

Dan and Marie Herrick
470 Hatch Road
Auburn, ME 04210

July 6, 2014

City of Auburn
Office of Planning & Permitting
60 Court Street, Suite 104
Auburn, Me 04210

ATTENTION: Eric Cousens and Mark Stambach

Mr. Cousens and Mr. Stambach:

This is in response to your letter dated June 25, 2014 denying our building permit application to construct a single family home at 240 Hatch Road, Auburn ME.

At this time we are submitting this written petition to you requesting that an appeals hearing be scheduled with the Board of Appeals so that we may present our request to them for their consideration.

We have enclosed a check in the amount of \$152.82 which covers the cost of the filing fee of \$150.00 and letters to the abutters at a cost of \$.94 per letter of which we have determined there are three (3) at a total cost of \$2.82.

Please notify us immediately if this amount does not agree with your calculations or if we are required to provide any additional information at this time.

Thank you for your time. We will expect to hear from you in the immediate future with a date and time for our hearing.


Sincerely,

Daniel Herrick and Marie Herrick
Property Owners

Cc: Clint Deschene, City Manager
Howard Kroll, Assistant City Manager

City of Auburn, Maine
"Maine's City of Opportunity"
Office of Planning & Permitting



PERMIT DENIAL

June 25, 2014

Dan and Marie Herrick
470 Hatch Road
Auburn, Maine 04210

RE: 240 Hatch Road Permit Application

Mr. and Mrs. Herrick:

We are in receipt of your building permit application dated June 20, 2014 to construct a new single family home at 240 Hatch Road in Auburn. 240 Hatch Road (the "Property") is a six-acre parcel in the Agricultural Zone. In the Agricultural Zone, residential structures are only allowed if they are "accessory to farming operations." City of Auburn Code of Ordinances ("Auburn Code") § 60-145(a)(1). To meet the definition of a farm, a parcel must contain more than ten acres, and at least 50% of the annual household income must come from agricultural uses on the property per Auburn Code § 60-2(farm).

Current City staff was recently made aware that in 1993, the then-owner of the property constructed an unpermitted single family residence. At least 50% of the household income was not from farming operations, and the lot did not meet the minimum size to qualify as a farm in any event. Therefore, the residence violated the Auburn Code.

As discussed above, single-family residences are not allowed in the Agricultural Zone unless they are accessory to a farm use. The proposed residence would not be accessory to a farm use and therefore, is not allowed. For the above reasons the City cannot issue the requested permit and the application is denied. Please consider this letter as your notice that the permit has been denied based the above mentioned zoning chapter of the Auburn Code.

If you wish to dispute anything contained in this written decision to deny the permit, you may appeal to the Auburn Board of Appeals by submitting a written petition to the Director of Planning and Permitting, in accordance with Chapter 60, Section 60-1151 of the Auburn Code, within thirty (30) days of receipt of this letter requesting an appeals hearing be scheduled before the Board of Appeals. The hearing shall be held within thirty (30) days of the receipt of the petition for appeal and shall be heard as an administrative appeal. A one hundred and fifty dollar (\$150.00) filing fee plus \$.94 per required abutter notification is required at the receipt of the

60 Court Street • Suite 104 • Auburn, ME 04210
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6625 Fax
www.auburnmaine.org

written request for Appeal. Failure to appeal within thirty (30) days may deprive you of your ability to contest the contents of this denial in any subsequent legal proceedings.

If you have any questions regarding this matter please feel free to contact me at (207) 333-6601, Ext. 1154

Sincerely,

A handwritten signature in black ink that reads "Eric J. Cousens". The signature is fluid and cursive, with the first name "Eric" and last name "Cousens" clearly legible.

Eric J. Cousens
City Planner/Director of Planning and Permitting

A handwritten signature in black ink that reads "Mark Stambach". The signature is cursive and somewhat stylized, with the first name "Mark" and last name "Stambach" clearly legible.

Mark Stambach
Building Inspector



City of Auburn
Planning & Permitting Services Department

"WE WANT DEVELOPMENT!"

08/20/14

- *Appointments for permits are recommended.
- *Please fill out any part which applies to project.
- *Proper plans must accompany application as required.

For Official Use Only	
Date:	_____
Issued:	_____
Telephone:	_____
Zone:	_____
Map No.:	_____
Bldg. Code:	_____
Use Group:	_____
Type of Construction:	_____
Est. Cost:	_____
Fee:	_____

ADDRESS OF CONSTRUCTION: 240 Hatch Road
 Owner: Dan & Marie Herrick Cell # 207-576-7802
 Address: 470 Hatch Rd
 CONTRACTOR: DJR Construction Cell # Same

Project Description: _____ **Plans Submitted:** _____
Building Dimensions: 28x36 **Square Footage:** 1830 **Plan Number:** _____
Lot Size: _____ **Reviewed By:** _____

Email Permit To: _____ **Fax Permit To:** _____

Foundation:

- Type of Soil: See Septic Plan
- Set Backs - **Front:** _____ **Rear:** _____ **Side(s):** _____
- Footings Size: 18" to 24" 8" walls
- Foundation Size: 28' x 36'
- Slab Size: _____ **Slab Thickness:** _____ **Heated?**
- Other: Floor 4 to 4 1/2" thick

Floor:

- Sills Size: 2x6 PT ****Sills must be anchored**
- Carrying Beam Size: _____
- Column Spacing: _____
- Joist Size: Floor Joist 2x12 ****Spacing 16" O.C.**
- Floor Sheathing Type: 3/4 T&G Advantec **Thickness:** 3/4
- Other Material: _____
- Floor Coverings: Hardwood, Tile

Exterior Walls:

- Studding Size: 2x6 **Spacing:** 16 OC
- Corner Posts Size: 2x6 Block Built
- No. of Doors: 2 30/6/8
- Header Sizes: 2x8 **Spans:** Windows Doors
- Bracing: YES: _____ NO: _____
- Egress Windows: _____ **Brand:** _____ **Model #:** _____
- Insulation Type: Batt **Thickness:** R-20
- Sheathing Type: 1/2" Fir **Thickness:** _____
- Siding Type: Vynle
- Masonry Materials: Chimney
- Metal Materials: _____
- Other Materials: _____

Interior Walls:

- Studding Size: 2x4 **Spacing:** 16 OC
- Header Sizes: 2x8 **Span(s):** Windows Doors
- Wall Covering Type: Sheet Rock
- Fire Separation Wall if Required: _____
- Other Materials: _____

Ceilings:

- Ceiling Joist Size: _____
- Insulation Type: Batt
- Type Ceilings: Rock
- Thickness: R-38

Roof:

- Truss or Rafter Size: 2x10 & 2x12 ^{18'} ^{22' spans}
- Sheathing Type: 5/8 Advantec T&C
- Roof Covering Type: 30 year ark
- Span: 16 OC
- Thickness: _____
- Other: _____

Ridge Pok
2x12

Permit Number: _____

Address: _____

Owner: _____

Chimneys: 1. Type: Masonry

Heating:

1. Type of Fuel - check all that apply: Oil Propane _____ Natural Gas _____ Electric _____ Other Wood Boiler

****If Oil Fired Appliance is being installed - A Permit from the Fire Department must be obtained****

2. Type of Heating Source & Number of Systems - check all that apply:

<input type="checkbox"/> FHA	# _____	<input type="checkbox"/> Unit Heaters	# _____
<input checked="" type="checkbox"/> FHW	# _____	<input type="checkbox"/> Warm & Cool	# _____
<input type="checkbox"/> Radiant Electric	# _____	<input type="checkbox"/> Solar	# _____
<input type="checkbox"/> Radiant Hot Water	# _____	<input type="checkbox"/> Complete HVAC	# _____
<input type="checkbox"/> Geothermal	# _____	<input type="checkbox"/> Package Units	# _____
<input type="checkbox"/> Electric Basebds	# _____	<input type="checkbox"/> Other	# _____

Electrical:

1. Service Entrance Size: already in place Wiring Required: _____

Plumbing:

