

Auburn Zoning Board of Appeals

August 7, 2014

Agenda

6:00 P.M. - City Council Chambers (Auburn Hall)

ROLL CALL

PUBLIC HEARINGS:

1) Administrative Appeal of Daniel and Marie Herrick to appeal their denial of a building permit to construct a single family home in the Agriculture and Resource Protection District at 240 Hatch Road / PID # 213-006 pursuant to Chapter 60, Article XV, Division 4, Section 60-1186.

2) Variance Appeal of Peter & Susan Bunker to reconstruct an existing structure at 167 West Shore Road / PID # 255-004 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187. The proposal is in compliance with the standards for rehabilitation and less than 30% expansion of an existing structure; however, the existing construction is substandard and has deteriorated over time to the extent that saving the structural members is impractical.

3) Variance Appeal of Frank C. Goudreau to reconstruct an existing structure at 63 Chicoine Avenue / PID # 237-007 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187. The proposal is in compliance with the standards for rehabilitation and less than 30% expansion of an existing structure; however, the existing construction is substandard and has deteriorated over time to the extent that saving the structural members is impractical.

4) Variance Appeal of Roland and Stacie Brown to reconstruct an existing structure at 28 Sandy Beach Road / PID # 237-017 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187. The proposal is in compliance with the standards for rehabilitation and less than 30% expansion of an existing structure; however, the existing construction is substandard and has deteriorated over time to the extent that saving the structural members is impractical.

OLD BUSINESS: None

NEW BUSINESS: None

MISCELLANEOUS: None

ADJOURNMENT

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Development Zoning Board of Appeals

To: Zoning Board of Appeals

From: Eric J. Cousens, Deputy Director of Planning and Development

Date: August 7, 2014

- Re: Administrative Appeal of Daniel and Marie Herrick (the Petitioner) to appeal the denial of a building permit to construct a single family home in the Agriculture and Resource Protection District at 240 Hatch Road / PID # 213-006 pursuant to Chapter 60, Article XV, Division 4, Section 60-1186.
- I. AUTHORITY/JURUISDICTION

The Board has jurisdisction to hear Administrative Appeals under Section 60-1186. Administrative appeals, Of the City of Auburn Ordinances. The section reads as follows:

(a) The board of appeals may hear appeals in the administration of the zoning chapter in order to determine if the building inspector or code enforcement officer erred in granting or denying a permit. An applicant who is given no decision on a permit request, or who is denied a permit may appeal.

(b) If the board of appeals finds that the building inspector or code enforcement officer acted in error, it should order the error to be corrected.

In this case the Petitioner will present the reasons that they believe that the permit should have been granted and City Staff will present the Ordinance and the reasons that the permit was denied. The Board will need to decide if building inspector or code enforcement officer acted in error. If the Board finds that City staff did not act in error, the appeal should be denied and the decision of the building inspector or code enforcement officer should be upheld. If the Board finds that City Staff did act in error then the appeal should be granted and the decision of the building inspector or code enforcement officer should be ordered by the Board to be corrected.

II. PROPOSAL

The City of Auburn received an appeal from Daniel and Marie Herrick to appeal the denial of a building permit to construct a single family home in the Agriculture and Resource Protection District at 240 Hatch Road / PID # 213-006 pursuant to Chapter 60, Article XV, Division 4,

60 Court Street • Suite 104 • Auburn, ME 04210 (207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6625 Fax www.auburnmaine.org Section 60-1186. Staff has provided a number of documents from the file and included them with this report. The documents are combined into a page numbered pdf file and this report references the page number at the bottom left corner of the pages.

Property History Summary:

- On 12/16/1991 John J. Lander applied for a building permit to construct an agriculture and equipment building at 240 Hatch Road and the permit was approved. Copy attached on Page 17-19. Attached to the application (page 20) was a letter from John Lander that states the following, "The building will be used to store agr. products and equipment, lime, fertilizers, also for drying of herbs".
- 2. On 5/6/1992 John J. Lander applied for a plumbing permit to install a subsurface wastewater disposal system for an "AGRICULTURAL BLDG." and the permit was approved. Copy attached on page 13-15.
- 3. On 11/24/1992 John J. Lander applied for a building permit for an addition to the agriculture and equipment building and the permit was approved.
- 4. On April 26, 1993 John J. Lander requested an amendment to the 11/24/1992 permit that indicated that he would change the structure to include a bedroom, living area and kitchen and the request was denied on April 29, 1993 (see attached letter on page 12).
- 5. In March of 2014 I received a phone call from a local realtor asking about the legal status of the home prior to listing it for sale. The inquiry prompted a review of the property file and it was clear that the building was converted to a home illegally after the denial of the April 26, 1993 request to amend the earlier permit for an agriculture and equipment building.
- 6. Later in March I received a phone call from Daniel Herrick asking about the legal status of the property at 240 Hatch Road as he believed "it was built without permits". Staff confirmed that the home was illegal and that the City could require that it be removed or the violation be corrected in some other way. Mr. Herrick informed me that he was considering purchasing the property because he raises both pigs and turkeys and the USDA requires separation between the two types of animals for disease related concerns. Mr. Herrick explained that the location was close to his home, could easily be converted into a turkey coop and asked if that would resolve the zoning violation. After agreeing that it would resolve the violation the conversation was ended and Mr. Herrick indicated that he may purchase the property.
- 7. On April 1, 2014 I sent a letter to the owner of Record, John Lander Jr. (now deceased), to remind him of the violation and recorded an affidavit and a copy of the letter and attachments in Book 8887, Page 272-Page 277 of the Androscoggin County Registry of Deeds to ensure that a buyer of the parcel would be aware of the violations. A copy is attached on page 10-16.
- On April 19, 2014 Mr. and Mrs. Herrick purchased the property at 240 Hatch Road for \$9500.00 and on April 22, 2014 the deed and affidavit related to that purchase was recorded at the Androscoggin County Registry of Deeds in Book 8898, Pages 266-267. A copy of the deeds are attached on pages 28-29.

9. In June of 2014 the Petitioner applied for a building permit for a new single-family home at 240 Hatch Road and the permit was denied because single family homes are not permitted in the Agriculture and Resource Protection Zoning District.

The Agriculture and Resource Protection Zoning District (AG/RP) covers approximately 40% of the City and serves the following purpose:

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

As is the case with each City zoning district, the AG/RP zoning district has a list of Permitted uses and a list of Special Exception Uses. Permitted Uses can be approved at a staff level and Special Exception uses require a higher standard of review and, with few exceptions, can only be approved after a public hearing and vote of the Planning Board. Uses that are not listed in a particular district are not allowed. The AG/RP zoning district has directed growth to the central area of the City where services can be provided efficiently and has discouraged growth in the rural areas since the 1960's. The AG/RP zoning district was a very forward thinking growth control that came from the 1958 City Plan before urban sprawl was a popular planning term and has served as a model for other communities and current use tax programs. Below is an excerpt from Section 60-145 Use Regulation that limits dwellings to situations where they are accessory to a farming operation. Dwellings as a primary use of property and that are not accessory to farming are not permitted. The following sections also prescribe what *accessory* means and establish the 50% income requirement that has been in place for decades.

Sec. 60-145. Use regulations.

- (a) Permitted uses. The following uses are permitted:
 - (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, <u>accessory to farming operations</u> subject to the following restrictions:
 - a. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or

structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.

- b. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
- c. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

The terms Accessory and Farm are clearly defined in Section 60-2 of the Ordinance as follows:

Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

Farm means any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "farm," under the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:

(1) At least 50 percent of the total annual income of the farm occupant and his spouse living in the farm residence will be derived from such uses; and

(2) At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry" means no fewer than 100 foul and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.

The Petitioner has not provided any written information regarding farm income and has verbally admitted that he will not earn 50% of his household income from farming. Please refer to the opinion from the City Attorneys, Dan Stockford and Anne Torregrossa dated June 19, 2014 for additional advice (page 28). The property file is clear and Mr. John Landers letter (page 20) confirms that City Staff and the property owner were fully aware that a home could not be permitted on this property.

It is City Staff and the City Attorney's opinion that issuing the permit would violate the City Ordinance and the permit had to be denied.

The Petitioner will likely argue that because the previous owner violated the Ordinance that they too should be allowed to violate the ordinance again to build a new home on the property. The fact that someone gets away with a violation of zoning or other legal requirements once does not give them permanent exception to that requirement. Any argument that the petitioner should be able to construct a building for a use that is not permitted in the zoning district must be denied.

The Board should also be aware that the decision on this case could have far reaching implications for the City and the integrity of the AG/RP zoning district. If the Board finds that the appeal should be granted and the permit issued, there could be people illegally converting agricultural buildings to residential uses throughout the AG/RP zoning district and when they are caught, instead of being required to comply with the ordinance, they could simply apply for a permit and use or replace the illegal structure with a home.

III. RECOMMENDATION.

Staff recommends that the Board consider the following findings:

- 1. The parcel at 240 Hatch Road is owned by Daniel and Marie Herrick and we have a copy of the deed from the Androscoggin County Registry of Deeds Book 8898, Page 266 as evidence of that fact.
- 2. The parcel at 240 Hatch Road (City PID # 213-006) is located in the Agriculture and Resource Protection Zoning District as shown on the City of Auburn Zoning Map.
- 3. The City Zoning Ordinance, Chapter 60, Section 60-173(1) requires a minimum of 10 acres of land for a building to be erected on lots in the AG/RP zoning district.
- 4. The City Zoning Ordinance, Chapter 60, Section 60-2 Defines Farm as any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. <u>The term "farm," under the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:</u>
 - (1) <u>At least 50 percent of the total annual income of the farm occupant and his spouse</u> <u>living in the farm residence will be derived from such uses; and</u>
 - (2) At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry" means no fewer than 100 foul and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.
- 5. The parcel at 240 Hatch Road is approximately 5.45 acres in size based on City tax records and does not meet minimum lot size requirements of the zoning district.
- 6. The Petitioner has not demonstrated that he/she intends to meet the income requirements of the Ordinance or the requirement to devote at least 10 acres to the production of field crops or the grazing of livestock.

- 7. City of Auburn Ordinances, Chapter 60-Section 145. AG/RP District Use Regulations lists One-Family Detached Dwellings as a permitted use if they are accessory to a farming operation subject to some restrictions.
- 8. City of Auburn Ordinances, Chapter 60-Section 145. AG/RP District Use Regulations does <u>not</u> list One-Family Detached Dwellings as a permitted use by itself as a principal use and allowing the use would be in conflict with the purpose of the zoning district.
- 9. Issuance of a permit by Staff for uses that are not permitted in a zoning district would violate City Ordinances.
- 10. A violation of a City Ordinance does not give the property owner the ability to repeatedly violate City Ordinances.

Based on the above findings, the Board concludes that the Petitioner did not demonstrate that the permit was denied in error. City Staff followed the requirements of the ordinance and correctly denied the permit for a new single-family home that was not accessory to a farming operation and the decision of the building inspector and code enforcement officer is upheld.

Eric J. Cousens Deputy Director of Planning and Development

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,

JK plant Marie Herrick

Daniel Herrick and Marie Herrick Property Owners

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



"Maine's City of Opportunity"

Office of Planning & Permitting



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,

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

Mark Stambach Building Inspector

City of Aubu	For Official Use Only
Planning & Permitting Servi	Date Department
"WE WANT DEVELOP	reichnone
*Appointments for permits are recommended.	Zone: Map No.:
*Please fill out any part which applies to project.	Bldg. Code:
*Proper plans must accompany application as required.	Use Group: Type of Construction:
ADDRESS OF CONSTRUCTION: 240 Hatch Ro	
Owner: Dan & marie Heirick	Est.Cost:
Address: 470 Hatch Rd	Fee:
CONTRACTOR: DJR Construction	Cell# Same
Project Description:	Plans Submitted:
	Plan Number:
Building Dimensions: <u>28x36</u> Squa	re Footage Keviewed by
Lot Size:	
Email Permit To:	Fax Permit To:
Foundation:	
1. Type of Soil: See Septic Plan	
2. Set Backs - Front: Rear: 3. Footings Size: / P · · · fo 24 · · · P · · ma	Side(s): Vl_s
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5. Slab Size: Slab Thickness:	Heated?
6. Other: Floor 4 tough Thick	
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2. Carrying Beam Size:	
3. Column Spacing:	
4. Joist Size: Floor Joise 2411 ** Spacing 16" O. C.	
5. Floor Sheathing Type: 3/4 Pric Advantec	Thickness: <u>3/14</u>
6. Other Material:	
7 Floor Coverings: Handwood Tile	
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W:\Building Permits\Building Permit Application revised- 2.5.13 ${f 4}$

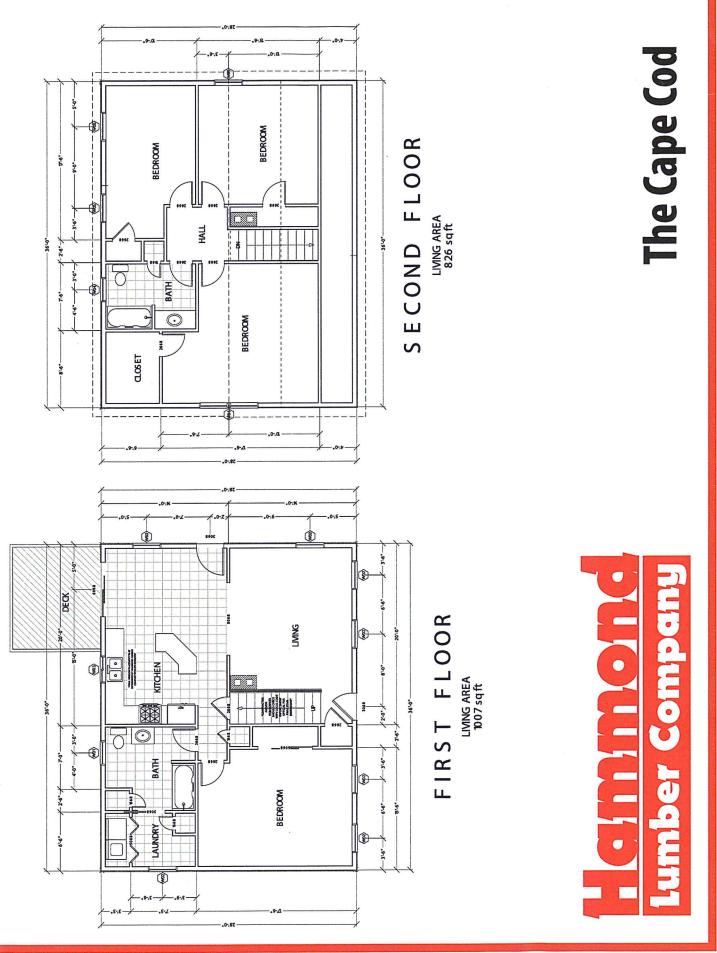
Chimneys: 1. Type: Masc	inery		
Heating: 1. Type of Fuel - check all that apply:	Oil Propane	_Natural GasElectric	Other Wood Boiler
**If Oil Fired Appliance is being ins	talled - A Permit from the Fi	re Department <u>must</u> be obtained*	*
2. Type of Heating Source & Number of	Systems - check all that apply:		
FHA	#	Unit Heaters	#
A FHW	#	Warm & Cool	#
Radiant Electric	#	Solar	#
Radiant Hot Water	#	Complete HVAC	#
Geothermal	#	Package Units	#
Electric Basebds	#	Other	#
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1. Approved Soil Test if Required: YES	S: NO: City Sewe	: already in pl	ace
Approved Soil Test if Required: YES 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: _

