 1167 Washington Avenue into 4 lots will require subdivision approval under 30-A M.R.S. §§ 4401-4408 and Sections 14-491 through 520 of the Portland City Code. After a review of the proposed lot configuration you submitted as well as relevant documents in the Cumberland County Registry of Deeds, I write to notify you that subdivision review is required.

As you know, subdivision review is required when a single tract or parcel of land is divided into three or more lots within a five-year period. 30-A M.R.S. § 4401(4). Maine's statute defines a "tract or parcel of land" to mean "all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971." Here, prior to May 2016, it appears that St Joseph's Manor owned both Lot 408-D-019 and Lot 408-D-011, which are contiguous. As such, prior to the conveyances in May 2016, those lots constituted a single, merged lot. When St. Joseph's Manor divided that lot and conveyed 408-D-019 to Berzinis Realty LLC and 408-D-011 to Mountain Road Properties, LLC, those conveyances resulted in a division (the "first division" for the purposes of this subdivision analysis). Moreover, because neither Berzinis Realty, LLC nor Mountain Road Properties, LLC appears to have been an abutter of St. Joseph's, that first division was not exempted under 30-A M.R.S. 4401(4)(D-6).

Given the above, if the proposed division of Lot 408-D-019 into two additional lots is accomplished, that will constitute the second dividing and the creation of a third lot, which under the State statute, will require subdivision review.

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)874-8709.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann B. Machado', written in a cursive style.

Ann B. Machado

Zoning Administrator

Permitting and Inspections Department

City of Portland, Maine

207. 874.8709

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