1. Approved Soil Test if Required: YES: _____ NO: _____ City Sewer: already in place

2. Number of Tubs and Showers: _____ # of Flushes: _____ # of Lavatories: _____

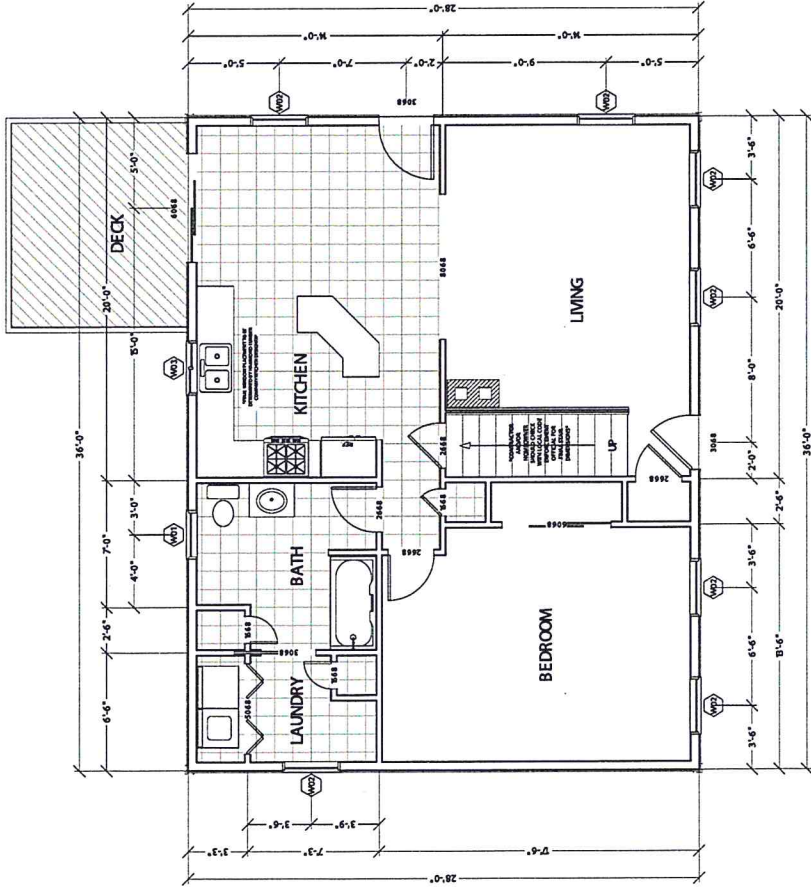
Swimming Pools:

1. Type: _____ Pool Size: _____ Square Footage: _____

Comments/Drawing:

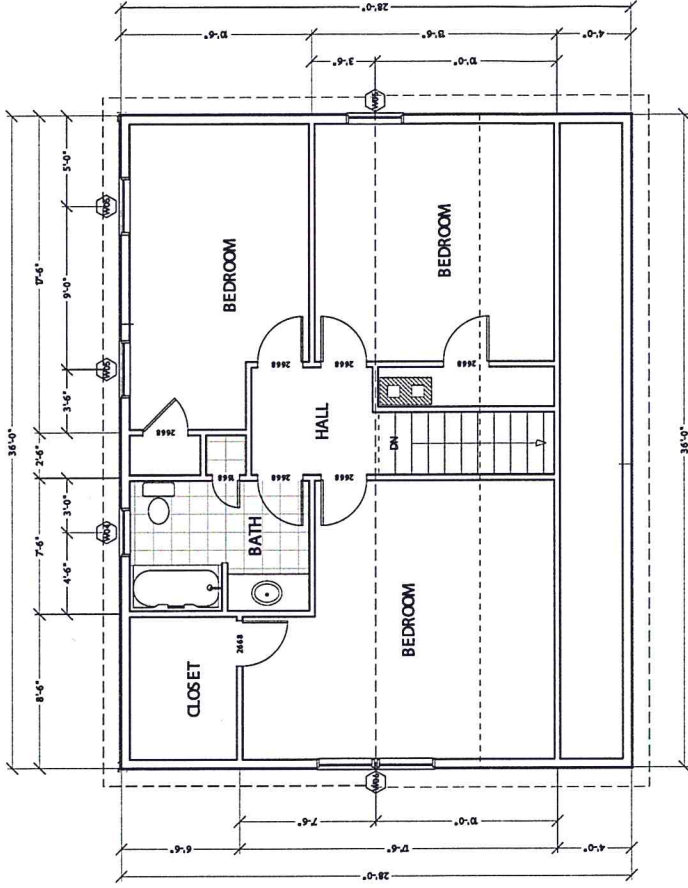
The permit holder, property owner, person or persons, firm or corporation accepting this permit agrees to comply with all the provisions of the statutes of Maine and the Ordinances of the City of Auburn regulating the construction, maintenance, use of buildings, structures and of the application on file in this department. Permit holder understands he/she is responsible for correct set backs from ALL PROPERTY LINES and from all buildings and structures.

Application Signature: Donald R. deVito



FIRST FLOOR

LIVING AREA
1007 sqft



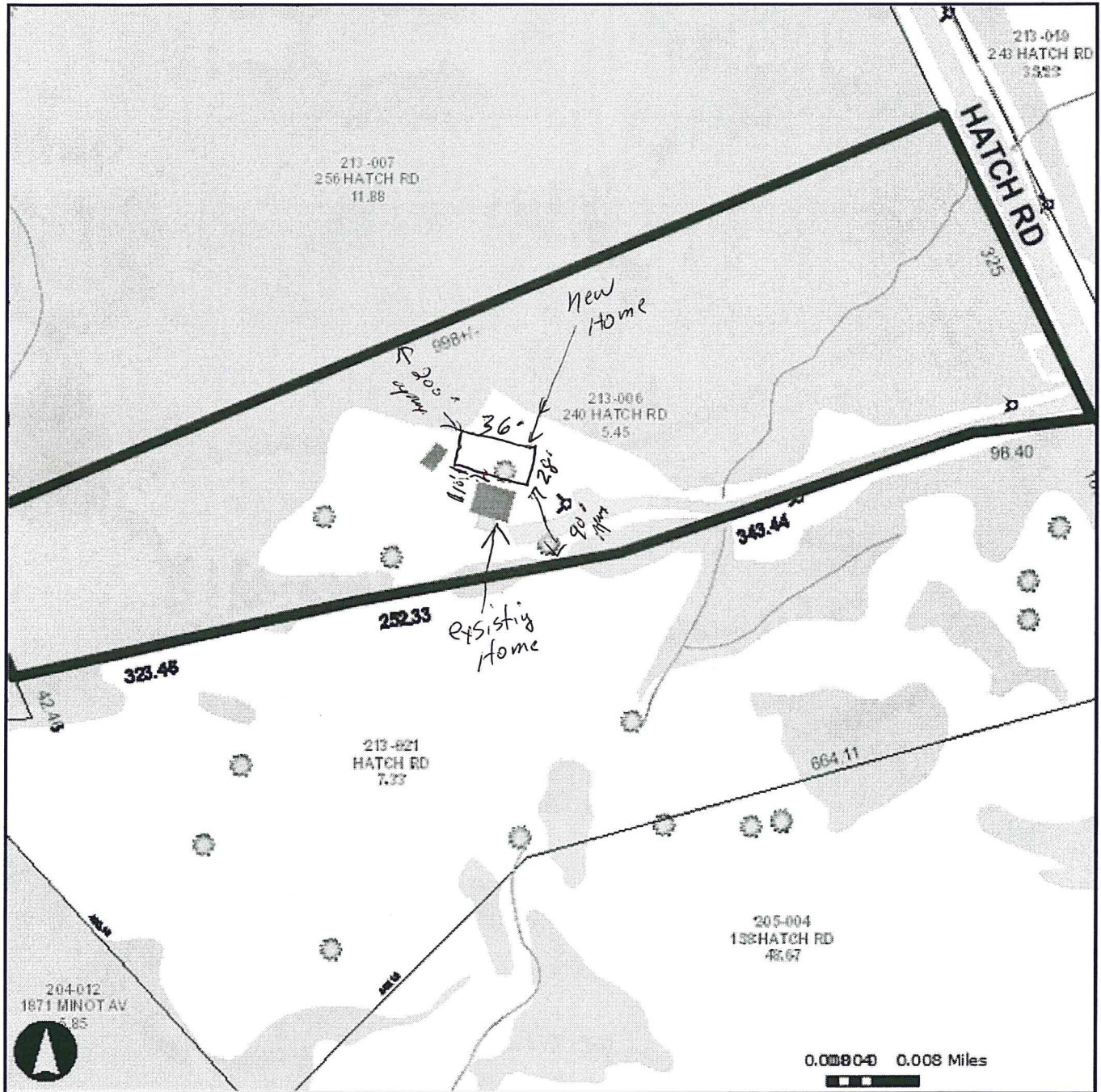
SECOND FLOOR

LIVING AREA
826 sqft

Hammond Lumber Company

The Cape Cod

Map



*lands Drops off Behind existing Home approx. 5'
Intensions of Daylight Basement or possible garage*

AFFIDAVIT

State of Maine, County of Androscoggin

I, Eric Cousens, do swear, under penalty of perjury the following:

1. I am employed by the City of Auburn, Maine as the Director of Planning and Permitting.
2. The City of Auburn Maintains property record files that include permits and violation notices.
3. The attached documents, related to the illegal use of property at 240 Hatch Road, are accurate and correct copies of records in the City of Auburn property file.
4. The property at 240 Hatch Road is or has been owned by John J. Lander Jr. as recorded in Androscoggin County Registry of Deeds, Book 842, Page 202 on 1/1/1961.