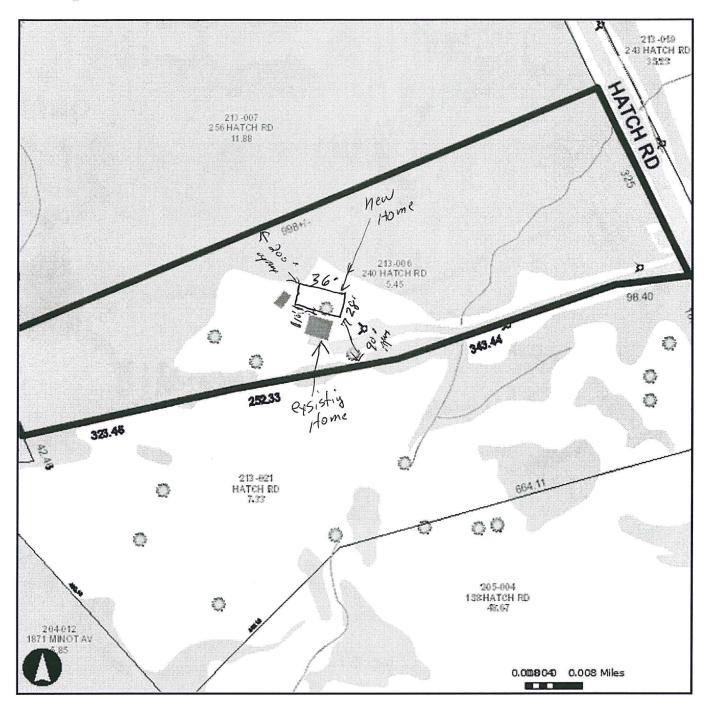
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Iands Drops off Behind exsisting Home approx. 5' Intensions of Daylight Basement or possible garage



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, Director of Planning and Permitting

Sworn to and subscribed before me this <u>1st Day of April 2014</u> Name of Notary Public (*printed name*) Notary Public, State of Maine My commission expires: <u>Summer 11, 2020</u>

SEAL

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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,

F - Con

Eric J. Cousens Director of Planning and permitting

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



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 'Damy 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,

in Mus Farana)

/John Parsons Building/Housing Inspector

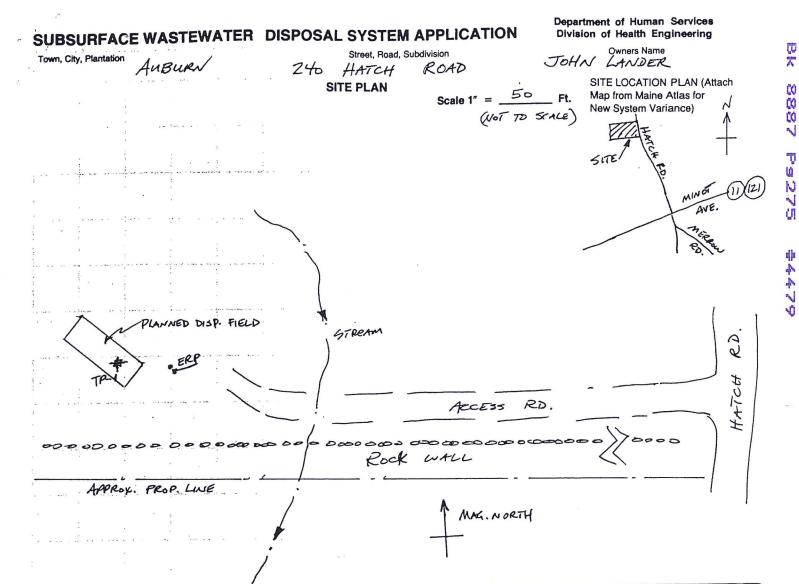
JP/cb Enc.

3-80H		U OVOTEM ADDU OATION	Department of Human Services Division of Health Engineering
SUBSURFACE WASTEWATER	DISPOSA		(207)289-3826
Town Or Plantation AUBURN			×
Town Or PlantationAUBURNStreet Subdivision Lot #240 HATCH ROAD		AUBURN	3128 TOWN COPY
PROPERTY OWNERS NAME		Date Permit 56 22	
Last: LANDER First: JOHN		Columbing inspector Signature	L.P.I. #/ ///
Applicant Name:			
Mailing Address of Owner/Applicant (If Different) AUBURN ME. 04210	r. 92 D		·
Owner/Applicant Statement certify that the Information submitted is correct to the best o nowledge and understand that any falsification is reason for the l umbing Inspector to deny a Permit.	f my Local <u>576 191</u>	I have increased the insta	spection Required Illation authorized above and found it to Ibsurface Wastewater Disposal Rules. C/2.2-1 Signature Date Approve
Signature of Owner/Applicant	Date	0	Signature
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Site Evaluator Signature	SE# 515 To F536 =	Date	Page 1 of 3 HHE-200 Rev.
if permit is for Seasonal Conversion.)	5/6/92		

1 of 3 Rev. 11/86

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SE#

Site Evaluator Signature

Page 2 of 3 HHE-200 Rev.1/84

Date

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# Extensions Horizontali 1 linch = 4/ Pt. 10"TO 12" CLEAN SANDY 40AM OR CONSER FUL DUSK HAY - ALL PLACED IN 8" COMPLETED LIFTS: 17" 8" COMPLETED LIFTS: 17" 18" 15" 17" 18" 17" 18" 17" 18" 17" 18" 18" 19" 19" 19" 19" 19" 19" 19" 19" 19" 117" 117" 118" 118" 119" 119" 119" 119" 119" 119" 119" 119" 119" 119" 119" 119" 119" 119" 119" 119" 119" 119" 119"	pth of Fill (Upslope)	Bottom of Disposal Top of Distribution L	is A-SSUMED 0 Area -53" Lines or Chambers -42"	LOCATION NAIL W TH ABD	B DESCRIPTION
10° TO 12° CLEAN SWOY LOAN OR CONSER FUL OVER HAY - ALL RILL PLACED IN 8° COMPACTED LIPTS: CROWN AT 3TO GAMPE 17' - 27'	pth of Fill (Upslope)	<u>7</u> Reference Elevation <u>29</u> Bottom of Disposal Top of Distribution L DISPOSAL	is A-53 UMED 0 Area -53" ines or Chambers -42" AREA CROSS SECTION	LOCATION NAIL W TH Arbo Scale:	& DESCRIPTION DEG-SEE ERP IE
17" Ha 3 - 15' - 15' - 2'' - 3'	oth of Fill (Upslope)	<u>7</u> Reference Elevation Bottom of Disposal Top of Distribution L DISPOSAL WITH AV	is A-SSUMED 0 Area -53" ines or Chambers -42" AREA CROSS SECTION CRAGE FILL DEPTHS	LOCATION NAIL W TH Arbo Scale: Vertical:	& DESCRIPTION REG - SEE ERP /E 1 inch = 4 - Ft
IP 20 3 15 15 20 20 20 20 20 20 20 20 20 20 20 20 20	oth of Fill (Upslope)	7 Reference Elevation 29" Bottom of Disposal Top of Distribution L DISPOSAL WITH AV E E	is A-SSUMED 0 Area -53" ines or Chambers -42" AREA CROSS SECTION CRAGE FILL DEPTHS SCTENSIONS	LOCATION NAIL W TH Adda Scale: Vertical: Horizontal:	A DESCRIPTION $e_{E} - \leq e_{E} = e_{e}^{2}$ $f = \frac{4}{1 \text{ inch}} = \frac{4}{1 \text{ Ft}} = \frac{1}{1 \text{ Ft}}$
IF 3 15" 3 4" Hill 129 1000000000000000000000000000000000000	oth of Fill (Upslope)	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH AV E 10 ⁶⁷ To 12 ⁶ CLEAM SAND	is ASSUMED 0 Area -53" ines or Chambers -42" AREA CROSS SECTION CRAGE FILL DEPTHS ATENSIONS - LOAM OR COASER FILL OVER	LOCATION NAIL W TH Adda Scale: Vertical: Horizontal:	A DESCRIPTION $e_{E} - \leq e_{E} = e_{e}^{2}$ $f = \frac{4}{1 \text{ inch}} = \frac{4}{1 \text{ Ft}} = \frac{1}{1 \text{ Ft}}$
UNIT 291 291 291 291 291 291 291 291	oth of Fill (Upslope)	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH AV E 10 ⁶⁷ To 12 ⁶ CLEAM SAND	is ASSUMED 0 Area -53" ines or Chambers -42" AREA CROSS SECTION CRAGE FILL DEPTHS CRAGE FILL DEPTHS CRAGE FILL DEPTHS LOAM OR COMPSER FILL OVE	LOCATION NAIL W TR Arba Scale: Vertical: Horizontal: Re HAY - ALL F	A DESCRIPTION $e_{E} - \leq e_{E} = e_{e}^{2}$ $f = \frac{4}{1 \text{ inch}} = \frac{4}{1 \text{ Ft}} = \frac{1}{1 \text{ Ft}}$
Will Image: State of the st	pth of Fill (Upslope) pth of Fill (Downslope) AVE. •	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH AV E 10 ⁶⁷ To 12 ⁶ CLEAM SAND	is Assumed <u>0</u> Area <u>-53"</u> ines or Chambers <u>-42"</u> AREA CROSS SECTION ERAGE FILL DEPTHS CRAGE FILL DEPTHS CRAM OR COMPSER FILL OVE CTED LIPTS. Chowin M	LOCATION NAIL W TR Arba Scale: Vertical: Horizontal: Re HAY - ALL F	A DESCRIPTION $e_{E} - \leq e_{E} = e_{e}^{2}$ $f = \frac{4}{1 \text{ inch}} = \frac{4}{1 \text{ Ft}} = \frac{1}{1 \text{ Ft}}$
Will Image: State of the st	both of Fill (Upslope) both of Fill (Downslope) AVE. 0	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH AV E 10 ⁶⁷ To 12 ⁶ CLEAM SAND	is Assumed <u>0</u> Area <u>-53"</u> ines or Chambers <u>-42"</u> AREA CROSS SECTION ERAGE FILL DEPTHS CRAGE FILL DEPTHS CRAM OR COMPSER FILL OVE CTED LIPTS. Chowin M	LOCATION NAIL W TR Arba Scale: Vertical: Horizontal: Re HAY - ALL F	A DESCRIPTION $e_{E} - \leq e_{E} = e_{e}^{2}$ $f = \frac{4}{1 \text{ inch}} = \frac{4}{1 \text{ Ft}} = \frac{1}{1 \text{ Ft}}$
2° COMPACTED 12° CLEAN GTINE (3,5 To 3° DIA) HAY 2° COMPACTED 12° CLEAN GTINE (3,5 To 3° DIA) HAY 2 EQUALLY SPACED 4° DIA: PERF. DIST. LINES SET TOP OF LINES 1° BELOW TOP OF STINE SET TOP OF LINES 1° BELOW TOP OF STINE SET TOP OF LINES 1° BELOW TOP OF STINE SET TOP OF LINES 1° BELOW TOP OF STINE	pth of Fill (Upslope) pth of Fill (Downslope) AVE. •	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH AV E 10 ⁶⁷ To 12 ⁶ CLEAM SAND	is Assumed <u>0</u> Area <u>-53"</u> ines or Chambers <u>-42"</u> AREA CROSS SECTION ERAGE FILL DEPTHS CRAGE FILL DEPTHS CRAM OR COMPSER FILL OVE CTED LIPTS. Chowin M	LOCATION NAIL IN TH Arbo Scale: Vertical: Horizontal: Re HAY - ALL F 3% GRADE	A DESCRIPTION $e_{E} - \leq e_{E} = e_{e}^{2}$ $f = \frac{4}{1 \text{ inch}} = \frac{4}{1 \text{ Ft}} = \frac{1}{1 \text{ Ft}}$
2° COMPACTED 12° CLEAN GTINE (3,5 To 3° DIA) HAY 2° COMPACTED 12° CLEAN GTINE (3,5 To 3° DIA) HAY 2 EQUALLY SPACED 4° DIA: PERF. DIST. LINES SET TOP OF LINES 1° BELOW TOP OF STINE SET TOP OF LINES 1° BELOW TOP OF STINE SET TOP OF LINES 1° BELOW TOP OF STINE SET TOP OF LINES 1° BELOW TOP OF STINE	pth of Fill (Upslope) pth of Fill (Downslope) AVE. •	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH AV E 10 ⁶⁷ To 12 ⁶ CLEAM SAND	is Assumed <u>0</u> Area <u>-53"</u> ines or Chambers <u>-42"</u> AREA CROSS SECTION ERAGE FILL DEPTHS CRAGE FILL DEPTHS CRAM OR COMPSER FILL OVE CTED LIPTS. Chowin M	LOCATION NAIL IN TH Arbo Scale: Vertical: Horizontal: Re HAY - ALL F 3% GRADE	A DESCRIPTION $e_{E} - \leq e_{E} = e_{e}^{2}$ $f = \frac{4}{1 \text{ inch}} = \frac{4}{1 \text{ Ft}} = \frac{1}{1 \text{ Ft}}$
2° COMPARTED 12° CLEW STWE (27 TO 3° DIA) HAY ZEQUALLY SPACED 4° DIA. PERF. DIST. LWES SET TOP OF LWES 1° BELOW TOP OF STWE	pth of Fill (Upslope) pth of Fill (Downslope) AVE. •	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH AV E 10 ⁶⁷ To 12 ⁶ CLEAM SAND	is ASSUMED 0 Area <u>-53"</u> ines or Chambers <u>-42"</u> AREA CROSS SECTION CRAGE FILL DEPTHS CRAGE FILL DEPTHS CRAM OR COMSER FILL OVE CTED LIPTS. CLONIN A 15"	LOCATION NAIL W TH Arbo Scale: Vertical: Horizontal: Be HAY - ALL F 3% GRADE 3	A DESCRIPTION eg - see ERP re 1 inch = 4 Ft. 1 inch = 4 Ft. re Ft. 1 inch = 4 Ft. re Ft.
HAY ZEQUALLY SPACED 4 ^E DIA. PERF. DIST. LIVES SET TOP OF LIVES 1 ^E BELOW TOP OF STONE AB 0 1 217 5-1-92	pth of Fill (Upslope) pth of Fill (Downslope) AVE. •	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH Av 10 70 26 70 27 29 8 10 70 26 70 27 28 29 29 29 10 29 20 20 21 22 21 22 23 24 25 26 27 28 29 29 20 21 22 23 24 25 26 26 27 28 29 29 20 20 20	is ASSUMED 0 Area -53" ines or Chambers -42" AREA CROSS SECTION CRAGE FILL DEPTHS CRAGE FILL DEPTHS CRAM OR COMSER FILL OVE CTED LIPTS. CROWN A 15"	LOCATION NAIL W TH Arbo Scale: Vertical: Horizontal: Be HAY - ALL F 3% GRADE 3	A DESCRIPTION 2eG - SEE ERP iE 1 inch = 4 Ft. 1 inch = 4 Ft. 1 inch = 4 Ft. iL PLACED IN iL PLACED IN iL PLACED IN
HAY ZEQUALLY SPACED 4 ^E DIA. PERF. DIST. LIVES SET TOP OF LIVES 1 ^E BELOW TOP OF STONE AB 0 1 217 5-1-92	pth of Fill (Upslope) pth of Fill (Downslope) AVE. •	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH Av 10 70 26 70 27 29 8 10 70 26 70 27 28 29 29 29 10 29 20 20 21 22 21 22 23 24 25 26 27 28 29 29 20 21 22 23 24 25 26 26 27 28 29 29 20 20 20	is ASSUMED 0 Area -53" ines or Chambers -42" AREA CROSS SECTION CRAGE FILL DEPTHS CRAGE FILL DEPTHS CRAM OR COMSER FILL OVE CTED LIPTS. CROWN A 15"	LOCATION NAIL W TH Arbo Scale: Vertical: Horizontal: Be HAY - ALL F 3% GRADE 3	A DESCRIPTION 2eG - SEE ERP iE 1 inch = 4 Ft. 1 inch = 4 Ft. 1 inch = 4 Ft. iL PLACED IN iL PLACED IN iL PLACED IN
Z EQUALLY SPACED 4 ^E DIA. PERF. DIST. LIVES SET TOP OF LIVES 1 ^E BELOW TOP OF STONE AB 0 1 217 5-1-92	pth of Fill (Upslope) pth of Fill (Downslope) AVE. 0	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH Av 10 70 26 70 27 29 8 10 70 26 70 27 28 29 29 29 10 29 20 20 21 22 21 22 23 24 25 26 27 28 29 29 20 21 22 23 24 25 26 26 27 28 29 29 20 20 20	is Assumed 0 Area <u>-53"</u> ines or Chambers <u>-42"</u> AREA CROSS SECTION ERAGE FILL DEPTHS Y LOAM OR COMSER FILL OVE ETED LIPTS. CROWN AN 15"	LOCATION NAIL IN TH Arbo Scale: Vertical: Horizontal: Horizontal: 37.64406 37.64406 37.64406	A DESCRIPTION eg - see ERP re 1 inch = 4 Ft. 1 inch = 4 Ft. re F
SET TOP OF LINES 1" BELOW TOP OF STONE 1 1 1 1 1 1 1 1 1 1 1 1 1	pth of Fill (Upslope) pth of Fill (Downslope) AVE. 0	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH Av 10 70 26 70 27 29 8 10 70 26 70 27 28 29 29 29 10 29 20 20 21 22 21 22 23 24 25 26 27 28 29 29 20 21 22 23 24 25 26 26 27 28 29 29 20 20 20	is ASSUMED 0 Area -53" Ines or Chambers -42" AREA CROSS SECTION CRAGE FILL DEPTHS VERGE FILL DEPTHS I LOAM OR COMESER FILL OVE CTED LIPTS. CLOWIN AT 15 2" COMPACTED 2"	LOCATION NAIL IN TH Arbo Scale: Vertical: Horizontal: Horizontal: 37.64406 37.64406 37.64406	A DESCRIPTION eg - see ERP re 1 inch = 4 Ft. 1 inch = 4 Ft. re F
SET TOP OF LINES I BELOW TOP OF STONE	ppth of Fill (Upslope) ppth of Fill (Downslope) AVE. 0 17 17 2 4 4 4 4 4 4 4 4 4 4 4 4 4	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH Av 10 70 26 70 27 29 8 10 70 26 70 27 28 29 29 29 10 29 20 20 21 22 21 22 23 24 25 26 27 28 29 29 20 21 22 23 24 25 26 26 27 28 29 29 20 20 20	is ASSUMED 0 Area -53" Ines or Chambers -42" AREA CROSS SECTION CRAGE FILL DEPTHS VERGE FILL DEPTHS I LOAM OR COMESER FILL OVE CTED LIPTS. CLOWIN AT 15 2" COMPACTED 2"	LOCATION NAIL IN TH Arbo Scale: Vertical: Horizontal: Horizontal: 37.64406 37.64406 37.64406	A DESCRIPTION eg - see ERP re 1 inch = 4 Ft. 1 inch = 4 Ft. re F
SET TOP OF LINES 1" BELOW TOP OF STONE 1 1 1 1 1 1 1 1 1 1 1 1 1	pth of Fill (Upslope) pth of Fill (Downslope) AVE. 0	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH Av io 7012 CLEAN 8 COMPA	is ASSUMED 0 Area -53" ines or Chambers -42" AREA CROSS SECTION CRAGE FILL DEPTHS CRAGE FILL DEPTHS CRAM OR COMPSER FILL OVE CTED LIPTS. CROWN A 15" 2" COMPACTED 12"	LOCATION NAIL W TH Arbo Scale: Vertical: Horizontal: Be HAY - ALL F 3% GAME 3% GAME	A DESCRIPTION eg - see ERP re 1 inch = 4 Ft. 1 inch = 4 Ft. re F
$\frac{1}{44} = \frac{1}{2} = 1$	ppth of Fill (Upslope) ppth of Fill (Downslope) AVE. 0 17 17 2 4 4 4 4 4 4 4 4 4 4 4 4 4	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH Av \$\$\vec{e}\$ 10 70 2° 2° 2° 10 70 2°	is ASSUMED 0 Area <u>-53"</u> ines or Chambers <u>-42"</u> AREA CROSS SECTION CRAGE FILL DEPTHS XTENSIONS 1 LOAM OR COMSER FILL OVE CTED LIPTS. <u>CROWN AN</u> 15" 2" COMPACTED 12" HAY SULY SPACED 4" DUA. PERF.	LOCATION NAIL W TH Arbo Scale: Vertical: Horizontal: Horizontal: 20151. LUES	A DESCRIPTION eg - see ERP re 1 inch = 4 Ft. 1 inch = 4 Ft. re F
217 5-1-92	pth of Fill (Upslope) pth of Fill (Downslope) AVE. 0 17 17 17 2 4 4 4 4 4 4 4 4 4 4 4 4 4	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH Av \$\$\vec{e}\$ 10 70 2° 8° COMPA 8° 10 70 2° 8° 10° 70 8° 10° 8° 10° 8° 10° 8° 10°	is ASSUMED 0 Area <u>-53"</u> ines or Chambers <u>-42"</u> AREA CROSS SECTION CRAGE FILL DEPTHS XTENSIONS 1 LOAM OR COMSER FILL OVE CTED LIPTS. <u>CROWN AN</u> 15" 2" COMPACTED 12" HAY SULY SPACED 4" DUA. PERF.	LOCATION NAIL W TH Arbo Scale: Vertical: Horizontal: Horizontal: 20151. LUES	A DESCRIPTION eg - see ERP re 1 inch = 4 Ft. 1 inch = 4 Ft. re F
HB- 0 6 1. 217 5-1-92	pth of Fill (Upslope) pth of Fill (Downslope) AVE. 0	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH Av \$\$\vec{e}\$ 10 70 2° 8° COMPA 8° 10 70 2° 8° 10° 70 8° 10° 8° 10° 8° 10° 8° 10°	is ASSUMED 0 Area <u>-53"</u> ines or Chambers <u>-42"</u> AREA CROSS SECTION CRAGE FILL DEPTHS XTENSIONS 1 LOAM OR COMSER FILL OVE CTED LIPTS. <u>CROWN AN</u> 15" 2" COMPACTED 12" HAY SULY SPACED 4" DUA. PERF.	LOCATION NAIL W TH Arbo Scale: Vertical: Horizontal: Horizontal: 20151. LUES	A DESCRIPTION eg - see ERP re 1 inch = 4 Ft. 1 inch = 4 Ft. re F
	pth of Fill (Upslope) pth of Fill (Downslope) AVE. 0 17 17 17 2 4 4 4 4 4 4 4 4 4 4 4 4 4	7 Reference Elevation 29 Bottom of Disposal Top of Distribution L DISPOSAL WITH Av \$\$\vec{e}\$ 10 70 2° 8° COMPA 8° 10 70 2° 8° 10° 70 8° 10° 8° 10° 8° 10° 8° 10°	is ASSUMED 0 Area <u>-53"</u> ines or Chambers <u>-42"</u> AREA CROSS SECTION CRAGE FILL DEPTHS XTENSIONS 1 LOAM OR COMSER FILL OVE CTED LIPTS. <u>CROWN AN</u> 15" 2" COMPACTED 12" HAY SULY SPACED 4" DUA. PERF.	LOCATION NAIL W TH Arbo Scale: Vertical: Horizontal: Horizontal: 20151. LUES	A DESCRIPTION eg - see ERP re 1 inch = 4 Ft. 1 inch = 4 Ft. re F

