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September 1, 2009

Mr. Archie S. Giobbi
1183 Washington Avenue
Portland, Maine 04103

Re: Van Vechten Street Lots

Dear Mr. Giobbi:

I am in receipt of your letter dated August 12, 2009, requesting an opinion as to whether or not you would be creating a subdivision if you proceed forward with your plan to develop eight (8) lots you and your wife own on Van Vechten Street. Based on my review of the deeds provided, and the information presented in your letter, I understand the basic facts to be as follows.

Matilda Giobbi (your wife) purchased four (4) lots on Van Vechten Street on June 28, 2002. Thereafter, on July 1, 2002, you purchased four (4) abutting lots. In order to comply with the City Code of Ordinances (the "Code") and Maine law, you now propose to transfer one (1) of your lots to your wife, so that she can then divide her parcel into two (2) lots and you will be able to develop your one (1) remaining lot.

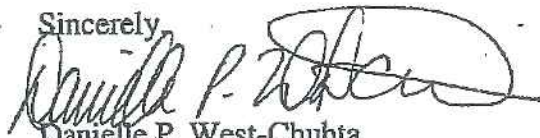
Title 30-A M.R.S. § 4401(4) and § 14-493 of the Code, define a subdivision as "the division of a tract or parcel of land into three or more lots within any five year period that begins on or after September 23, 1971." Similarly, Maine law and the Code define a tract or parcel of land as "all contiguous land in the same ownership." 30-A M.R.S. § 4401(6); § 14-493. In addition, Maine law and the Code specify that the transfer of any interest in land to the owner abutting that land does not create a lot for subdivision purposes. See 30-A M.R.S. § 4401(4)(D); Code §14-493.

In this case, since you will be dividing your property and creating two lots (one of which is exempt since you are conveying to an abutter), and your wife will also be dividing her property and separately creating two lots, I do not believe that subdivision review has been triggered.

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Thank you for your time. Please do not hesitate to contact me if you have any questions.

Sincerely



Danielle P. West-Chuhta
Associate Corporation Counsel

cc: Barbara Barhydt, Development Review Manager