Eric Cousens

Eric Cousens, Director of Planning and Permitting

Sworn to and subscribed before me this 1st Day of April 2014

Katelyn Duvostant

Name of Notary Public (*printed name*)

Notary Public, State of Maine

My commission expires: January 11, 2020

SEAL

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

April 1, 2014

VIA FIRST CLASS MAIL

John Lander Jr.
PO Box 1403
Auburn Maine 04211-1403

RE: 240 Hatch Road Property, PID # 213-006

Dear Mr. Lander:

I am writing in regard to the above referenced property herein after referred to as "the Property." The Property is located in the the Agriculture and Resource Protection (AG/RP) zoning district as designated in the City of Auburn Zoning Ordinance (the "Ordinance") and single family homes are not permitted. It was recently brought to this offices attention that you have continued to occupy a structure illegally as a residence at the property. This letter is intended as a reminder that the building is permitted as an agricultural building and that any continued use as a residence is in violation of the Ordinance. It is also intended for recording at the registry of deeds as a public record. At this time the City is not inclined to undertake an active enforcement action or issue fines or citations but that could change at any time in the future. A copy of the original notice and permit is attached. Please feel free to contact this office with any questions or concerns about resolving this violation.

Sincerely,



Eric J. Cousens
Director of Planning and permitting



CITY OF AUBURN, MAINE

"MAINE'S CITY OF OPPORTUNITY"

45 SPRING STREET • AUBURN, MAINE 04210

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

DEVELOPMENT/REDEVELOPMENT
PLANNING SECTIONS

ROLAND G. MILLER
DIRECTOR

INSPECTIONS SECTION
ECONOMIC DEVELOPMENT

April 29, 1993

John Lander
41 Dany Dr, Apt 92
Auburn ME 04210

Dear John:

The following letter is in regard to the request you made on April 26, 1993 to amend building permit #14939 issued on 11/24/92. The plan you submitted as part of the request indicates that the addition will be used as a bedroom and that other portions of the structure are proposed to accommodate bathroom, kitchen and living area. I presented the request to Jim McPhee for a land use review and he has responded that the intended use of the existing structure and the proposed addition are not permitted in the Agriculture and Resource Protection Zone. Please see the attached zoning review sheet for his comments. Based upon this information, I am notifying you that the above referenced building permit has not been amended to reflect your request, that the building permit for the agriculture and equipment building as shown on permit #14939 is still valid and that the property cannot be used as a residence.

I provide this information to you to ensure that you are fully aware of the limitations on development on your property. If you have any questions regarding the above issue, please do not hesitate to contact me or Jim McPhee.

Sincerely,

John Parsons
Building/Housing Inspector

JP/cb
Enc.

3-80H

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

BK 8887 P 9274 #4479

PROPERTY ADDRESS

Town Or Plantation	AUBURN
Street Subdivision Lot #	240 HATCH ROAD

PROPERTY OWNERS NAME

Last: LANDER First: JOHN

Applicant Name: _____

Mailing Address of Owner/Applicant (If Different): 41 DAWY DRIVE APT. 92 AUBURN, ME. 04210

AUBURN Date Permit Issued: 5/6/92 3128 TOWN COPY \$ 60 FEE Double Fee Charged

Dwight Perkins Local Plumbing Inspector Signature L.P.I. # 114

Owner/Applicant Statement

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

John Lander Signature of Owner/Applicant Date 5/6/92

Caution: Inspection Required

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules.

Dwight Perkins Local Plumbing Inspector Signature Date Approved 5/22/92

PERMIT INFORMATION

THIS APPLICATION IS FOR:

- NEW SYSTEM
- REPLACEMENT SYSTEM
- EXPANDED SYSTEM
- EXPERIMENTAL SYSTEM

SEASONAL CONVERSION

to be completed by the LPI

- SYSTEM COMPLIES WITH RULES
- CONNECTED TO SANITARY SEWER
- SYSTEM INSTALLED - P# _____
- SYSTEM DESIGN RECORDED AND ATTACHED

IF REPLACEMENT SYSTEM:

YEAR FAILING SYSTEM INSTALLED _____

THE FAILING SYSTEM IS:

- BED
- CHAMBER
- TRENCH
- OTHER: _____

SIZE OF PROPERTY

6 Acs

ZONING

AG. & NAT. RESOURCES

THIS APPLICATION REQUIRES:

- NO RULE VARIANCE
- NEW SYSTEM VARIANCE
Attach New System Variance Form
- REPLACEMENT SYSTEM VARIANCE
Attach Replacement System Variance Form
 - Requiring Local Plumbing Inspector Approval
 - Requires State and Local Plumbing Inspector Approval
- MINIMUM LOT SIZE VARIANCE

DISPOSAL SYSTEM TO SERVE:

- SINGLE FAMILY DWELLING
- MODULAR OR MOBILE HOME
- MULTIPLE FAMILY DWELLING
- OTHER AGRICULTURAL BLDG.

SPECIFY

INSTALLATION IS:

COMPLETE SYSTEM

- NON-ENGINEERED SYSTEM
- PRIMITIVE SYSTEM
(Includes Alternative Toilet)
- ENGINEERED (+ 2000 gpd)

INDIVIDUALLY INSTALLED COMPONENTS:

- TREATMENT TANK (ONLY)
- HOLDING TANK _____ GAL
- ALTERNATIVE TOILET (ONLY)
- NON-ENGINEERED DISPOSAL AREA (ONLY)
- ENGINEERED DISPOSAL AREA (ONLY)
- SEPARATED LAUNDRY SYSTEM

TYPE OF WATER SUPPLY

PLANNED WELL

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

- SEPTIC: Regular Low Profile
 - AEROBIC
- SIZE: 1000 GALS.

WATER CONSERVATION

- NONE
 - LOW VOLUME TOILET
 - SEPARATED LAUNDRY SYSTEM
 - ALTERNATIVE TOILET
- SPECIFY: _____

PUMPING

- NOT REQUIRED
 - MAY BE REQUIRED
(DEPENDING ON TREATMENT TANK LOCATION AND ELEVATION)
 - REQUIRED
- DOSE: _____ GALS.

CRITERIA USED FOR DESIGN FLOW (BEDROOMS, SEATING, EMPLOYEES, WATER RECORDS, ETC.)

BASED ON APPROX. 2 BEDROOM, MINIMUM FLOW USE

SOIL CONDITIONS USED FOR DESIGN PURPOSES

PROFILE 3 CONDITION C

DEPTH TO LIMITING FACTOR: 27

SIZE RATINGS USED FOR DESIGN PURPOSES

- SMALL
- MEDIUM
- MEDIUM-LARGE
- LARGE
- EXTRA LARGE

DISPOSAL AREA TYPE/SIZE

- BED 600 Sq. Ft.
- CHAMBER _____ Sq. Ft.
 REGULAR H-20
- TRENCH _____ Linear Ft.
- OTHER: _____

DESIGN FLOW: 180

(GALLONS/DAY)

SITE EVALUATOR STATEMENT

On 5-1-92 (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

Thomas D. Taylor Site Evaluator Signature

217 SE#

5-1-92 Date

13 (Local Plumbing Inspector's Signature if permit is for Seasonal Conversion.)