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City Of Aubu Community Development		For Official Use Only
Building Inspection		Date: <u>12/16/91</u> Telephone: <u>795-6310</u>
Appointments for permits are recommended. Please fill out any part which applies to job. Proper plans must accompany application as require $T_{0}hn T_{1}handee$	Ward: <u>AB</u> Zone: <u>AB</u> Map No.: <u>3-80 P</u> Bldg Code: <u>BOCA</u> Use Group: <u>AG - STORAGE</u> Type of Construction; <u>5-63</u> Time Limit: <u>/ YEAP</u>	
Address: <u>41 Damy DR. 00792</u>	Aubaen, Maine	Estimated Cost: <u>5000.</u> Fee: <u>39.</u>
ADDRESS OF CONSTRUCTION: 240 Ha	n/ch88d	+
CONTRACTOR: Self		Plans Submitted: Plan Number:
Project Description: Agel Culture	upment stars Aren	ised to 14 x 32,
(5-15-92 24×36) Foundation: CHANGE	quare Footage: $xox q$ xox q 3 + 40 (0,0)	Lot Size:
 Type of Soil: <u>Loamy</u>. Set Backs-Front: <u>5754</u> Footings Size: <u>CAANITE</u> Foundation Size: <u>Con CRETE Block</u> Other: 	Rear: <u>#557</u>	Sides (s): 2501450
Floor: 1. Sills Size: 2. Girder Size: 3. Lally Column Spacing: 4. Joists Size: 5. Floor Sheathing Type: 6. Other Material:		ed.
Exterior Walls: Spacing: 1. Studding Size: 8 × 6 Spacing: 2. No. Windows: 6 3. No. Doors: 7 assurge closure 4. Header Sizes: 8 × 6 5. Bracing: Yes: No: 6. Corner Posts Size: No:	II. Metal Materials	:: Size: :: Size: size: ::
Interior Walls 1. Studding Size: $\mathcal{Q} \times \mathcal{H}$ 2. Header Sizes:	Span (s):	
Ceiling: //// ? 1. Ceiling Joists Size:	3. Insulation Type:	Size:
Roof		not the share
1. Truss or Rafter Size: 2xe + 2xe 2. Sheathing Type: Ply avecd	Span: <u></u> 3. Ro Size: 5/4/18 4. Ot	of Covering Type: <u>ACLUNT Shild</u>

		10/10/11
City Of Auburn		
Community Development Departm	ent	For Official Use Only Date: 12/16/91
Building Inspection Division		Telephone: <u>795-6310</u>
appointments for permits are recommended.		Ward:
Please fill out any part which applies to job. Proper plans must accompany application as required.		Zone: Map No.:
Toper plans must accompany application as required.		Bldg Code: <u>BOCA</u> Use Group: <u>AG - STOAAGE</u>
owner: John J. Lander	14 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	Type of Construction; <u>5-13</u> Time Limit: <u>/ YEAR</u>
Address: 41 Damy DR. Opt 92 Auburn	n. Maine	Estimated Cost: <u>5000.</u> – Fee: <u>39.</u> –
ADDRESS OF CONSTRUCTION: 240 Hatch Rd		
CONTRACTOR: Self		Plans Submitted: Plan Number:
Project Description: Agel Cuiture + Cyupines	it stan Arenised	to [14 x 32]
	. 868	Lot Size: 6-A
Building Dimensions: 3432 Square Footage 5-15-92 24×36 Foundation: CHANGE	XOX¢	
oundation: CHANGE	35.40	
1. Type of Soil: 1. Camy 2. Set Backs-Front: 5757 Rear:	455' S	ides (s): <u>250'+50</u>
3 Footings Size: GRANITE		
4. Foundation Size: <u>Con CRete Block</u> 5. Other:		
loor:		
1 Cillo Cirro	Sills must be anchored.	
1. Sins Size. 3 2. Girder Size: 3 3. Lally Column Spacing: 3		
3. Lally Column Spacing: 4. Joists Size: 2 × 10 12 SPAN Space	Spacing 16''O.C.	611
 Floor Sheathing Type: Quinced + Googeds S Other Material:	Size: $3/8 + 5$	6
xterior Walls:		\$
1 Studding Sizes & X6 Spacing: 10° NC	7. Insulation Type:	Size:
1. Studding Size. Spacing. 2. No. Windows: Spacing. 3. No. Doors: Pasauge closur 4. Header Sizes: Span (s):	8. Sheathing Type:	Size: 3/8 4/18
3. No. Doors:	0. Masonry Materials:	
5. Bracing: Yes: No: 1 6. Corner Posts Size: 1	1. Metal Materials:	\
6. Corner Posts Size: 1	2. Other Materials:	
nterior Walls	Passing	
3. Wall Covering Type:		
4. Fire Separation Wall if required:		
5. Other Materials:		
Ceiling: IVone		a :
1. Ceiling Joists Size: 3. Insula 2. Type Ceilings: 3. Insula	ation Type:	Size:
2. Typo comingo		
loofi		
Roof:	16' 3. Roof Cox	vering Type: Ashbattshigher
Roof: 1. Truss or Rafter Size: 2x8 + 2x8 Span: 2. Sheathing Type: Ply wood Size: 5	$\frac{16'}{\sqrt{18}}$ 3. Roof Cov	vering Type: <u>Astant Shaqles</u>

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Chimneys: H 1. Type: 1 MeTal	eating:
1. Type:	1. Type of Heat: Wood + orl
Electrical:	
1. Service Entrance Size: <u>100 AMP</u> W	iring Required:
Plumbing: NONE	
1. Approved soil test if required: Yes: No:	City Sewer:/0
2. No. of Tubs or showers: No. of flushes:	No. of Lavatories:
Swimming Pools:	
1. Type: Pool Size:	Square Footage:
Comments: STORAGE IBADE TO IBE PA	LACIED ON WOOD PLATFORM
1/14/92-NF- lot is cleared, no.	the work done yet.
1/17/92-NF- no-change	
1/23/92 NF- job has been abondone revise his plan to be a small sto 120 sq. It	ad. Owner will call tes to
veriese his plan to be a small sto	mae shed, possibly under
120 sg. ft.	
i g. p.	- to allow around
128/92-UF - Ourner class not mont however their still is no more	The other than chaning lat
however there still is no more	don and the course and and
7/1/1/22-14 X35' deck in place on pt.	beams
floor frame vik. for shed	·
picor parma o parma	- AAA - A.A. Account
1/12/92-NF- const as an utility	bldg is complete, recommended
has been revised several time	Dandis now NIY X32
shed on wood floor on cinder be	Packs
and on the plot of and so	

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.

ander

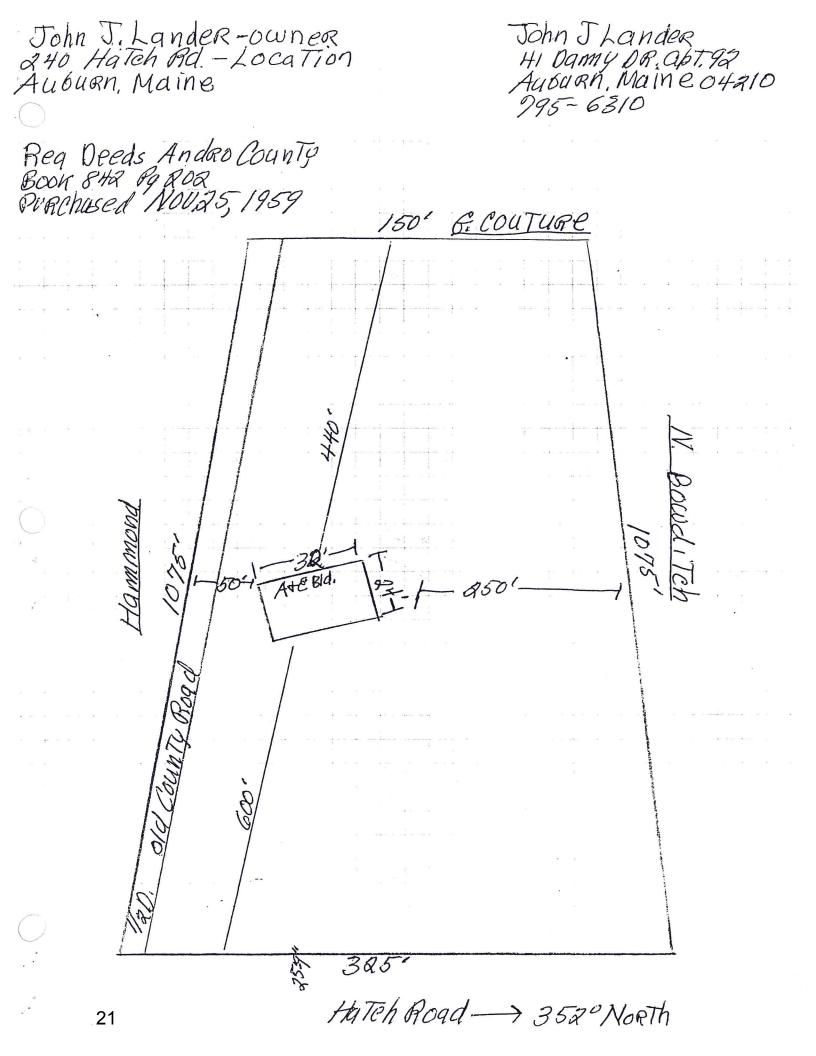
Applicant Signature

CMTC 10/89 3M

とうないのかい いたない やない Set Backs must be at least and completed by /?: ./. Front .4.5.1. Rear 2.5.1. Side 7.5.1. and use of buildings and structures, and of the application on file in this department. Work must be started within Date 19-16 - 91 provisions of the Statutes of Maine and of the Ordinances of the City of Auburn regulating the construction, maintenance provided that the person or persons, at 29.0. A.L. This is to certify, that DISPLAY THIS CARD ON PRINCIPLE FRONTAGE OF WORK W COMMUNITY DEVELOPMENT DEPARTMENT C PENALTY FOR REMOVING THIS CARD TY **BUILDING INSPECTION DIVISION** 2.2 months firm or corporation accepting this permit shall comply with all the 0 ••••• Well . T. . L. R. M. M. PHILLE . . . M. M. and the A MAP # BURN -••••• 3-80 erci 6 NO. 1022.2 INSPECTOR OF BUILDINGS CMVTI-3M-10/87 • • • •

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Dec. 12, 1991 omer P. Mc Phee (Cale Adjorcument City of auburn. Construinty Development Det. Building Inspection Dir. This letter is being withen at the request of James P. Michel in reference. to the proposed use of age, & Equip Storage Blogs. to be located on lot 3-80 Hatch Road aut. Me. The building will be used to store age. Products and Equipment, lime, Lertilizer, also for drying of herbs. any unused space will be used for storing personel ltems. John Rander 20



ZONING APPROVAL OR DISAPPROVAL

Date $\frac{12 - 2 - 91}{12 - 2 - 91}$ Tax Map # 3-80
Address: <u>HATCH RD.</u> Owner: <u>OHN LANDER</u>
Zoning District: AG + RP Proposed Use: AGR. J EquiPMENT STURAGE BIDE
comments: This Sulding is allowed pursuant to 3.31. B. I. b Principle
une d'aconte in the encuring of herbo.
Required Setbacks: Front _ 25 Rear _ 25' Side _ 15'
Comments:
Elect Disin Konet Yog No V Flood Map #
Flood Plain Zone: Yes No Flood Map #
Comments:
Parking: Acceptable Unacceptable # of required spaces
Does it meet green space requirement? Yes Not <u>applicable</u>
Comments:
PLANNING BOARD APPROVAL REQUIRED: Yes No
Approved Denied Date:
Upon review of project, it appears that the zoning requirements
Have been met Have not been met
Comments:
O Mich
Zoning Representative: (Signature)

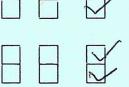
22

ENGINEERING DIVISION SIGN-OFF SHEET

Address 2 40 Hatch Boad Date Project

Chapter 27 Drive Opening Approval Excavation Approval:

> Private Property Public Street Right-of-Way



N

Y

N/A

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 Inspection Fee Paid Plans Submitted Construction Schedule Submitted Comments:

		1	,
		-	1
			/
	- 1	V	1
			/
		Y	

Chapter 34 Fill Permit Approval Comments:

	Signature	Date
Chapter	27 JN/MD Songen	12/11/91
Chapter	32 mighaell, O'Bin	12/11/91
Chapter	34 Thomas A - Neeley	12/11/91
		/ /

Printed October 25, 1990

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DOLLARS 0437 52-2 61 112 Vortfolio 50 ASCO Northern Bank, NA. WIENULE MAINE 0401 A BANK OF BOSTON COMPANY MEMORYING 6 1 •• 8 1 L - 795-6310 JOHN J. LANDER, BARBARA P. LAN 41 DAMY DRIVE, APT AUBURN ME 04210 . PAY TO THE ORDER OF MEMO 6

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 aize 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.

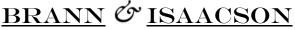
In December of 1991, Mr. Lander approached John Parsons regarding the desire for a building permit for an accessory building on the property. The intended use of the building was defined as being an agricultural utility building that would be used for the storage of equipment and for drying of herbs 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.



ATTORNEYS AND COUNSELORS AT LAW

GEORGE S. ISAACSON MARTIN I. EISENSTEIN MARTIN E. GREENE DAVID W. BERTONI PETER D. LOWE BENJAMIN W. LUND DANIEL C. STOCKFORD PETER J. BRANN KEVIN R. HALEY DANIEL A. NUZZI MATTHEW P. SCHAEFER DAVID SWETNAM-BURLAND STACY O. STITHAM KENLEIGH A. NICOLETTA LYNN B. GELINAS BARBARA J. SLOTE ANNE M. TORREGROSSA NATHANIEL A. BESSEY MICHAEL S. MALLOY CONNOR J.K. BEATTY 184 MAIN STREET P.O. BOX 3070 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 CousensFROM: Dan Stockford, Anne TorregrossaDATE: June 19, 2014RE: 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.

		TUE Apr 22,2014 & 01:15p #5594 Transfer tax of \$41.80 State of Maine Transfer Tax ANDROSCOGGIN COUNTY, MAINE 8898 BOOK/PAGE-REGISTRY USE ONLY		
4. GRANTOR/	3e) Mailing Address [470] HATCH ROAD 3f) City [AUBURN] 4a) Name, LAST or BUSINESS, FIRST, MI	39)State ME 04210		
SELLER	4a) Name, LAST or BUSINESS, FIRST, MI 4c) Name, LAST or BUSINESS, FIRST, MI			
	4e) Mailing Address 240 HATCH ROAD 4f) City AUBURN	49) State 4h) Zip Code ME 04210		
5. PROPERTY 5a) Map Block Lot Sub-Lot Sb) Type of property—Enter the code number that best describes the property being sold (See instructions)—> 213 6 Check any that apply: Sc) Physical Location No tax maps exist Sd) Acreage 240 HATCH ROAD				
6. TRANSFER TAX 6a) Purchase Price (If the transfer is a gift, enter "0") 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) 8. WARNING TO BUYER-If the property is classified as Farmland, Open Space, Tree Growth, or Working Water-				
7. DATE OF TRANSFER (MM-DD-YYYY) 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. MONTH DAY				
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: 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 Image: Contract of the contract of th				
12. PREPARER	DO Rev 02 Harrison NE 0/0/0	ne Number (207) 583-4555 fail Address		
The above appear oftip://www.maine.gov/revenue/propertytax/transfertax.htm before me on 4/19/14 I witnessed them sign in my presence. Selinde & Belinde & Be				

29

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.

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 <u>19</u> day of April, 2014.

Witness

Barbara P. Lander

STATE OF MAINE County of Gumberland Anderscoggin

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 Than chaunard REGISTER OF DEEDS

Belinde Q Lerry 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.

Bailam P Jander Barbara P. Lander

STATE OF MAINE

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

Notary Public/Attorney at Law

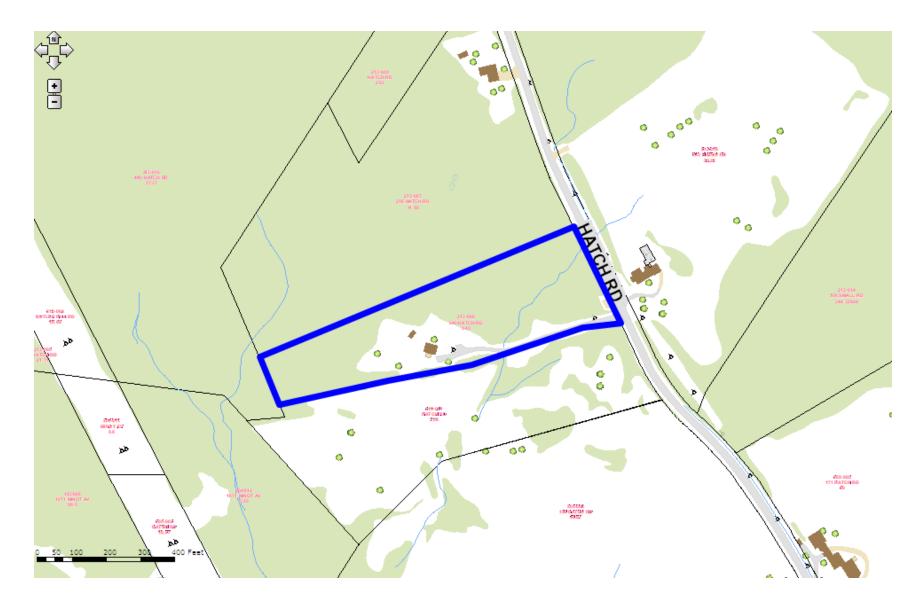
Print or type name My commission expires:

ANDROSCOGGIN COUNTY TINA M CHOUINARD REGISTER OF DEEDS

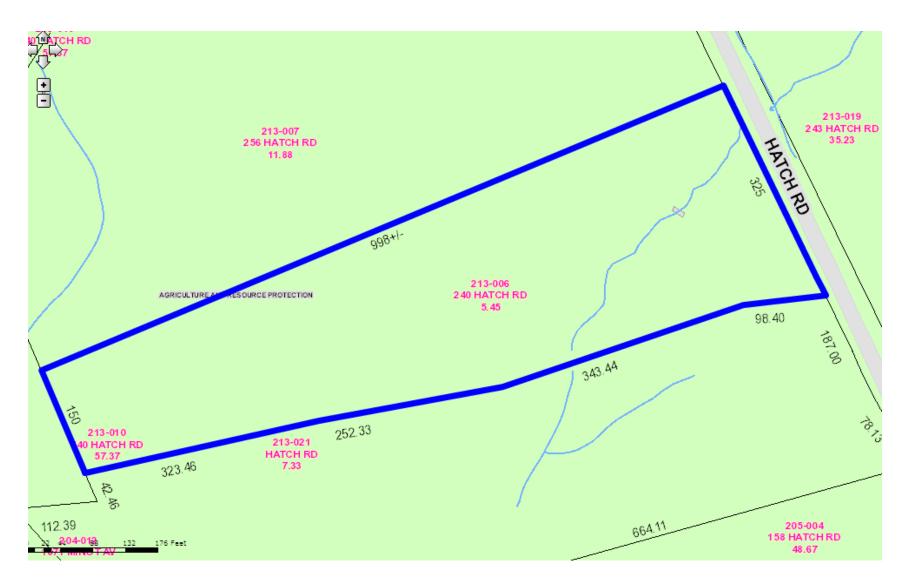
BELINDA A. GERRY NOTARY PUBLIC STATE OF MAINE MY COMMISSION EXPIRES 1/30/2020

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240 Hatch Road Tax Map



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City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Development



To: Auburn Zoning Board of Appeals

From: Eric J. Cousens, Deputy Director of Planning and Development

- Re: Variance Appeal of Roland and Stacie Brown to reconstruct an existing structure at 28 Sandy Beach Road / PID # 237-017 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187.
- Date: August 7, 2014

AUTHORITY/JURISDICTION

The Board has jurisdiction to hear Variance Appeals under Section 60-1187, Variance, which reads as follows:

- (a) The board of appeals may grant a variance from the dimensional regulations and supplementary district regulations contained in the zoning chapter where the strict application of the ordinance, or a provision thereof, to the petitioner or property would cause undue hardship based on:
 - (1) The land in question cannot yield a reasonable return unless the variance is granted;
 - (2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - (3) The granting of a variance will not alter the essential character of the locality; and
 - (4) The hardship is not the result of action taken by the appellant or a prior owner.

Variances granted under this subsection (a) shall be the minimum necessary to relieve hardship. The burden of proof is on the applicant to prove undue hardship.

- (b) The board of appeals may grant a variance for the expansion, extension or enlargement of nonconforming buildings or uses provided that:
 - (1) The use being requested shall be approved by a majority of those members present (not less than a quorum being present).
 - (2) The board of appeals shall make findings that the requirements of subsection (a) of this section have been met.
- (c) In addition to the criteria in this section, in determining whether or not to grant a variance, the board shall also take into consideration the following:

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- (1) Fire, electrical and police safety requirements;
- (2) The adequacy of the traffic circulation system in the immediate vicinity;
- (3) The availability of an adequate water supply;
- (4) The availability of adequate sewerage facilities;
- (5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;
- (6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district;
- (7) Would not endanger the public health, safety or convenience; and
- (8) Would not impair the integrity of the zoning chapter.

PROPOSAL

The City of Auburn has received a request from Roland and Stacie Brown to reconstruct an existing structure at 28 Sandy Beach Road / PID # 237-017 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187. This proposal is unique because the building already has a full basement foundation that is in good condition and part of the structure is within the required setback and part of it is outside of the setback area. The setback requirement for this lot is based on Chapter 60, Section 60-988 and is 50% of the lot depth which staff determined to be 52'. The proposal is in compliance with the standards for rehabilitation and less than 30% expansion of an existing structure within that setback; however, the existing construction is substandard and has deteriorated over time to the extent that saving the structural members is impractical. The subject property is located adjacent to Taylor Brook and is approximately .18 acres in area. The property is located in the Urban Residential (UR) zoning district and a portion of it (not the structure) in the Flood Plain Overlay (FPO) district. The property is not located the Taylor Pond Overlay (TPO) district or Taylor Pond watershed because it is downstream from the pond and drains towards Taylor Brook which flows to the Little Androscoggin River.