5/6/92 5/6/92

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering

Town, City, Plantation

AUBURN

Street, Road, Subdivision

240 HATCH ROAD

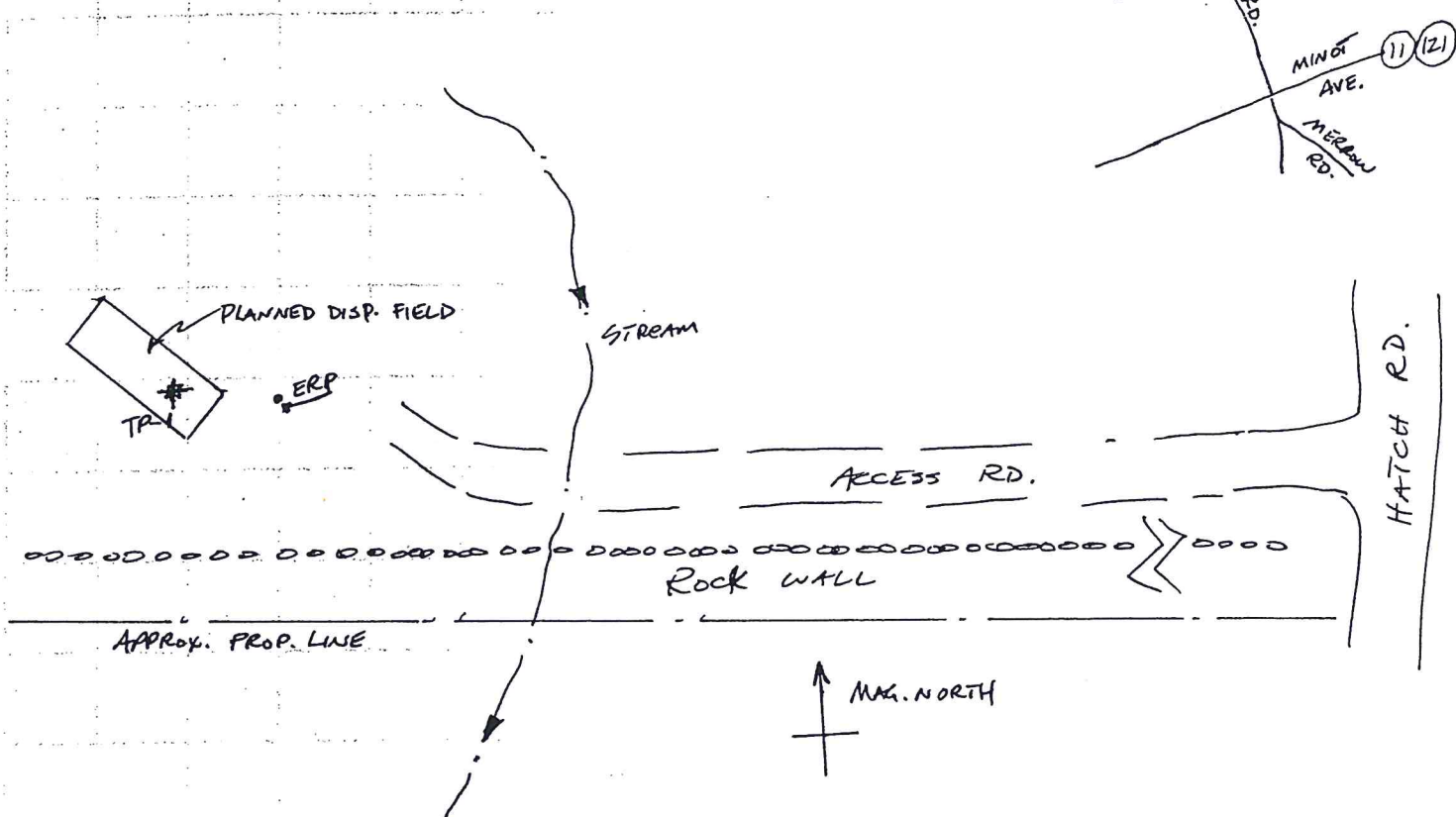
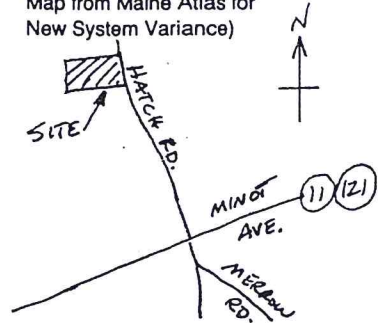
Owners Name

JOHN LANDER

SITE PLAN

Scale 1" = 50 Ft.
(NOT TO SCALE)

SITE LOCATION PLAN (Attach Map from Maine Atlas for New System Variance)



SOIL DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole TP-1 Test Pit Boring
" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0	LOAM	FRIABLE	DEEP BROWN	
6	TO			
10	LOAMY SAND	FIRM	BRIGHT YELLOW	
15	TO		BRN.	
20	SANDY LOAM		GRAY BRN.	ROOTS TO 26"
30	LOAMY GRAVELLY SAND	VERY FIRM	OLIVE BROWN	
40				
50				

Observation Hole _____ Test Pit Boring
" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0				
6				
10				
15				
20				
30				
40				
50				

Soil Profile <u>3</u>	Classification Condition <u>C</u>	Slope <u>9 to 13%</u>	Limiting Factor <u>27"</u>	<input type="checkbox"/> Ground Water <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
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Soil Profile _____	Classification Condition _____	Slope _____ %	Limiting Factor _____	<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
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Thomas O. Ziegler
Site Evaluator Signature

217
SE#

5-1-92
Date

BK 8887 P9275 #4479

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Town, City, Plantation

AUBURN

Street, Road, Subdivision

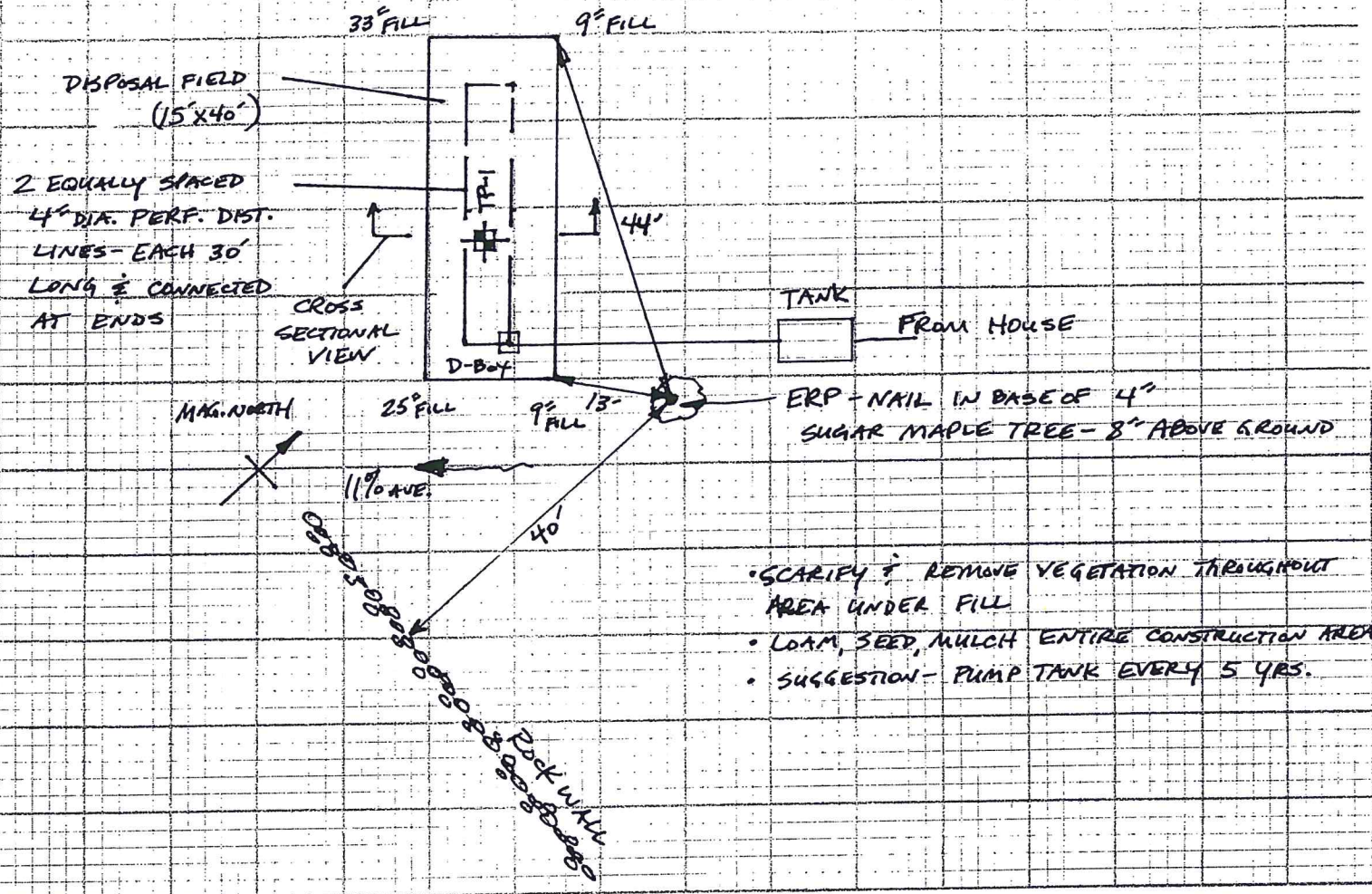
240 HATCH ROAD

Owners Name

JOHN LANDER

SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale 1" = 20 Ft.