The property owner had originally discussed rehabilitation of the existing structure with staff and proceeded to design and plan a 30% expansion as part of the rehab project. He permitted and then began work on the rehab project and met with staff to discuss the requirement to retain 50% of the structural members. The property owner intended to complete the project with 50% of the structural members in place but after the walls were opened up and the framing was exposed, staff recommended that he consider this request because of the condition of the framing. The permitted expansion and rehab meets the requirements of the Ordinance, however, due to the age of the existing structure, substandard construction and water damage, retaining the structure is not recommended. In addition, relocation of the existing structure to improve setbacks from the brook would require the removal of the existing full basement foundation, substantial soil disturbance and would encroach in the opposite setback along Sandy Beach Road. Considering the significant investment and knowing that the rehabilitation will happen anyways, Staff is hopeful that the Board can offer some relief from retaining 50% of the structural members. The proposal includes expanded volume on the second floor due to higher ceilings but minimal expanded floor area within the 52'

shoreland zoning setback. Although reuse of the foundation does not improve the setback, it does allow for a reduction of roof/impervious area adjacent to the brook by removing the existing porch on the south west side of the building. That area and the area between the building and Taylor brook can be vegetated and remain as a buffer.

The City Ordinances regulating nonconforming buildings are below:

Sec. 60-85. Reconstruction, alteration or modification.

A nonconforming building or structure which is being rebuilt, remodeled, reconstructed or otherwise modified shall not have its structural members (frame, flooring, roof and exterior walls) above the existing foundation or frame supports removed by more than 50 percent.

Sec. 60-984. Nonconforming structures.

- (a) *Expansions*. A nonconforming structure may be added to or expanded after obtaining a permit from the building inspector and code enforcement officer if such addition or expansion does not increase the nonconformity of the structure. Further limitations include the following:
 - (1) After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure.
 - (2) Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure, provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the board of appeals, basing its decision on the criteria specified in subsection (b) of this section relocation: that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three additional feet.
 - (3) No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.
- (b) Relocation. A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the board of appeals and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the state subsurface wastewater disposal rules or that a new system can be installed in compliance with the law and said rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. In determining whether the building relocation meets the setback to the greatest practical extent, the board of appeals shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location

of the septic system and other on-site soils suitable for septic systems and the type and amount of vegetation to be removed to accomplish relocation.

(Ord. of 9-21-2009, § 5.4C)

As required by Ordinance the applicants will construct the building so that the structure remains above the 100 year flood elevation and outside of the mapped 1% floodplain.

In past requests that were similar to this, the Board has gained some setback distance as part of an approval. The current proposal includes a reduction of building footprint near Taylor Brook and the Board could consider requiring the area between the building and the brook to remain as a buffer; however, the area is already in a very natural state and staff would not recommend disturbing it. The proposed construction can be accomplished in compliance with the ordinance by saving more than 50% of the existing structure and will be completed in either case. However, Staff recommends replacing the wood portions of the structure above the foundation.

I. RECOMMENDATION:

Staff recommends the following findings:

Strict application of the Ordinance to the Bunkers' property would cause undue hardship for the following reasons:

- 1. Unless the variance is granted, the property cannot yield a reasonable return because the strict compliance would cause impractical costs to accomplish the same outcome with 50% of the framing in place. Repair or renovation of the existing structure will be substandard based on current code requirements and is not recommended by staff. In addition, replacing the existing foundation would increase soil disturbance and would not result in any environmental improvement.
- 2. The need for this variance is due to the unique circumstances of the property and not the general conditions in the neighborhood. The foundation was substantially replaced years ago and the wood framed structure above grade has since been neglected and has now deteriorated. Relocating the existing foundation would be impossible and replacement would require substantial costs and increased environmental impacts.
- 3. Since the new structure will replace the existing structure on the same foundation, the granting of this variance will not alter the essential character of the locality other than removing an eyesore and improving the quality of the building.
- 4. In this case, the hardship is caused by strict interpretation of the ordinance which would cause more damage to the property and potentially to Taylor Brook. Not granting the variance will allow the same project to proceed with substandard materials.
- 5. In addition to the criteria in this section, in determining whether or not to grant a variance, the board has also take into consideration the following and found that the proposal meets the requirements:
 - (1) Fire, electrical and police safety requirements; Updated systems will be safer.

- (2) The adequacy of the traffic circulation system in the immediate vicinity; No Impact.
- (3) The availability of an adequate water supply; The structure will be connected to public water supply.
- (4) The availability of adequate sewerage facilities; The structure will be connected to public sewerage services.
- (5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts; The building replacement on the existing foundation allows for less environmental impact than replacing the foundation.
- (6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district; The proposal improves the appearance of the structure.
- (7) Would not endanger the public health, safety or convenience; and
- (8) Would not impair the integrity of the zoning chapter.

The original plans to remodel the existing home can be constructed in conformance with the City's Zoning Ordinance. Saving the structure, however, will add to costs and unknowns to the project and sacrifice efficiency and value. Staff, based on previous Board approvals and the above findings, is supportive of allowing the Browns build the new structure utilizing the existing foundation provided that the following conditions are met:

- 1. The buffer between the building and brook is maintained in a natural state as it exists today. This should be documented with photos of existing conditions.
- 2. Proper erosion and sediment controls are used during construction.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Auburn Zoning Board of Appeals

From: Eric J. Cousens, Deputy Director of Planning and Development

- Re: Variance Appeal of Frank C. Goudreau to reconstruct an existing structure at 63 Chicoine Avenue / PID # 237-007 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187.
- Date: August 7, 2014

AUTHORITY/JURISDICTION

The Board has jurisdiction to hear Variance Appeals under Section 60-1187, Variance, which reads as follows:

- (a) The board of appeals may grant a variance from the dimensional regulations and supplementary district regulations contained in the zoning chapter where the strict application of the ordinance, or a provision thereof, to the petitioner or property would cause undue hardship based on:
 - (1) The land in question cannot yield a reasonable return unless the variance is granted;
 - (2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - (3) The granting of a variance will not alter the essential character of the locality; and
 - (4) The hardship is not the result of action taken by the appellant or a prior owner.

Variances granted under this subsection (a) shall be the minimum necessary to relieve hardship. The burden of proof is on the applicant to prove undue hardship.

- (b) The board of appeals may grant a variance for the expansion, extension or enlargement of nonconforming buildings or uses provided that:
 - (1) The use being requested shall be approved by a majority of those members present (not less than a quorum being present).
 - (2) The board of appeals shall make findings that the requirements of subsection (a) of this section have been met.
- (c) In addition to the criteria in this section, in determining whether or not to grant a variance, the board shall also take into consideration the following:

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- (5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;
- (6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district;
- (7) Would not endanger the public health, safety or convenience; and
- (8) Would not impair the integrity of the zoning chapter.

PROPOSAL

The City of Auburn has received a request from Frank C. Goudreau to reconstruct an existing structure at 63 Chicoine Avenue / PID # 237-007 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187. The subject property is located on Taylor Brook and is approximately .24 acres in area. The property is located in the Urban Residential (UR) zoning district and on the boundary of the Taylor Pond Overlay (TPO) district but the structure is outside of the district and located on the portion that drains to Taylor Brook.

The property owner had originally discussed rehabilitation of the existing structure with staff and proceeded to design and plan a 30% expansion as part of the rehab project. The expansion and rehab could meet the requirements of the Ordinance with a staff review, however, as construction proceeded, the property owner encountered substandard construction and water damage and removed and replaced more than 50% of the structure. Staff placed a "stop work order" on the project and encouraged the property owner to apply for a variance. The property owner will either need to remove the structure as it was constructed without a permit for replacement or obtain Board approval and permit the structure after-the-fact.

The City Ordinances regulating nonconforming buildings are below:

Sec. 60-85. Reconstruction, alteration or modification.

A nonconforming building or structure which is being rebuilt, remodeled, reconstructed or otherwise modified shall not have its structural members (frame, flooring, roof and exterior walls) above the existing foundation or frame supports removed by more than 50 percent.

Sec. 60-984. Nonconforming structures.

- (a) *Expansions*. A nonconforming structure may be added to or expanded after obtaining a permit from the building inspector and code enforcement officer if such addition or expansion does not increase the nonconformity of the structure. Further limitations include the following:
 - (1) After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure.
 - (2) Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure, provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the board of appeals, basing its decision on the criteria specified in subsection (b) of this section relocation: that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three additional feet.
 - (3) No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.
- (b) Relocation. A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the board of appeals and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the state subsurface wastewater disposal rules or that a new system can be installed in compliance with the law and said rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. In determining whether the building relocation meets the setback to the greatest practical extent, the board of appeals shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems and the type and amount of vegetation to be removed to accomplish relocation.

(Ord. of 9-21-2009, § 5.4C)

The legally existing camp has been substantially demolished and replaced with a new camp. The new residence will be substantially the same size, but slightly smaller than the previously existing structure and will not exceed the 30% expansion in area or volume as required by Ordinance. The application includes floor plans and elevations but did not include floor area or volume calculations. Staff has verified that the existing floor plan matches City records and calculated floor area and volume to be 755 sf and 6740 cubic feet (cuft) respectively. The allowed expansion if 50% of structural members were retained would be a total of 981 sf in area and 8762 cuft in volume. The proposed structure is 752 sf in area and the volume will be 7336 cuft. The area and volume proposed is compliant with the ordinance.

As required by Ordinance the applicants will construct the building so that the first finished floor will be situated more than one (1) foot above the 100 year flood elevation and outside the mapped 1% flood plain area.

In past requests that were similar to this, the Board has gained some setback distance as part of an approval. The current proposal includes an improved setback from Taylor brook of 1 foot; however, moving the structure back would encroach into the 25' setback from the street. Staff recommends that the Board require an improved buffer between the building and Taylor Brook if the proposal is approved. The proposed construction could have been accomplished in compliance with the ordinance by saving more than 50% of the existing structure but the final product would have been substandard.

I. RECOMMENDATION:

Staff recommends the following findings:

Strict application of the Ordinance to the Goudreau property would cause undue hardship for the following reasons:

- 1. Unless the variance is granted, the property cannot yield a reasonable return because the strict compliance would cause impractical costs to accomplish the same outcome with 50% of the framing in place. Repair or renovation of the existing structure is not feasible because of the structural defects and deteriorated condition.
- 2. The need for this variance is due to the unique circumstances of the property ownership and not the general conditions in the neighborhood. Relocating the existing structure would encroach into the street setback.
- 3. Since the new structure will simply replace the existing structure in the same general area, the granting of this variance will not alter the essential character of the locality.
- 4. In this case, the hardship is caused by strict interpretation of the ordinance which would prevent even a small structure of normal proportions from being replaced on the property.
- 5. In addition to the criteria in this section, in determining whether or not to grant a variance, the board has also take into consideration the following and found that the proposal meets the requirements:
 - (1) Fire, electrical and police safety requirements; No Impact.
 - (2) The adequacy of the traffic circulation system in the immediate vicinity; No Impact.
 - (3) The availability of an adequate water supply; The structure will be connected to public water.
 - (4) The availability of adequate sewerage facilities; The structure will be connected to public sewerage services.
 - (5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;

- (6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district; The proposal improves the appearance of the structure and moves it slightly further from Taylor Brook.
- (7) Would not endanger the public health, safety or convenience; and
- (8) Would not impair the integrity of the zoning chapter.

The original plans to remodel the existing home could have been constructed in conformance with the City's Zoning Ordinance. Staff, based on previous Board approvals and the above findings, is supportive of allowing Mr. Goudreau to remove the entire structure and build the new structure utilizing new construction materials provided that the following conditions are met:

- 1. The new structure is setback as shown on the plans.
- 2. The buffer distance designated by the Board is designed in a way that is consistent with Lake Smart Standards and written plan is provided by Mr. Goudreau and approved by staff within 30 days of the issuance of a building permit.
- 3. The buffer is installed prior to a Certificate of Occupancy being issued.
- 4. Proper erosion and sediment controls are used during construction.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Development



To: Auburn Zoning Board of Appeals

From: Eric J. Cousens, Deputy Director of Planning and Development

Re: Appeal of Michael Gotto on behalf of Peter and Susan Bunker to reconstruct an existing structure at 167 West Shore Road / PID # 255-004 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187.

Date: August 7, 2014

AUTHORITY/JURISDICTION

The Board has jurisdiction to hear Variance Appeals under Section 60-1187, Variance, which reads as follows:

- (a) The board of appeals may grant a variance from the dimensional regulations and supplementary district regulations contained in the zoning chapter where the strict application of the ordinance, or a provision thereof, to the petitioner or property would cause undue hardship based on:
 - (1) The land in question cannot yield a reasonable return unless the variance is granted;
 - (2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - (3) The granting of a variance will not alter the essential character of the locality; and
 - (4) The hardship is not the result of action taken by the appellant or a prior owner.

Variances granted under this subsection (a) shall be the minimum necessary to relieve hardship. The burden of proof is on the applicant to prove undue hardship.

- (b) The board of appeals may grant a variance for the expansion, extension or enlargement of nonconforming buildings or uses provided that:
 - (1) The use being requested shall be approved by a majority of those members present (not less than a quorum being present).
 - (2) The board of appeals shall make findings that the requirements of subsection (a) of this section have been met.
- (c) In addition to the criteria in this section, in determining whether or not to grant a variance, the board shall also take into consideration the following:

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- (1) Fire, electrical and police safety requirements;
- (2) The adequacy of the traffic circulation system in the immediate vicinity;
- (3) The availability of an adequate water supply;
- (4) The availability of adequate sewerage facilities;
- (5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;
- (6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district;
- (7) Would not endanger the public health, safety or convenience; and
- (8) Would not impair the integrity of the zoning chapter.

PROPOSAL

The City of Auburn has received a request from Michael Gotto on behalf of Peter and Susan Bunker to reconstruct an existing structure at 167 West Shore Road / PID # 255-004 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187. The proposal can meet the standards for rehabilitation and less than a 30% expansion of an existing structure; however, the existing construction is substandard and has deteriorated over time to the extent that saving the structural members is impractical. The subject property is located on Taylor Pond and is approximately 1 acre in area. The property is located in the Low Density Country Residential (LDCR) zoning district, the Taylor Pond Overlay (TPO) district and the Flood Plain Overlay (FPO) district.

The property owner had originally discussed rehabilitation of the existing structure with staff and proceeded to design and plan a 30% expansion as part of the rehab project. The expansion and rehab could meet the requirements of the Ordinance with a staff review, however, due to the age of the existing structure, substandard construction and water damage, the architect informed them that there are concerns with the existing materials and continued decay. In addition, relocation of the existing structure to improve setbacks from the pond would require the removal of additional trees and is limited by other impediments explained in the application. Considering the significant investment, the Bunkers have decided to request approval to replace the structure with new materials and if they cannot do that they will pursue a rehabilitation as the ordinance currently allows.

The City Ordinances regulating nonconforming buildings are below:

Sec. 60-85. Reconstruction, alteration or modification.

A nonconforming building or structure which is being rebuilt, remodeled, reconstructed or otherwise modified shall not have its structural members (frame, flooring, roof and exterior walls) above the existing foundation or frame supports removed by more than 50 percent.

Sec. 60-984. Nonconforming structures.

- (a) *Expansions*. A nonconforming structure may be added to or expanded after obtaining a permit from the building inspector and code enforcement officer if such addition or expansion does not increase the nonconformity of the structure. Further limitations include the following:
 - (1) After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure.
 - (2) Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure, provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the board of appeals, basing its decision on the criteria specified in subsection (b) of this section relocation: that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three additional feet.
 - (3) No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.
- (b) Relocation. A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the board of appeals and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the state subsurface wastewater disposal rules or that a new system can be installed in compliance with the law and said rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. In determining whether the building relocation meets the setback to the greatest practical extent, the board of appeals shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems and the type and amount of vegetation to be removed to accomplish relocation.

(Ord. of 9-21-2009, § 5.4C)

The applicants are proposing to demolish the legally existing camp and replace it with a new camp. The new residence will be larger than the existing structure but should not exceed the 30% expansion in area or volume as required by Ordinance, within the 100' setback area. The application indicates that the existing structure is 580 square feet (sf) in area and the allowed expansion could increase the area to a total of 754 sf in area. The proposed structure is 756 sf in area and exceeds the allowable area by 2 sf and staff recommends that the Board require compliance by reducing the

deck area by at least 2 sf. The applicant has agreed that they can accommodate this minor adjustment. The volume proposed is compliant with a 30% expansion of the structure.

The application details how the strict application of the ordinance would require removal of additional trees, soil disturbance and may not require the improvement in the setback that can be accomplished with a new structure. The applicants are proposing to construct a new foundation for the structure. As required by Ordinance the applicants will construct the foundation so that the first finished floor will be situated more than one (1) foot above the 100 year flood elevation. All utilities will be elevated at least one foot above the 100-year flood level and will require an elevation certificate prior to construction.

In past requests that were similar to this, the Board has gained some setback distance as part of an approval. The current proposal includes an improved setback from Taylor Pond as well as an improved buffer and 2 replacement trees for trees that need to be removed for the reconstruction. The proposed construction can be accomplished in compliance with the ordinance by saving more than 50% of the existing structure and will likely be completed in either case. However, the reason for the request is that it would take more labor and increase costs to elevate and repair the existing structure than it would to replace it. The final product is also more reliable and efficient with new materials and of higher value for assessment purposes.

I. RECOMMENDATION:

Staff recommends the following findings:

Strict application of the Ordinance to the Bunkers' property would cause undue hardship for the following reasons:

- Unless the variance is granted, the property cannot yield a reasonable return because the strict compliance would cause impractical costs to accomplish the same outcome with 50% of the framing in place. Repair or renovation of the existing structure is not economically feasible because of the structural defects under current building codes. In addition, moving the existing structure would increase soil disturbance and tree removal needs.
- 2. This building was located mostly on the abutting lot until last year. The Bunkers purchased the building from the new owner of that parcel so they could rebuild it. The need for this variance is due to the unique circumstances of the property ownership and not the general conditions in the neighborhood. Relocating the existing structure would cause significant damage to the existing ground cover and create a large opening in a very mature tree canopy which currently shelters the existing building site.
- 3. Since the new structure will simply replace the existing structure in the same general area, the granting of this variance will not alter the essential character of the locality. Given the unique layout and maturity of the trees on this property, under the proposed plan to demolish the building in place to retain most the mature tree canopy and to rebuild under that existing canopy farther from the pond, the essential character of the area will be retained. If the variance is not granted, the building

can be moved back and repaired at the same location, but the mature tree canopy will be lost changing the essential charter of the area for many years to come.

- 4. In this case, the hardship is caused by strict interpretation of the ordinance which would cause more damage to the property and potentially to Taylor Pond. Not granting the variance would result in unnecessary ground disturbance adjacent to the pond by moving equipment and removal of a number of large trees with a mature canopy that help protect the pond in order to relocate this structure, when repair and removation of that structure is impractical under current building codes.
- 5. In addition to the criteria in this section, in determining whether or not to grant a variance, the board has also take into consideration the following and found that the proposal meets the requirements:
 - (1) Fire, electrical and police safety requirements; No Impact.
 - (2) The adequacy of the traffic circulation system in the immediate vicinity; No Impact.
 - (3) The availability of an adequate water supply; The existing well will serve the structure.
 - (4) The availability of adequate sewerage facilities; The structure will be connected to public sewerage services.
 - (5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts; The building replacement allows for less environmental impact that relocating and improving the existing structure with 50% of the structural members in place.
 - (6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district; The proposal improves the appearance of the structure and moves it further from Taylor Pond.
 - (7) Would not endanger the public health, safety or convenience; and
 - (8) Would not impair the integrity of the zoning chapter.

The original plans to remodel the existing home can be constructed in conformance with the City's Zoning Ordinance. Saving the structure, however, will add to costs and unknowns to the project and sacrifice efficiency and value. Staff, based on previous Board approvals and the above findings, is supportive of allowing the Bunkers to remove the entire structure and build the new structure utilizing new construction materials provided that the following conditions are met:

- 1. The new structure is setback as shown on the plans.
- 2. The buffer is not mowed more than twice a year.
- 3. Trees are replaced as shown on the plan.
- 4. Proper erosion and sediment controls are used during construction.



Auburn Zoning Board of Appeals

September 11, 2014

Agenda

<u>6:00 P.M.</u> – City Council Chambers (Auburn Hall)

ROLL CALL

MINUTES:

Review and Approval request of the August 7, 2014 Zoning Board of Appeals meeting minutes.

OLD BUSINESS:

Confirmation of the Findings of Facts and Conclusion of the following:

Administrative Appeal of Daniel and Marie Herrick to appeal their denial of a building permit to construct a single family home in the Agriculture and Resource Protection District at 240 Hatch Road / PID # 213-006 pursuant to Chapter 60, Article XV, Division 4, Section 60-1186. *Appeal was denied by the Zoning Board of Appeals on August 7, 2014.*

NEW BUSINESS: None

MISCELLANEOUS: None

ADJOURNMENT

Auburn Zoning Board of Appeals Meeting Minutes August 7, 2014

Roll Call

Full Members present: Bruce Richardson, Courtney McDonough, Michael Dixon; Presiding, Kenneth Sonagere, Elizabeth Shardlow and Christopher Gendron.

Associate Members present: Dan Curtis Jr. and Maureen Aube

Full Member absent: Lane Feldman

Also present representing City staff: Eric Cousens, Deputy Director of Planning & Development and Douglas Greene, City Planner.

Chairperson Michael Dixon, called the meeting to order at 6:00 pm and asked each Board member to state their name. He said one of the regular members was absent; therefore, Dan Curtis's member status would be elevated to full member status for tonight's meeting.

Public Hearings:

Administrative Appeal of Daniel and Marie Herrick to appeal their denial of a building permit to construct a single family home in the Agriculture and Resource Protection District at 240 Hatch Road / PID # 213-006 pursuant to Chapter 60, Article XV, Division 4, Section 60-1186.

Chairperson Dixon identified all materials that been submitted for this appeal and then explained the procedure that is followed for Board of Appeals meetings

Eric Cousens read the staff report.

Dan and Marie Herrick, appellants, spoke about the appeal. Mr. Herrick presented the Board with a number of photographs of the existing building.

Questions were asked by the Board members to which Mr. and Mrs. Herrick replied.

Open Public Input

Gabriel Couture of 440 Hatch Road gave a history of the property and explained how the building came to be. He stated that Mr. Lander, the original owner of the property was very abrasive. Mr. Couture claimed the City was afraid of him so that's why nothing was done to rectify the situation. He said in his opinion, it's wrong to change things now.

Edward Desgrosseilliers of 121 Hatch Road agreed that Mr. Lander's character was abrasive in nature and threatened court action to anyone who went against him. He said the City should not

August 7, 2014 - Zoning Board of Appeals Meeting Minutes (Pending Approval) penalize whoever has made an investment and that he was ok with this remaining as a non-conforming lot.

Joseph Gray of Sopers Mill Road said he would usually go against this type of proposal but after visiting the site, is ok with it.

Tizz Crowley of 35 University Street stated she had visited the property. She said she was concerned about this being an equitable issue as it's been taxed as a residence for 20 years. She said she was neither for nor against this appeal.

Belinda Gerry of 143 Mill Street said she was here to support their appeal. She commended the Herricks for doing the right thing in coming to get permits as she said he could have done stuff without anyone knowing about it.

Leroy Walker of 41 Broad Street said the City missed the boat in the past on this one.

There was a lengthy discussion amongst the Board members, City staff and the petitioners.

Kenneth Sonagere referenced Chapter 60, Section 1187. Variance Criteria and noted that the appellant could not meet that standard or the Administrative Appeal before the Board so the Board could not approve the request.

<u>A motion</u> was made by Kenneth Sonagere and seconded by Elizabeth Shardlow to deny the Administrative Appeal of Daniel and Marie Herrick to appeal their denial of a building permit to construct a single family home in the Agriculture and Resource Protection District at 240 Hatch Road / PID # 213-006 pursuant to Chapter 60, Article XV, Division 4, Section 60-1186.

After a vote of 5-2-0, the motion carried. (Bruce Richardson and Christopher Gendron opposed)

Variance Appeal of Peter & Susan Bunker to reconstruct an existing structure at 167 West Shore Road / PID # 255-004 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187. The proposal is in compliance with the standards for rehabilitation and less than 30% expansion of an existing structure; however, the existing construction is substandard and has deteriorated over time to the extent that saving the structural members is impractical.

Chairperson Dixon identified all items submitted for this appeal.

Eric Cousens went over the staff report.

Mike Gotto for Stoneybrook Consultants, Inc and representing Mr. and Mrs. Bunker added to the presentation.

The Board members asked questions of which Mr. Gotto answered.

Open Public Input

Tizz Crowley of 35 University Street stated that she supported some of this but was concerned about the water. She spoke about an equitable solution.

<u>A motion</u> was made by Elizabeth Shardlow and seconded by Kenneth Sonagere to approve the Variance Appeal of Peter & Susan Bunker to reconstruct an existing structure at 167 West Shore Road / PID # 255-004 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187.

After a vote of 7-0-0, the motion carried.

Variance Appeal of Frank C. Goudreau to reconstruct an existing structure at 63 Chicoine Avenue / PID # 237-007 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187. The proposal is in compliance with the standards for rehabilitation and less than 30% expansion of an existing structure; however, the existing construction is substandard and has deteriorated over time to the extent that saving the structural members is impractical

Chairperson Dixon identified all items submitted for this appeal.

Frank Goudreau, appellant, spoke about his appeal.

Eric Cousens went over the staff report.

Open Public Input

No comment from the public.

<u>A motion</u> was made by Kenneth Sonagere to approve the Variance Appeal of Frank C. Goudreau to reconstruct an existing structure at 63 Chicoine Avenue / PID # 237-007 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187.

The motion was amended by Christopher Gendron to include a buffer zone of 10 feet from the high water mark. Mr. Sonagere accepted the amendment.

The motion was seconded by Bruce Richardson. After a vote of 7-0-0, the motion carried.

Variance Appeal of Roland and Stacie Brown to reconstruct an existing structure at 28 Sandy Beach Road / PID # 237-017 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187. The proposal is in compliance with the standards for rehabilitation and less than 30% expansion of an existing structure; however, the existing construction is substandard and has deteriorated over time to the extent that saving the structural members is impractical.

Chairperson Dixon identified all items submitted for this appeal.

Eric Cousens went over the staff report and presented photos of the property via PowerPoint.

Roland Brown, appellant, spoke about the appeal.

Open Public Input

No comment from the public.

Board members asked questions to City staff and to the appellant.

<u>A motion</u> was made by Christopher Gendron and seconded by Elizabeth Shardlow to approve the Variance Appeal of Roland and Stacie Brown to reconstruct an existing structure at 28 Sandy Beach Road / PID # 237-017 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187.

After a vote of 7-0-0, the motion carried.

ADJOURNMENT

CITY OF AUBURN ZONING BOARD OF APPEALS FINDINGS, CONCLUSIONS, AND ORDER

The City of Auburn Board of Appeals met on August 7, 2014 to consider the administrative appeal of Dan and Marie Herrick from a decision by the Planning and Development Department to deny a building permit for the property at 240 Hatch Road, Auburn PID # 213-006 (the "Property"). After hearing, the Board makes the following findings of fact, conclusions of law, and order.

FINDINGS

- 1. The Property is owned by Daniel and Marie Herrick, as shown by the deed recorded in the Androscoggin County Registry of Deeds at Book 8898, Page 266.
- 2. The Property is located in the Agriculture and Resource Protection Zoning District ("AG/RP District") as shown on the City of Auburn Zoning Map.
- 3. The Property is approximately 5.45 acres in size based on City tax records.
- 4. Petitioners have not demonstrated that they intend that at least 50% of their total annual income will be derived from agricultural sources.
- 5. The City of Auburn Code of Ordinances ("Auburn Ordinance") § 60-173(1) requires a minimum lot size of 10 acres of land in order for a building to be erected in the AG/RP District.
- 6. One-family detached dwellings are only permitted in the AG/RP District if they are "accessory to farming operations." Auburn Ordinance § 60-145(a)(1).
- 7. One-family detached dwellings are not permitted if they are not accessory to farming operations. Auburn Ordinance § 60-145(a)(1).
- 8. Auburn Ordinance § 60-2 defines farm as:

any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "farm," under the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:

- (1) At least 50 percent of the total annual income of the farm occupant and his spouse living in the farm residence will be derived from such uses; and
- (2) At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry" means no fewer than 100 foul and the term "livestock" means no fewer

than 20 cattle or other animals being raised for commercial purposes.

- 9. Therefore, a single family dwelling in the AG/RP Zone is only permitted if:
 - (1) the lot size is a minimum of 10 acres;
 - (2) at least 50% of the total annual income of the dwelling occupant and his/her spouse will be derived from raising of agricultural products, livestock or poultry, or for dairying; and
 - (3) at least ten acres of the farm will be devoted to the production by the dwelling occupant of field crops or to the grazing of the occupant's livestock.

Auburn Ordinance §§ 60-2, 60-145(a)(1), 60-173(1).

CONCLUSIONS

10. The Property does not meet minimum lot size requirements of the AG/RP Zone.

- 11. The Petitioners have not demonstrated that they intend to meet the income requirements of having at least 50% of their total annual income derived from raising agricultural products, livestock or poultry, or for dairying.
- 12. The Petitioners have not demonstrated that they intend to meet the requirement to devote at least 10 acres of the Property to the production of field crops or the grazing of livestock.
- 13. Petitioners have not demonstrated that the permit was denied in error. City Staff followed the requirements of the ordinance and correctly denied the permit for a new single-family home that was not accessory to a farming operation.

Based on the above findings and conclusions, the decision of the Planning and Development Department is upheld and Petitioners' appeal is denied. If you disagree with this decision you may file an appeal in the Superior Court within 45 days of the date of this decision.

Date: August __, 2014

Michael Dixon, Chair



Auburn Zoning Board of Appeals

October 30, 2014

Agenda

6:00 P.M. - City Council Chambers (Auburn Hall)

ROLL CALL

MINUTES:

Review and Approval request of the September 11, 2014 Zoning Board of Appeals meeting minutes.

PUBLIC HEARINGS:

Variance Appeal of Melissa and Tobin White to reconstruct an existing structure at 64 Waterview Drive / PID # 266-016 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187 and section 60-85. The proposal is in compliance with the standards for rehabilitation and less than 30% expansion of an existing structure; however, the existing construction is substandard and has deteriorated over time to the extent that saving the structural members is impractical.

OLD BUSINESS: None

NEW BUSINESS: None

MISCELLANEOUS: None

ADJOURNMENT

Auburn Zoning Board of Appeals Meeting Minutes September 11, 2014

Roll Call

Full Members present: Lane Feldman, Courtney McDonough, Michael Dixon; Presiding, Kenneth Sonagere and Elizabeth Shardlow.

Associate Members present: Dan Curtis Jr. and Maureen Aube

Full Member absent: Bruce Richardson and Christopher Gendron

Also present representing City staff: Dan Stockford, Esquire and Eric Cousens, Deputy Director of Planning & Development.

Chairperson Michael Dixon, called the meeting to order at 6:00 pm and asked each Board member to state their name. He asked Eric to summarize the August 7, 2014 meeting minutes.

Eric stated the minutes were posted on the City's website and a copy was given to each Board member. He suggested they state any changes they would like to make to the minutes to accurately reflect what was said at the last meeting so staff could make the necessary changes if needed.