FILL REQUIREMENTS

Depth of Fill (Upslope)	9"
Depth of Fill (Downslope) AVE. of	29"

CONSTRUCTION ELEVATIONS

Reference Elevation is ASSUMED	0"
Bottom of Disposal Area	-53"
Top of Distribution Lines or Chambers	-42"

ELEVATION REFERENCE POINT ERP LOCATION & DESCRIPTION

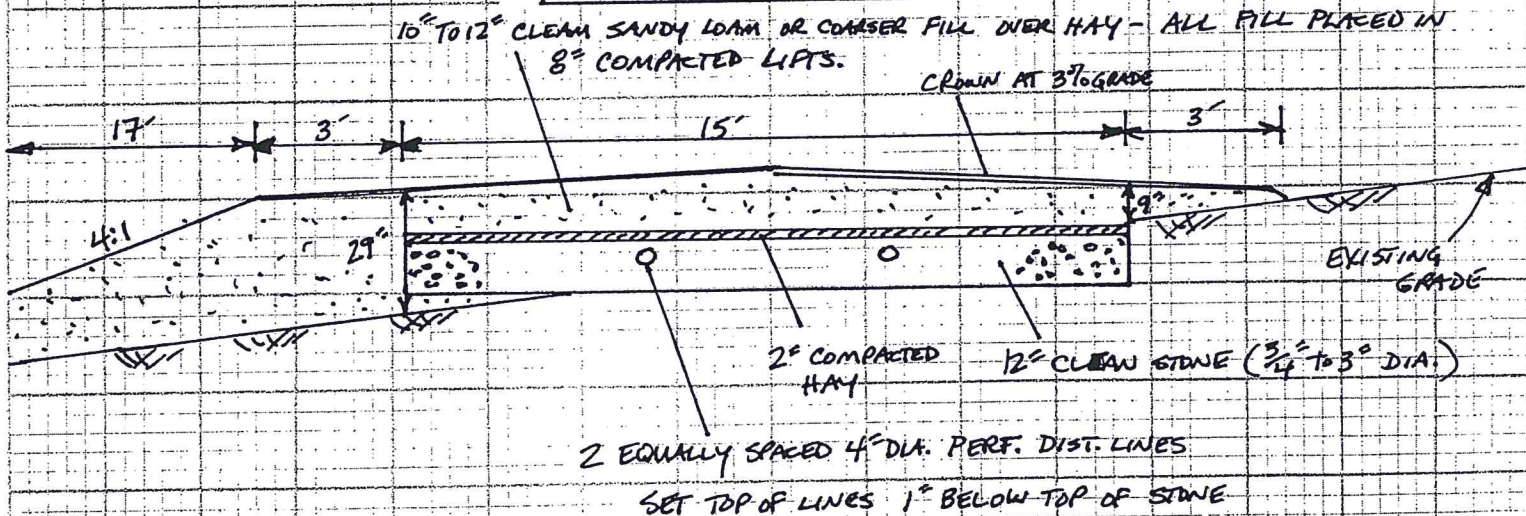
NAIL IN TREE - SEE ERP ABOVE

DISPOSAL AREA CROSS SECTION WITH AVERAGE FILL DEPTHS & EXTENSIONS

Scale:

Vertical: 1 inch = 4 Ft.

Horizontal: 1 inch = 4 Ft.



Thomas D. Kuyler
Site Evaluator Signature

217
SE#

5-1-92
Date

BK 8887 P9276 #4477

12/16/91

City Of Auburn
Community Development Department
Building Inspection Division

For Official Use Only

Date: 12/16/91
Telephone: 795-6310
Ward: 3
Zone: AG
Map No.: 3-80A
Bldg Code: BOCA
Use Group: AG-STORAGE
Type of Construction: 5-B
Time Limit: 1 YEAR
Estimated Cost: 5000.-
Fee: 39.-

Permit Number 14458
5,000

Appointments for permits are recommended.
Please fill out any part which applies to job.
Proper plans must accompany application as required.

Owner: John J. Lander
Address: 41 Denny Dr. apt 92 Auburn, Maine
ADDRESS OF CONSTRUCTION: 240 Hatch Rd

CONTRACTOR: self

Plans Submitted: _____
Plan Number: _____

Project Description: Agriculture - Equipment Storage Revised to 14' x 32'

Building Dimensions: ~~24x32~~ Square Footage: ~~864~~ Lot Size: 6-A
(5-15-92 24x36) $38.40 + 10.00 = 48.40$

Foundation: CHANGE
1. Type of Soil: LOAMY
2. Set Backs-Front: 57.5' Rear: 45.5' Sides (s): 250' x 50'
3. Footings Size: GRANITE
4. Foundation Size: CONCRETE BLOCK
5. Other: _____

Floor:
1. Sills Size: _____ Sills must be anchored.
2. Girder Size: 3-2x10
3. Lally Column Spacing: _____
4. Joists Size: 2x10 12 SPAN Spacing 16" O.C.
5. Floor Sheathing Type: Plywood + Boards Size: 5/8" 4x8"
6. Other Material: _____

Exterior Walls:
1. Studding Size: 2x6 Spacing: 16" O.C. 7. Insulation Type: _____ Size: _____
2. No. Windows: 6 8. Sheathing Type: T&G 1-1/2" Size: 5/8 4x8
3. No. Doors: 2 passage door 9. Siding Type: _____
4. Header Sizes: 2x10 Span (s): _____ 10. Masonry Materials: _____
5. Bracing: Yes: No: _____ 11. Metal Materials: _____
6. Corner Posts Size: _____ 12. Other Materials: _____

Interior Walls
1. Studding Size: 2x4 Spacing: _____
2. Header Sizes: _____ Span (s): _____
3. Wall Covering Type: _____
4. Fire Separation Wall if required: _____
5. Other Materials: _____

Ceiling: None
1. Ceiling Joists Size: _____ 3. Insulation Type: _____ Size: _____
2. Type Ceilings: _____

Roof:
1. Truss or Rafter Size: 2x8 x 2x6 Span: 16'
2. Sheathing Type: Plywood Size: 5/8 4x8
3. Roof Covering Type: Asphalt Shingles
4. Other: _____

Building Inspection Record - City of Auburn, Maine

Owner: Lander, John J.
240 Hatch Rd - Map # 3-80A

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

11/12/82 - NF - COMPLETED

**City Of Auburn
Community Development Department
Building Inspection Division**

Appointments for permits are recommended.
Please fill out any part which applies to job.
Proper plans must accompany application as required.

Owner: John J. Lander
Address: 44 Denny Dr. Apt 92 Auburn, Maine
ADDRESS OF CONSTRUCTION: 240 Hatch Rd

CONTRACTOR: self

Project Description: AGRICULTURE EQUIPMENT STORAGE REVISID TO 14' x 32'

Building Dimensions: 8' x 32' Square Footage: 256 Lot Size: 6-A
(5-15-92 24x36)

Foundation: CHANGE
1. Type of Soil: Loamy
2. Set Backs-Front: 5'5" Rear: 4'5" Sides (s): 25'0" + 50'
3. Footings Size: GRANITE
4. Foundation Size: CONCRETE BLOCK
5. Other: _____

Floor:
1. Sills Size: _____ Sills must be anchored.
2. Girder Size: 3-2x10
3. Lally Column Spacing: _____
4. Joists Size: 2x10 12 SPAN Spacing 16" O.C.
5. Floor Sheathing Type: Plywood + boards Size: 5/8" 4x8"
6. Other Material: _____

Exterior Walls:
1. Studding Size: 2x6 Spacing: 16" OC
2. No. Windows: 6
3. No. Doors: 2 Passage door
4. Header Sizes: 2x10 Span (s): _____
5. Bracing: Yes: No: _____
6. Corner Posts Size: _____
7. Insulation Type: _____ Size: _____
8. Sheathing Type: T&G 1-11 Size: 5/8 4x8
9. Siding Type: _____
10. Masonry Materials: _____
11. Metal Materials: _____
12. Other Materials: _____

Interior Walls:
1. Studding Size: 2x4 Spacing: _____
2. Header Sizes: _____ Span (s): _____
3. Wall Covering Type: _____
4. Fire Separation Wall if required: _____
5. Other Materials: _____

Ceiling: None
1. Ceiling Joists Size: _____ 3. Insulation Type: _____ Size: _____
2. Type Ceilings: _____

Roof:
1. Truss or Rafter Size: 2x8 + 2x6 Span: 16' 3. Roof Covering Type: Asphalt shingles
2. Sheathing Type: Plywood Size: 5/8 4x8 4. Other: _____

11/12/92 - NF - COMPLETED

For Official Use Only
Date: 12/16/91
Telephone: 795-6310
Ward: 3
Zone: AG
Map No.: 3-80A
Bldg Code: BOCA
Use Group: AG-STORAGE
Type of Construction: 5-B
Time Limit: 1 YEAR
Estimated Cost: 5000.-
Fee: 39.-

Permit Number 14458
Building Inspection Record - City of Auburn, Maine
Owner: Lander John J.
240 Hatch Rd - Map H 3-80A
5,000

Chimneys:

1. Type: 1 Metal

Heating:

1. Type of Heat: Wood + oil

Electrical:

1. Service Entrance Size: 100 AMP Wiring Required: _____

Plumbing: NONE

1. Approved soil test if required: Yes: No: _____ City Sewer: NO
2. No. of Tubs or showers: _____ No. of flushes: _____ No. of Lavatories: _____

Swimming Pools:

1. Type: _____ Pool Size: _____ Square Footage: _____

Comments: STORAGE BLDG TO BE PLACED ON WOOD PLATFORM

1/14/92-NF- lot is cleared, no other work done yet
4/17/92-NF- no change
6/23/92-NF- job has been abandoned. Owner will call us to revise his plan to be a small storage shed, possibly under 120 sq. ft.
7/28/92-NF- Owner does not want to abandon project however there still is no work done other than clearing lot.
9/21/92- 14'x35' deck in place on pt. beams floor frame O.K. for shed
11/12/92-NF- const as an utility bldg is complete, permit has been revised several times and is now a 14'x32' shed on wood floor on cinder blocks.

The permit holder, property owner, person or persons, firm or corporation accepting this permit agrees to comply with all the provisions of the statutes of Maine and of the Ordinances of the City of Auburn regulating the construction, maintenance, use of the buildings, structures and of the application on file in this department.

Applicant Signature John J. Gander

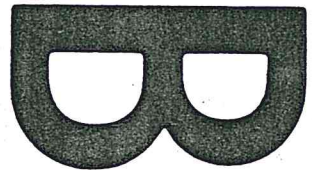
DISPLAY THIS CARD ON PRINCIPLE FRONTAGE OF WORK

CITY OF AUBURN
COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING INSPECTION DIVISION NO.

BUILDING PERMIT

This is to certify that *Robert W. Parker* has permission to *Place Sprinkler Head & Equipment at Town Sq. Bldg.* at *290 Alatak Rd.* provided that the person or persons, firm or corporation accepting this permit shall comply with all the provisions of the Statutes of Maine and of the Ordinances of the City of Auburn regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Date *12-16-91*
Work must be started within *3* months
and completed by *12-16-92*
Set Backs must be at least
Front *2.5'* Rear *2.5'* Side *1.5'*



ZONE *AG*
MAP # *3-80*
William J. Pizzano
INSPECTOR OF BUILDINGS

PENALTY FOR REMOVING THIS CARD

CMV71-3M-10/87

Dec. 12, 1991

James P. McPhee
Code Enforcement
City of Auburn.
Community Development Dept.
Building Inspection Div.

This letter is being written at the request
of James P. McPhee in reference to the
proposed use of a Agr. + Equip Storage Bldg.
to be located on lot 3-80 Hatch Road Aub., Me.

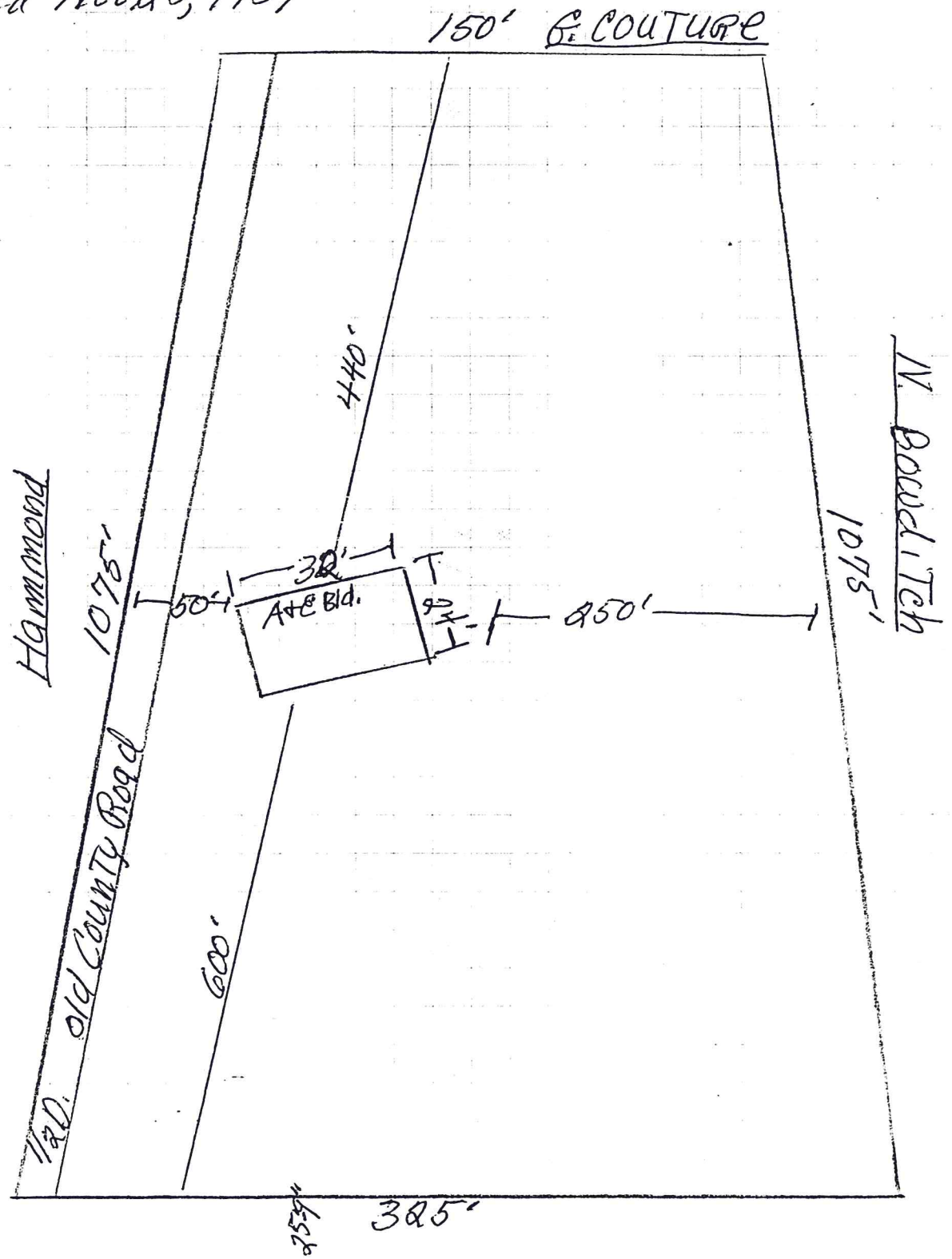
The building will be used to store Agr. Products
and Equipment, lime, Fertilizers, also for drying of
herbs. Any unused space will be used for storing
personal items.

owner
Johnny Lander

John J. Lander - owner
240 Hatch Rd. - Location
Auburn, Maine

John J Lander
41 Damsy Dr. Apt. 92
Auburn, Maine 04210
995-6310

Req Deeds Andro County
Book 842 Pg 202
Purchased NOV 25, 1959



Hatch Road → 352° North

ZONING APPROVAL OR DISAPPROVAL

Date 12-2-91 Tax Map # 3-80

Address: HATCH RD. Owner: JOHN LANDER

Zoning District: AG+RP Proposed Use: AGR. + EQUIPMENT STORAGE BLDG

Comments: This building is allowed pursuant to 3.31.B.1.b. - Principle use of property is the growing of herbs.

Required Setbacks: Front 25' Rear 25' Side 15'

Comments: _____

Flood Plain Zone: Yes _____ No X Flood Map # _____

Comments: _____

Parking: Acceptable X Unacceptable _____ # of required spaces 0

Does it meet green space requirement? Yes _____ Not applicable

Comments: _____

PLANNING BOARD APPROVAL REQUIRED: Yes _____ No X

Approved _____ Denied _____ Date: _____

Upon review of project, it appears that the zoning requirements

Have been met X Have not been met _____

Comments: _____

Zoning Representative: (Signature) James P. McPhee

ENGINEERING DIVISION SIGN-OFF SHEET

Address 240 Hatch Road Date 12/11/91

Project Ag + Coop. Bldg.

	Y	N	N/A
Chapter 27			
Drive Opening Approval	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Excavation Approval:			
Private Property	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Street Right-of-Way	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NOTE: Excavation is not allowed in streets restricted by a 5 year new pavement moratorium unless an emergency condition (as per Chapter 27) exists.

Comments:

Chapter 32			
Performance Guarantee Posted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Inspection Fee Paid	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Plans Submitted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction Schedule Submitted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

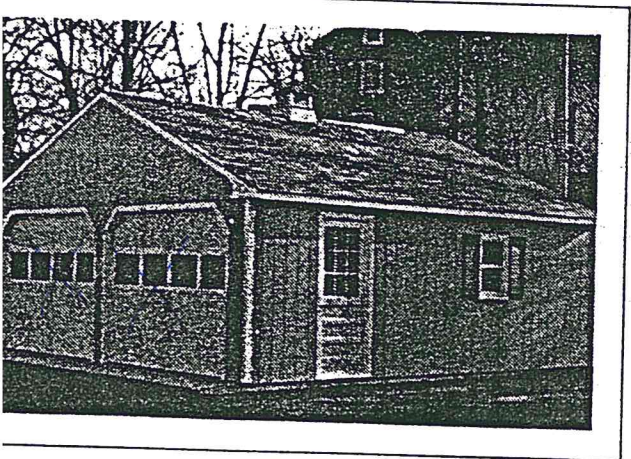
Comments:

Chapter 34			
Fill Permit Approval	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

	Signature	Date
Chapter 27	<u>John M. Seng</u>	<u>12/11/91</u>
Chapter 32	<u>Michael O'Boyle</u>	<u>12/11/91</u>
Chapter 34	<u>Thomas J. Peley</u>	<u>12/11/91</u>

Choose One Of The Prefabricate Your I



TWO CAR

Because two cars are a part of many homes, this type garage is very popular and is offered in any size.