Chairperson Dixon invited Daniel and Marie Herrick to the microphone to give their opinion on the minutes.

(02:11 on DVD)

Daniel Herrick, owner of 240 Hatch Road and 470 Hatch Road stated the problem with these minutes was that he was told that night that the meeting was going to be taped with audio which he said they weren't. He said it was disturbing because he would have liked to have everyone's suggestions, which some were good and some not so good. He didn't think this Board got the proper information that it needed to make any decision that night. It got a decision from basically a Planning and Permitting Deputy Director. Mr. Herrick said he had nothing but untruths and misdirection's given to him. He said he served on this City for 4 years and wouldn't have allowed this.

Chairperson Dixon asked Mr. Herrick if he had any specific comments about the minutes. Mr. Herrick asked who made these minutes since there's no audio. Eric replied that Rhonda Russell prepares minutes for the Planning Board and the Board of Appeals. Eric added that we typically get more details on the minutes but since there was no audio, we relied on the notes taken from the meeting.

Chairperson Dixon asked Mr. Herrick if there were things that were said that are missing from the minutes. Mr. Herrick replied there were a lot of things said and stated that Mr. Dixon said a lot of things that shouldn't have been said. Mr. Herrick continued saying that the Board, the

> September 11, 2014 - Zoning Board of Appeals Meeting Minutes (Pending Approval)

Attorney and Mr. Cousens all commented that he only paid \$9,500 for this place, so what did he expect. Mr. Herrick added that the attorney should have known that if you purchase a property from someone who is 60 or older, you have to have an affidavit.

Mr. Herrick read the beginning of the sworn statement from Barbara P. Lander of Auburn to demonstrate he did not take advantage of her when purchasing the property. Mrs. Herrick added that it felt like the Board members were insinuating that they, (the Herricks) took advantage by the price they paid and everyone she spoke to who was at that meeting felt the same way. She said it was nobody's business what was paid for the property. It is public record but doesn't have to be brought up in every situation. It wouldn't have made a difference if we paid \$95,000 according to Planning & Permitting. The rudeness of the Board during that meeting is not well recorded in these minutes. Mrs. Herrick also mentioned that the Board took to task referring to the 3 Councilors who were here, as Councilors. They were not here as Councilors and didn't introduce themselves as Councilors but as Auburn residents but the Board told them they as Councilors put the laws in place and were here to break them and should be ashamed. She said the Board had no right to do that as that is not the Board's position.

(07:18 on DVD)

Mrs. Herrick said this whole process was a farce. We were misled, told by Eric's boss Roland Miller that we shouldn't have even been brought here. We sat here for 2 hours with people parading up and down speaking and after 2 hours Mr. Sonagere said according to State law we cannot legally approve this. She asked why did you make us parade here for 2 hours?

Ken Sonagere replied you do have remedy; you can go to Superior Court and bring your case before a judge and that is the next step. He said it's not our right to say you cannot come here, you have no case. We have to let you go through the process. It's not our position to say, don't say a word because we aren't going to approve it anyway.

Mr. Herrick stated he knows the Board followed the law. He said he knows the law, knows the ordinance, knows the land and knows what was going on. The problem is we were misdirected. He said he knows you can't build in the Ag & Resource Protection zone unless you farm it and have more than 10 acres and make 50% of your living. But this house has been there for 21 years and fell through the cracks. He said a good point was brought up by a few of the Board members when they asked what's wrong with the house that's there today. This got him thinking that he should never have pulled a permit as he was requested to do by Eric. Instead, Eric should have said, Mr. and Mrs. Herrick, we have to make this a legal home on a non-conforming lot. That would have been the first step. Mr. Herrick asked how do you do that, he didn't know. The next step is something that's been done numerous times in the City; go in front of the Planning Board, prove that there's a hardship between the home that's there, demolish it and build one beside it or anywhere on that property. It was done on Hatch Road, 3 times in South Auburn and it was done in North Auburn. It happens all the time. Mr. Herrick said he didn't have a problem going through the process. But we were misdirected, misinformed in error by the City of Auburn on this property. He explained he didn't know there was a permit issued when he bought this property. He thought they (former owners) built a shed and just moved into it. When he called Eric to make sure what he wanted to do was fine, Eric said it was an illegal residence. That's when he said he found out it was a residence.

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(Pending Approval)	P

(11:35 on DVD)

Mr. Herrick continued; the very next day after the meeting, a letter/email was written to Eric Cousens and Roland Miller from Michael Dixon. Mr. Herrick read the following portion of the letter; Based on last night's ruling, will the Herricks be issued a revised tax bill which assesses the property as an undersized lot in the Ag & Resource Protection District with an agricultural shed? We will be shooting ourselves in the foot and undermining the zoning ordinance if the tax Assessor (Collector?) doesn't make an immediate adjustment.

Mr. Herrick asked if the Board members knew about this and explained he got another letter a couple of days after that which stated that they've made the residence into an automatic auxiliary shed. Auxiliary to what he asked. He said he would bet his bottom dollar that he is the only resident that owns an auxiliary shed in the Ag & Resource Protection zone with a full bath, full kitchen, 2 bedrooms and with living space. He said this is pretty sad and must be straightened out.

(12:55 on DVD)

Mr. Stockford, Esq., explained to Mr. Herrick that the current issue before the Board is the minutes and suggested the Board vote on that. Mr. Herrick stated he appreciated the time and said you can vote on the minutes but you'll never get the minutes. He said he has a copy of the tape and is hoping he can find someone to read lips so we can put the minutes where they should be because those minutes were lost. He has a hard time believing the audio was lost for the whole length of time because there was a City Council meeting and those minutes were also produced and Council approved.

Mr. Stockford, Esq., explained to Mr. Herrick that he would have an opportunity to speak about the proposed findings of fact after the minutes were voted on. Mr. Herrick stated the findings of fact had not changed since the last meeting.

(14:35 on DVD)

Chairperson Dixon stated there was a quorum and pointed to the 5 members of the Board that would be voting. He then called for a motion on the minutes.

Mrs. Herrick asked what a quorum is for this Board. Chairperson Dixon replied that it takes 5 members. She stated some of the voting members' at the last meeting weren't even members anymore because they had termed out. Chairperson Dixon replied that that was not true and explained that Mr. Feldman was not here. He asked Eric if any members had termed out and Eric replied he did not think so but would verify that with the City Clerk. Chairperson Dixon commented that we do have a quorum tonight and we did have a quorum then.

(16:02 on DVD)

<u>A motion</u> was made by Ken Sonagere and seconded by Elizabeth Shardlow to approve the August 7, 2014 meeting minutes. After a vote of 5-0-1, the motion carried. (Lane Feldman abstained.)

Old Business

Confirmation of the Findings of Facts and Conclusion of the following: Administrative Appeal of Daniel and Marie Herrick to appeal their denial of a building permit to construct a single family home in the Agriculture and Resource Protection District at 240 Hatch Road / PID # 213-006 pursuant to Chapter 60, Article XV, Division 4, Section 60-1186. *Appeal was denied by the Zoning Board of Appeals on August 7, 2014.*

Mr. Stockford, Esq., explained the purpose of the meeting; The Board of Appeals is meeting for the limited purpose of considering Findings, Conclusions and an Order in regards to its denial of the Administrative Appeal. Because the Hearing was closed and a vote was taken at the August 7, 2014 meeting, the Board won't be reopening the Hearing for purposes of taking new information or evidence. Before a vote is taken on the proposed Findings and Conclusions, the Board will allow the Herricks to provide any input and comments relating to the proposed Findings and Conclusions and if any members of the public wish to comment on the proposed Findings and Conclusions, they will be given that opportunity. He reiterated that the purpose of this meeting is not to rehash what took place at the first meeting but to comment specifically on the Findings that are before the Board.

(19:13 on DVD)

Eric presented the proposed Findings and Conclusions via Power Point and read them aloud.

(26:13 on DVD)

Chairperson Dixon asked the Board members if they had any questions for Staff. He then opened the floor to Mr. Herrick.

Mr. Herrick told the Board members that they did not do the wrong thing by not approving it because it is less than 10 acres and he wouldn't farm it for 50% of his income. He said it's an illegal residence so the City of Auburn according to the Findings is an accessory because they approved it. For 21 years they accepted a tax bill on that property and Eric's boss said the City was fully aware that the building was there as a residence. He said Roland Miller asked him, what do you want us to do, kick him out?

(28:03 on DVD)

Mr. Herrick again stated he did not blame the Board for the denial because they had to deny it under those guidelines but those guidelines don't apply to an existing dwelling. He said he has an existing dwelling on 5.45 acres that was lived in for 21 years, known by the City, taxed by the City and accepted by the City. He said he owns an accepted home on Hatch Road that's less than a half acre and another just over a half acre. They are non-conforming residences and asked the Board what the difference was. Elizabeth Shardlow replied that the difference was he requested a permit to build a new structure. Mr. Herrick responded that he understood that but that's where he says he was misguided as that was what he was told to do. He mentioned the letter that went from Mr. Dixon to Mr. Miller then to Karen Scammon and said they automatically took \$70,000 of value out of this city overnight without asking him. We lost that value but it's still a residence, not an auxiliary building.

(30:32 on DVD)

Open Public Input

Joseph Gray of Sopers Mill Road stated the following:

- I too am a farmer and I meet all of the rules except I don't use 10 acres and I still make 50% income
- These rules are outdated
- Mr. Herrick should never have come before the Board
- This is an approved home because the City collected taxes for 21 years as a house so he should have the right to replace the house
- Mistreated by Mr. Dixon as he was rude to Mr. Herrick
- The Board can right this wrong but doesn't seem willing to and he doesn't understand why
- Adds value to the City and doesn't hurt a damn thing so just do it.

(32:37 on DVD)

Ed Desgrosseilliers of 121 Hatch Rd stated the following:

- Auburn Board of Appeals should stand outside of sandbox to right this situation
- He didn't have any trouble with the sale price because he saw what Mr. Herrick did for these people over time
- City was well aware that people were living there for 23 years
- City failed in this case to apply the law when building was being built
- City wants Mr. Herrick to be the burden of the City's enforcement
- City established this wrong
- He was offended when Board said they couldn't do anything. Where does a Citizen go to present their case when you say you can't do anything?
- Instead of Board of Appeals should be called Board of Nothing
- Very displeased with this process completely

(39:00 on DVD)

Belinda Gerry of 143 Mill Street stated the following:

- Agrees that there are a lot of non-conforming lots in Auburn
- City Council meeting on Monday night brought up Taylor Pond homes being changed from non-conforming to year-round and those that remain non-conforming will be grandfathered in.
- Feels Mr. Herrick did the right thing to get permits to rebuild the place and maybe the outcome would have been different if he requested permits to renovate the existing property as all he wanted to do was fix up the home for his boy so he could live near him.
- After 21 years of taxing as a home he should have been grandfathered in and given the direction by the City to come forward and request permits to renovate the place.
- Saddened about what happened at the last meeting; lots of stuff was said at the last meeting that shouldn't have been said
- Not here as a Councilor but as an Auburn resident
- Sit through a 2 hour meeting and the minutes are only half there. Not faulting staff because they didn't know they wouldn't have the tape to back it up and now the only recourse is to go to Superior Court? With no audio on the tape? It's not right. The Herricks weren't given a fair shake.
- Would hate for this to happen to some other Auburn residents.

(43:20 on DVD)

Chairperson Dixon closed the Public Input part of the meeting.

Elizabeth Shardlow stated to Mr. and Mrs. Herrick that she didn't think there was anyone on this Board that didn't want them to build a nice beautiful new home on the 5.45 acres because we all know what value this would bring to the City, but she added, the issue at hand is that it's a non-conforming lot. To have the foresight to think about the implications of allowing people to take non-conforming residencies and build shanties throughout the City while collecting taxes, then all of a sudden you have neighborhoods popping up on farmland and we lose that farmland. The ordinances are there to protect the future of the City.

Mrs. Herrick replied there are no farmlands where you can have 50% of your income from the farm. Your spouse has to work for income and for health insurance. These are outdated rules that need to be revised. (Some comments from members of the audience that were inaudible.)

Eric reminded everyone that comments made away from the mike may not be heard on the recording. Chairperson Dixon invited the Herricks to the front if they wanted to further address the Board.

(45:41 on DVD)

Dan Curtis asked what is the City going to ask the Herricks to do to remedy the non-conformity of the property. He said he agreed with Mr. Desgrosseilliers when he stated the Board of Appeals' function is to listen to appeals and perhaps vote in favor of the resident to fix something that is wrong. If we can't do that then what are we doing here?

Chairperson Dixon replied that it far oversteps the bounds of the Board. He said we are here to enforce the Zoning Ordinance and people can appeal to us to make exceptions to the Zoning Ordinance under certain circumstances but this does not appear to be one of those circumstances. He said that at the risk of being accused of being rude again, the people who can change the Zoning Ordinances is City Council and hopes that message will filter back. He said he did not see this as a non-conforming issue but as an illegal use of the property and yes the ball was dropped for several years, the City collected taxes on this and kind of turned away for unknown reasons but the questions is, is it a use that's in any way conforming with the Zoning Ordinance. I don't think so, and that's why I voted the way that I did.

Dan Curtis said he agreed with everything Chairperson Dixon just said but did not know how this situation could be rectified. He applauds the courage of the Herricks for coming forth to right this and doesn't know how the Board can help other than direct them to the City Council. He said the City Council ought to take some steps to remedy this especially the Ag and R&P zoning rules and the areas that we are using in the City to isolate the farmland that is not going to be used for farming much longer.

(50:09 on DVD)

Lane Feldman said he was not at the original meeting and presentation and was quite confused as to how the City just looked away from John and Barbara Lander for 25 years. Now we have somebody who is trying to do the right thing and get permits but we are telling him he can't. He said his kids keep telling him they can't wait to leave here (Auburn) and we actually have

Page 6 of 8

somebody (Herrick's family) who wants to move into our community and wants to spend money to make that better which would be good for our tax base. We have too many people leaving and not enough people coming in. I understand the law but as Mr. Desgrosseilliers said, we have to stand outside the sandbox.

Mr. Herrick asked Eric how many non-conforming lots existed in the Ag and Resource Protection Zone as we stand today. Eric replied he did not know the exact number but stated there was a difference between non-conforming lots which are lots that have existed since before we had the minimum lot size and then when we created the zone that required 10 acres they were allowed to continue to exist, even though they don't meet that standard. An illegal lot would be a lot created after the zoning standards are in place that doesn't meet the standards that were in place while it was created. In this case we have a non-conforming lot that his understanding is the lot itself has existed since before the 10 acre lot size so the lot is legally existing even though it doesn't conform to the 10 acre minimum. The residence was constructed without approvals from the City so that's not a non-conforming residence, it's an illegal residence. He explained had the house been constructed in 1930 and then we created the Ag Zone, we would have a process where the house could be replaced because the house would be legally created.

(53:00 on DVD)

Lane Feldman asked am I to assume there were never any building permits or occupancy permits taken out when this was originally built. Eric replied there were building permits issued for an agricultural herb drying shed along with plumbing and electrical permits but it was not approved as a home so the use was changed with no occupancy permit.

Marie Herrick said she had asked Eric at the original meeting what would happen if we can't build a building there. Are you going to make us tear it down? She said his comment was distressing to her when he replied; we will look at it and if it's going to involve too many funds from the City we will just let it go, we will not force them to tear it down if it's going to be a large cost to the City. She said that makes her believe that rules are broken all of the time in this City and that's disturbing to her.