24 x 32 36

Wame Wad Enterprises, Inc.
P.O. Box 2106
Augusta Me 04338-2106

tel - 795-6310

JOHN J. LANDER, JR.
BARBARA P. LANDER
41 DAMY DRIVE, APT 92
AUBURN ME 04210

0437

52-2.61
112

Dec. 16 19 91

PAY TO THE ORDER OF City of Auburn, Maine \$ 39.00
Portaine and 700

DOLLARS

Casco Northern Bank, N.A.
WATERVILLE, MAINE 04901



a BANK OF BOSTON company Member FDIC

Portfolio 50

MEMO

Blondin - Portland John J. Lander
61814 23 0437

HARLAND 1986

MEMO

To: Steve Lewis

From: James McPhee

Re: Chronology of Issues at Property of
John Lander, Tax Map Parcel 3-80A

Date: May 12, 1993

For your review, I have compiled the attached information pertaining to the John Lander property. This material can be found in the Building Permit files maintained in John Parsons' office. To aid you in your review, I will attempt to provide some background and explanation of the assembled material.

First, a brief background on the requests from Mr. Lander may provide a more complete picture. Mr. Lander has owned property on Hatch Road since 1953. He maintained a residence on Tax Map Parcel 3-80 until 1979 when he sold the property to Steve Wright. A parcel (3-80A) was purchased in 1961 which Mr. Lander retained. This parcel is 6 acres in size and is the lot in question. There is a possibility that this is an illegally created lot because it was created when the Zoning Ordinance required a minimum of a 10 acre lot. More research would have to be done to be definite on this point.

Over the past several years, Mr. Lander has spoken to me and others about his desire to build a residence on this lot. He has stated his disagreement with the Agriculture and Resource Protection Zoning and its restrictions on residential development. He has suggested seeking a rezoning of the area to a residential zone, but has not pursued this idea. I have informed him that the Comprehensive Plan would not support such a rezoning, that others have petitioned unsuccessfully to rezone other portions of Hatch Road and that this Department would not support such a request. I have advised him that if he did want a rezoning that we would assist him in any manner possible to bring this idea forward.

In December of 1991, Mr. Lander approached John Parsons regarding the desire for a building permit for an accessory building on the property. The intended use of the building was defined as being an agricultural utility building that would be used for the storage of equipment and for drying of herbs and other agricultural products grown on the property. Without coming directly out and stating that his real intentions were to circumvent the Ordinance and establish a residence, Mr. Lander did elude to that purpose. He was informed of how the property could be used and urged to direct his activity to that end. (See John Parsons' handwritten notes dated 12/2/91 through 12/12/91.)

Mr. Lander was issued a building permit on 12/16/91 for an agriculture and equipment storage building. Prior to this permit being issued, Mr. Lander was required to submit a letter of intent as to the proposed use of the building (please see letter to James McPhee dated 12/12/91).

In November of 1992, Mr. Lander again contacted John Parsons regarding the transfer of electric power from a temporary pole site to the building and his intention to connect the building to a septic system. He also mentioned at this time his future plans to add an addition to the building. A plumbing permit was issued for the septic system which has been installed but not connected to the building (see John Parsons notes dated 11/23/92).

Mr. Lander and his wife brought a new floor plan into the office on 4/26/93. The new plan showed an obvious change from an herb drying shed to a dwelling. He was informed that a permit for a dwelling could not be issued. A letter to this effect was hand delivered to Mr. Lander when he was in the office on 4/29/93 (see letter from John Parsons dated 4/29/93).

During this course of events, John Lander continued to elude to his desire to have this property as a residence. Both John Parsons and myself continued to inform him that the property could not be used for that purpose. In April, 1993, Mr. Lander had discussions with the Tax Assessor's office regarding the assessment of his property. It was at this time that Mr. Lander first disclosed his floor plan showing an addition for a bedroom and other areas of the building identified for kitchen and living area and for a bathroom. Based upon this information, the Assessor's office modified the assessment of the property to reflect its residential character. Mr. Lander stated his confusion over how the two departments view the same building and that confusion has led to the scheduled meeting with you.

BRANN & ISAACSON
ATTORNEYS AND COUNSELORS AT LAW

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LEWISTON, MAINE 04243-3070
(207) 786-3566
TELECOPIER (207) 783-9325
WEB PAGE: <http://www.brannlaw.com>

Portland Conference Office
148 MIDDLE STREET
SUITE 502
PORTLAND, MAINE

IRVING ISAACSON, Of Counsel

LOUIS J. BRANN 1948
PETER A. ISAACSON 1980

MEMORANDUM

TO: Clint Deschene, Eric Cousens
FROM: Dan Stockford, Anne Torregrossa
DATE: June 19, 2014
RE: 240 Hatch Road

240 Hatch Road (the "Property") is a six-acre parcel in the Agricultural Zone. In the Agricultural Zone, residential structures are only allowed if they are "accessory to farming operations." City of Auburn Code of Ordinances ("Auburn Code") § 60-145(a)(1). To meet the definition of a farm, a parcel must contain more than ten acres, and at least 50% of the annual household income must come from agricultural uses. Auburn Code § 60-2(farm).

In 1993, the then-owner of the property constructed an unpermitted single family residence. At least 50% of the household income was not from farming operations, and the lot did not meet the minimum size to qualify as a farm in any event. Therefore, the residence violated the Auburn Code.

On April 1, 2014, the City issued a letter to the owner of the property, reminding him that the use of the building as a single family residence violated the Auburn Code. The same day, that letter, along with several other documents relating to the property, was recorded in the Androscoggin County Registry of Deeds. Shortly thereafter, the City was approached by a potential purchaser. The purchaser understood that the residence was in violation of the Auburn Code and represented that he intended to use the Property for an agricultural use, which would cure the violations. At no time did a representative of the City indicate that the use of the Property for a single family residence was allowed.

Recently, however, the purchaser has indicated that he wishes to demolish the existing structure and build, instead, a new single-family residential structure on the Property, with no attendant agricultural use. You have asked whether the City has any obligation to grant him a permit to do so.

As discussed above, single-family residences are not allowed in the Agricultural Zone unless they are accessory to a farm use. The proposed residence would not be accessory to a farm use and therefore, is not allowed. The fact that the City has not taken enforcement action against this Property does not change that analysis, particularly in light of the fact that the purchaser bought the Property with full knowledge that the existing residential use was illegal.



00

12RETTD

RETTD

MAINE REVENUE SERVICES
REAL ESTATE TRANSFER TAX
DECLARATION

TITLE 36, M.R.S.A. SECTIONS §§4641-4641N

TUE Apr 22, 2014 @ 01:15p #5594
Transfer tax of \$41.80
State of Maine Transfer Tax
ANDROSCOGGIN COUNTY, MAINE

1. County

ANDROSCOGGIN

2. Municipality/Township

AUBURN

3. GRANTEE/
PURCHASER

3a) Name, LAST or BUSINESS, FIRST, MI

HERICK, MARIE B.

3c) Name, LAST or BUSINESS, FIRST, MI

HERRICK, DANIEL R.

3e) Mailing Address

470 HATCH ROAD

3f) City

AUBURN

3g) State

ME

3h) ZIP CODE

04210

8898

266

BOOK/PAGE—REGISTRY USE ONLY

4. GRANTOR/
SELLER

4a) Name, LAST or BUSINESS, FIRST, MI

LANDER, BARBARA P.

4c) Name, LAST or BUSINESS, FIRST, MI

4e) Mailing Address

240 HATCH ROAD

4f) City

AUBURN

4g) State

ME

4h) Zip Code

04210

5. PROPERTY

5a) Map

213

Block

6

Lot

6

Sub-Lot

5b) Type of property—Enter the code number that best describes the property being sold (See instructions)→

Check any that apply:

No tax maps exist

Multiple parcels

Portion of parcel

5d) Acreage

5c) Physical Location

240 HATCH ROAD

6. TRANSFER TAX

6a) Purchase Price (If the transfer is a gift, enter "0")

6a 9500.00

6b) Fair Market Value (enter a value only if you entered "0" in 6a) or if 6a) was of nominal value)

6b .00

6c) Exemption claim - Check the box if either grantor or grantee is claiming exemption from transfer tax and explain.

7. DATE OF TRANSFER (MM-DD-YYYY)

4 19 14
MONTH DAY YEAR

8. WARNING TO BUYER—If the property is classified as Farmland, Open Space, Tree Growth, or Working Water-front a substantial financial penalty could be triggered by development, subdivision, partition or change in use.

CLASSIFIED

9. SPECIAL CIRCUMSTANCES—Were there any special circumstances in the transfer which suggest that the price paid was either more or less than its fair market value? If yes, check the box and explain:

10. INCOME TAX WITHHELD—Buyer(s) not required to withhold Maine income tax because:

- Seller has qualified as a Maine resident
- A waiver has been received from the State Tax Assessor
- Consideration for the property is less than \$50,000
- Foreclosure Sale

11. OATH

Aware of penalties as set forth by Title 36 §4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete. Grantee(s) and Grantor(s) or their authorized agent(s) are required to sign below:

Grantee Camille Herick Date 4-19-14 Grantor Barbara P. Lander Date 4-19-14
Grantee Marie B. Herick Date 4-19-14 Grantor _____ Date _____

12. PREPARER

Name of Preparer Thomas F. Smith Phone Number (207) 583-4555
Mailing Address P.O. Box 98, Harrison, ME 04040 E-Mail Address tfsmith@myfairpoint.net
Fax Number _____

The above named Camille Herick appeared before me on 4/19/14 I witnessed them sign in my presence.

Belinda A. Perry
Belinda A. Perry
Notary Public
State of ME, expires 1/30/20

WARRANTY DEED

BARBARA P. LANDER, of Auburn, County of Androscoggin and State of Maine, for consideration paid, grants to MARIE B. HERRICK and DANIEL R. HERRICK, both of Auburn, County of Androscoggin and State of Maine, with WARRANTY COVENANTS, as joint tenants, the land, with any buildings thereon, situated on the westerly side of the Hatch Road in the City of Auburn, County of Androscoggin and State of Maine, bounded and described as follows:

Beginning on the westerly side of the Hatch Road at a point opposite and about fifty (50) feet southerly of the southerly wall of the present residence of Landers, which point marks the intersection of the westerly line of the Hatch Road with the northerly line of an old county road; thence in a general westerly direction, one thousand seventy-five (1075) feet, more or less, to an iron post and land of one Couture; thence in a general northerly direction, one hundred fifty (150) feet to an iron post; thence in a general easterly direction, one thousand seventy-five (1075) feet, more or less, to an iron post and the Hatch Road; thence in a general southerly direction, three hundred twenty-five (325) feet by the Hatch Road to the point of beginning.

MAINE REAL ESTATE
TRANSFER TAX PAID

For title of the Grantor, reference is made to a Deed of Distribution of Barbara P. Lander as Personal Representative of the Estate of John J. Lander, Jr. to the said Barbara P. Lander, dated October 9, 2013, and recorded in the Androscoggin County Registry of Deeds in Book 8792, Page 97.

Also hereby conveying all rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

WITNESS my/our hand(s) and seal(s) this 19 day of April, 2014.

Belinda A. Gerry
Witness

Barbara P. Lander
Barbara P. Lander

STATE OF MAINE
County of ~~Cumberland~~
Androscoggin

Personally appeared the above named Barbara P. Lander, known to me, this ___ day of April, 2014 and acknowledged before me the foregoing instrument to be his free act and deed.

ANDROSCOGGIN COUNTY
Tina M. Chauvard
REGISTER OF DEEDS

Belinda A. Gerry
Notary Public/Attorney at Law

Print or type name
My commission expires: 1/30/20

BELINDA A. GERRY
NOTARY PUBLIC
STATE OF MAINE
MY COMMISSION EXPIRES 1/30/2020

AFFIDAVIT

I, BARBARA P. LANDER, of Auburn, in the County of Androscoggin and State of Maine, having been duly sworn, do hereby declare, depose and state as follows:

1. I am an elderly person as defined by 33 M.R.S.A. Section 1021, having attained the age of sixty (60) years or older;
2. I recently knowingly and voluntarily conveyed my real estate at 240 Hatch Road, Auburn, Maine, to Daniel R. Herrick and Marie B. Herrick, both of Auburn, in the County of Androscoggin and State of Maine.
3. I am not dependent upon said persons for care or support as set forth in 33 M.R.S.A. Section 1021.
4. I was not under the influence of the said Daniel R. Herrick and/or Marie B. Herrick at any time before or during said transfer.
5. I state these facts from personal knowledge.

DATED at Auburn, Maine this 19 day of April, 2014.

Barbara P Lander
Barbara P. Lander

STATE OF MAINE
~~CLIMBERLAND~~, ss.
Androscoggin

April 19, 2014

Personally appeared the above-named Barbara P. Lander and made oath that the within statements are true to the best of her knowledge and belief.

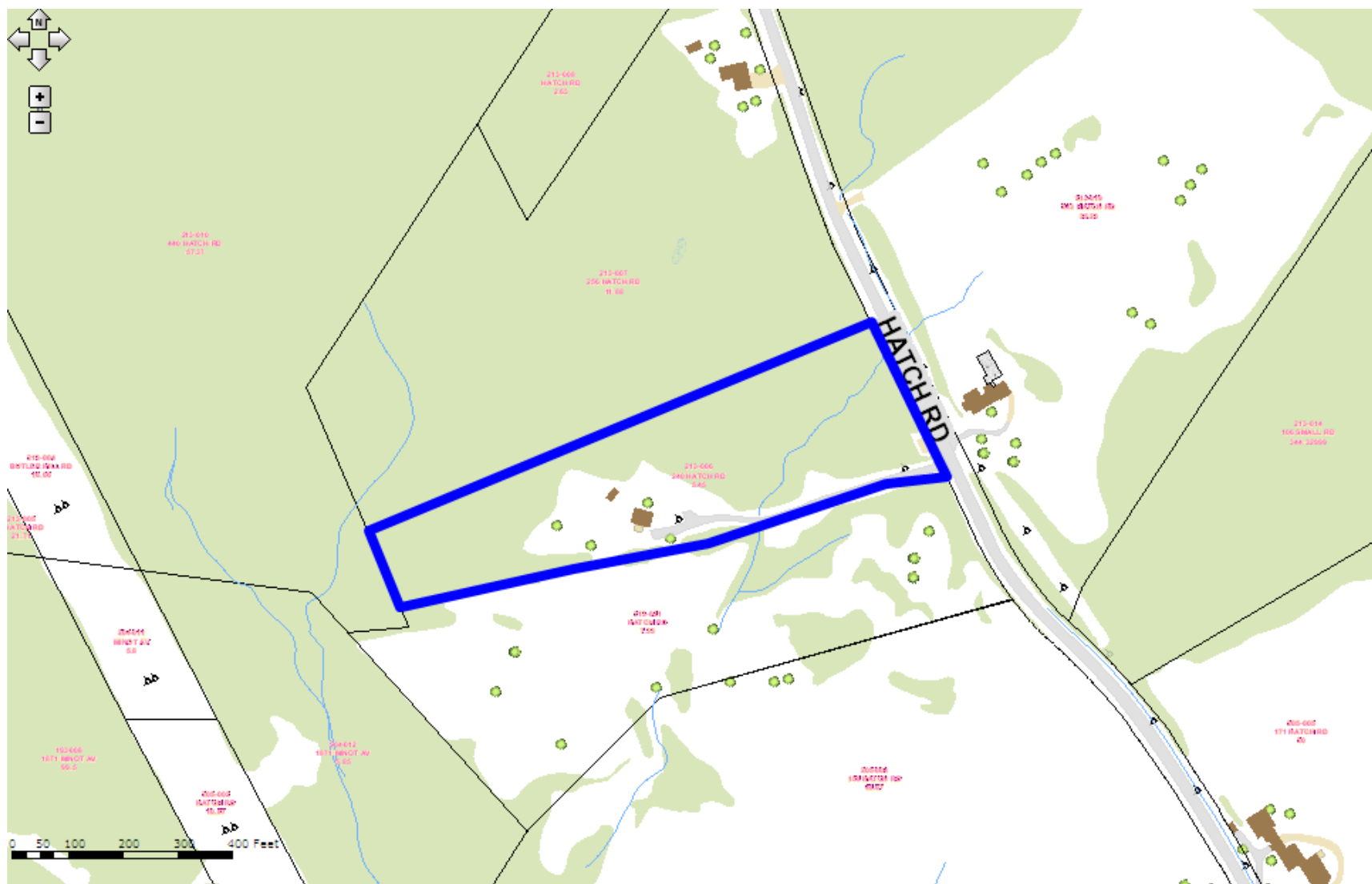
Before me,
Belinda A Gerry
Notary Public/Attorney at Law

Belinda A Gerry
Print or type name
My commission expires: 1/30/20

ANDROSCOGGIN COUNTY
TINA M CHOQUINARD
REGISTER OF DEEDS

**BELINDA A. GERRY
NOTARY PUBLIC
STATE OF MAINE
MY COMMISSION EXPIRES 1/30/2020**

240 Hatch Road Tax Map



240 Hatch Road - Zoning