Dan Herrick stated that there was a septic permit issued for a two bedroom residential ranch out there. Mrs. Herrick also added that there was a shed permit issued after the house had been built and the person's residence was listed as 240 Hatch Road where prior permits listed the person's residence as Damy Court. So she said, there are some really big problems that really need to be straightened out and you will see us at Superior Court.

Mr. Stockford, Esq., suggested that if the Board is inclined to consider the proposed Findings and that its Conclusions are in order then a motion to adopt those would be in order. He then read the following draft of the motion for consideration:

(56:05 on DVD)

A motion to adopt the proposed Findings, Conclusions and Order with the following revisions: In paragraph 5, substitute Section 60-146(1) for Section 60-173(1) and add the following phrase at the end: with the exception of accessory agricultural buildings and in paragraph 9, substitute Section 60-146(1) for Section 60-173(1).

Mr. Stockford, Esq., explained this was just changing the references to the ordinance in the draft Findings that refer to an old section number. (Inaudible remarks were made from members of the audience)

<u>A motion</u> was made by Elizabeth Shardlow and seconded by Courtney McDonough to approve the Findings as Mr. Stockford stated with the notations to the ordinances.

After a vote of 5-0-1, the motion carried. (Lane Feldman abstained)

<u>A motion</u> was made by Ken Sonagere and seconded by Elizabeth Shardlow Courtney McDonough to adjourn. After a vote of 6-0-0, the motion carried

ADJOURNMENT

"Maine's City of Opportunity"

City of Auburn, Maine

Office of Planning & Permitting

Auburn Zoning Board of Appeals

To:

From:

Eric J. Kousens, Deputy Director of Planning and Permitting

Re: Appeal of Robin Tannenbaum on behalf of Melissa and Tobin White to reconstruct an existing structure at 64 Waterview Drive / PID # 266-016 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187.

Date: October 24, 2014

AUTHORITY/JURISDICTION

The Board has jurisdiction to hear Variance Appeals under Section 60-1187, Variance, which reads as follows:

- (a) The board of appeals may grant a variance from the dimensional regulations and supplementary district regulations contained in the zoning chapter where the strict application of the ordinance, or a provision thereof, to the petitioner or property would cause undue hardship based on:
 - (1) The land in question cannot yield a reasonable return unless the variance is granted;
 - (2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - (3) The granting of a variance will not alter the essential character of the locality; and
 - (4) The hardship is not the result of action taken by the appellant or a prior owner.

Variances granted under this subsection (a) shall be the minimum necessary to relieve hardship. The burden of proof is on the applicant to prove undue hardship.

- (b) The board of appeals may grant a variance for the expansion, extension or enlargement of nonconforming buildings or uses provided that:
 - (1) The use being requested shall be approved by a majority of those members present (not less than a quorum being present).
 - (2) The board of appeals shall make findings that the requirements of subsection (a) of this section have been met.
- (c) In addition to the criteria in this section, in determining whether or not to grant a variance, the board shall also take into consideration the following:

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- (1) Fire, electrical and police safety requirements;
- (2) The adequacy of the traffic circulation system in the immediate vicinity;
- (3) The availability of an adequate water supply;
- The availability of adequate sewerage facilities;
- (5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;

7

- (6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district;
- (7) Would not endanger the public health, safety or convenience; and
- (8) Would not impair the integrity of the zoning chapter.

PROPOSAL

The City of Auburn has received a request from Tannenbaum on behalf of Melissa and Tobin White to reconstruct an existing structure at 64 Waterview Drive / PID # 266-016 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187. The proposal can meet the standards for rehabilitation and less than a 30% expansion of an existing structure; however, the existing construction is substandard and has deteriorated over time to the extent that saving the structural members is impractical. The subject property is located on Taylor Pond and is approximately .25 acres in area. The property is located in the Urban Residential (UR) zoning district, the Taylor Pond Overlay (TPO) district and partly within the Flood Plain Overlay (FPO) district.

The property owner had originally discussed rehabilitation of the existing structure with staff and proceeded to design and plan a 30% expansion as part of the rehab project. The expansion and rehab could meet the requirements of the Ordinance with a staff review, however, due to the age of the existing structure, substandard construction and water damage, the architect informed the property owner that there are concerns with the existing materials, mold and continued decay. In addition, relocation of the existing structure to improve setbacks from the pond would require the removal of additional trees and is limited by other impediments explained in the application. Considering the significant investment, the Whites have decided to request approval to replace the structure with new materials and if they cannot do that they will pursue a rehabilitation as the ordinance currently allows.

The City Ordinances regulating nonconforming buildings are below:

Sec. 60-85. Reconstruction, alteration or modification.

A nonconforming building or structure which is being rebuilt, remodeled, reconstructed or otherwise modified shall not have its structural members (frame, flooring, roof and exterior walls) above the existing foundation or frame supports removed by more than 50 percent.

Sec. 60-984. Nonconforming structures.

- (a) *Expansions*. A nonconforming structure may be added to or expanded after obtaining a permit from the building inspector and code enforcement officer if such addition or expansion does not increase the nonconformity of the structure. Further limitations include the following:
 - (1) After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure.
 - (2) Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure, provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the board of appeals, basing its decision on the criteria specified in subsection (b) of this section relocation: that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three additional feet.
 - (3) No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.
- (b) Relocation. A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the board of appeals and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the state subsurface wastewater disposal rules or that a new system can be installed in compliance with the law and said rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. In determining whether the building relocation meets the setback to the greatest practical extent, the board of appeals shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems and the type and amount of vegetation to be removed to accomplish relocation.

(Ord. of 9-21-2009, § 5.4C)

The applicants are proposing to demolish the legally existing camp and replace it with a new camp. The new residence will be larger than the existing structure but will not exceed the 30% expansion in area or volume as required by Ordinance within the setback area. The setback has been determined to be 56' based on the 50% lot depth allowance of the ordinance. The application indicates that the existing footprint of the home is 1,232 square feet (sf) in area with 996 square feet of floor area within the shoreland zone setback. The 30% expansion within the setback area would allow for 1,295 sf in area to be constructed (total of existing and expansion) within the setback area. The proposed

footprint of the structure is 1,125 sf in area with 1,150 square feet in area within the shoreland zoning setback noted above. The volume proposed is also detailed in the application and is well within the allowance for a 30% expansion of the structure within the setback area.

The application details how the strict application of the ordinance would require removal of additional trees, soil disturbance and may not require the improvement in the setback that can be accomplished with a new structure. The applicants are proposing to construct a new foundation for the structure. The applicants will construct the new structure outside of the mapped 1% annual chance flood zone, although the existing structure is very close to being on the flood boundary line.

In past requests that were similar to this, the Board has gained some setback distance as part of an approval. The current proposal includes an improved setback from Taylor Pond as well as an improved buffer. The proposed construction can be accomplished in compliance with the ordinance by saving more than 50% of the existing structure and will likely be completed in either case. However, the reason for the request is that it would take more labor and increase costs to elevate and repair the existing structure than it would to replace it. The final product is also more reliable and efficient with new materials and of higher value for assessment purposes.

I. RECOMMENDATION:

Staff recommends the following findings:

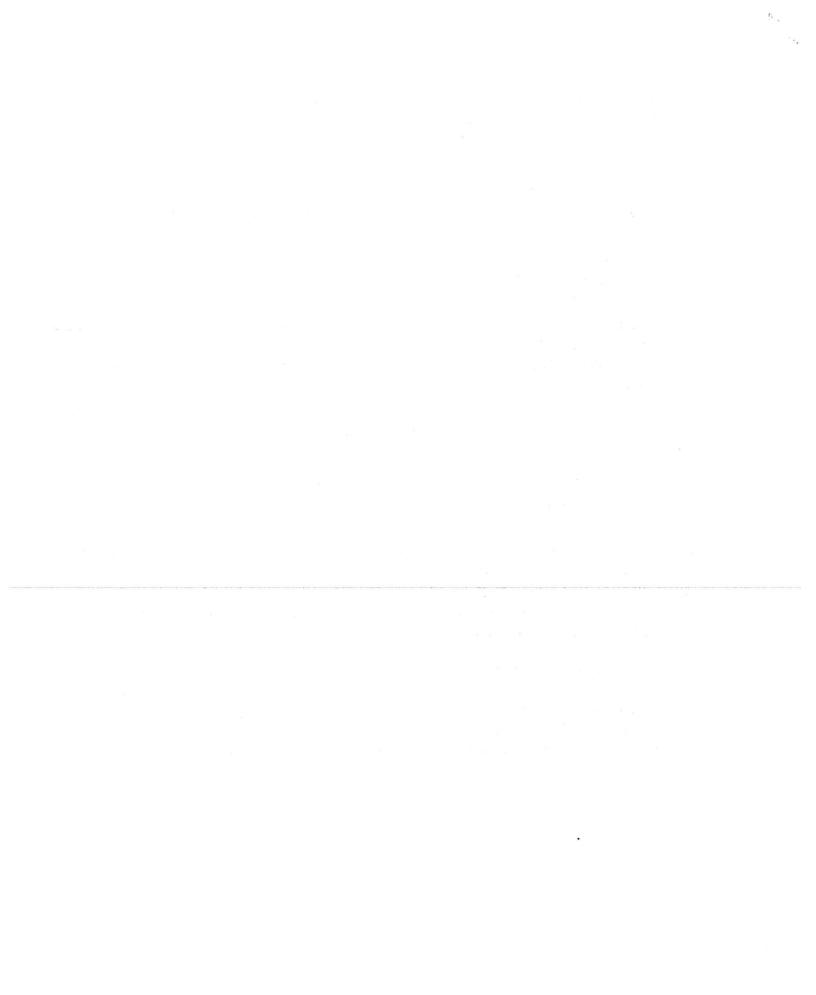
Strict application of the Ordinance to the White's property would cause undue hardship for the following reasons:

- 1. Unless the variance is granted, the property cannot yield a reasonable return because the strict compliance would cause impractical costs to accomplish the same outcome with 50% of the framing in place. Repair or renovation of the existing structure is not economically feasible because of the structural defects under current building codes.
- 2. Many homes within the neighborhood have already been replaced with newer year round homes and the need for this variance is due to the seasonal and remaining substandard construction and suspected presence of mold at the property and not the general conditions in the neighborhood. Environmental conditions for Taylor Pond can also be improved with a new structure, buffer and improved setback.
- 3. Since the new structure will simply replace the existing structure in the same general area but with an improved setback, the granting of this variance will not alter the essential character of the locality. If the variance is not granted, the building can be repaired at the existing location.
- 4. In this case, the hardship is caused by strict interpretation of the ordinance which would allow the same expansion of the existing structure with uncertainty of mold and indoor air quality and would not require the buffer or improved setback.

- 5. In addition to the criteria in this section, in determining whether or not to grant a variance, the board has also take into consideration the following and found that the proposal meets the requirements:
 - (1) Fire, electrical and police safety requirements; New construction will be code compliant and safer.
 - (2) The adequacy of the traffic circulation system in the immediate vicinity; No Impact.
 - (3) The availability of an adequate water supply; Seasonal water is available and year round water can be provided by a private well.
 - (4) The availability of adequate sewerage facilities; The structure will be connected to public sewerage services. The AWSD has confirmed that they have capacity to continue to serve this dwelling.
 - (5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts; The building replacement allows for less environmental impact with an improved buffer and setback than improving the existing structure with 50% of the structural members in place.
 - (6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district; The proposal improves the appearance of the structure and moves it further from Taylor Pond.
 - (7) Would not endanger the public health, safety or convenience; and
 - (8) Would not impair the integrity of the zoning chapter.

The original plans to remodel the existing home can be constructed in conformance with the City's Zoning Ordinance. Saving the structure, however, will add to costs and unknowns to the project and sacrifice efficiency and value. Staff, based on previous Board approvals and the above findings, is supportive of allowing the Whites to remove the entire structure and build the new structure utilizing new construction materials provided that the following conditions are met:

- 1. The new structure is setback as shown on the plans.
- 2. The buffer is improved as described in the plans and with some of the Lake Smart improvements described in the cover letter. The Board should get more specifics on this at the hearing to document for the file.
- 3. Proper erosion and sediment controls are used during construction.



KAPLAN THOMPSON A R C H I T E C T S

Mr. Eric Cousens Deputy Director of Planning and Permitting City of Auburn 60 Court Street, Suite 104 Auburn, ME 04210

October 14, 2014

Re: Melissa & Tobin White 64 Waterview Drive, Auburn

Dear Eric,

I am writing on behalf of Melissa and Tobin White, owners of 64 Waterview Drive on Taylor Pond, to request a variance to the requirements of Section 60-85 of the City of Auburn Zoning Ordinance. Specifically, the Whites would like a variance from the requirement that, "A nonconforming building or structure which is being rebuilt, remodeled, reconstructed or otherwise modified shall not have is structural members (frame, flooring, roof and exterior walls) above the existing foundation or frame supports removed by more than 50 percent."

The Whites, currently of Davis, CA, purchased this property in the spring of 2014 with the intention of either renovating the existing house on the property or rebuilding a new house in its place. Tobin White grew up in Auburn, spending summers on Taylor Pond, and wants to create a home in Maine so that his three children can grow up spending summers on the pond as he did. The parcel they purchased is 11,321 sf with roughly 111 feet of frontage on Taylor Pond. Roughly 50% of the parcel is located within the shoreland zone and is subject to shoreland standards.

Our firm was retained by the Whites this past summer to assist with the design and construction of a new energy efficient home for their family. Kaplan Thompson Architects is a design studio based in Portland, Maine and a leader in sustainable design in the Northeast. We specialize in durable, high efficiency building envelopes that minimize the need for expansive mechanical systems while taking full advantage of site conditions such as solar gain and the natural slope of the land.

Existing Cottage

The existing cottage is 1,440 sf on two floors and 61% of the footprint sits in front of the Shoreland Setback. We determined early in the design process that renovating the existing building would not be feasible for several reasons:

- 1. Existing structural members are drastically undersized by today's structural code standards,
- 2. The building smells strongly of mold. Tobin White and one of the Whites' children have been diagnosed with asthma (a second has an unofficial diagnosis), which can be triggered by mold, and
- 3. The existing first floor is located minimally above grade, which may continue to add to the accumulation of moisture, and consequently further mold growth in the existing house.

New Design

With this conclusion reached, Kaplan Thompson worked with the Whites to design a new house that would occupy the same footprint in front of the shoreland setback and a very similar footprint behind the shoreland setback. The design was made with the goal of being able to re-use 50% of the existing structural members as required by Section 60-85. In addition, the design is respectful of Section 60-984 of the Zoning Ordinance which allows an expansion of existing area and volume in front of the shoreland setback by up to 30%.

The new design used less area and volume in front of the setback than actually allowed by the ordinance. A calculation summary is included.

Following completion of the initial design, which met all shoreland criteria, you and I met on site with structural engineer Eric Dube of Casco Bay Engineering (CBE). Upon further examining the structural members of the building, Eric Dube confirmed that the existing structural members are dramatically undersized by current structural standards and inadequate for re-use. Eric also stressed the added cost the Whites would be taking on by going through extensive acrobatics to shore up the grossly undersized structural members while also providing adequate structural support for the new house. A more detailed letter from Eric is attached.

1 . . .

At this point, all parties involved agreed that retaining the existing structure, which is actually useless for the new building, would add hardship through expense to the Whites' project. We base our appeal on both the hardship caused by trying to maintain and work around 50% of the existing structure and on the client's commitment to improve environmental conditions at the site.

Therefore, the Whites are requesting a variance from the Board of Appeals to build essentially the same fully conforming house that they could otherwise build in place, 4'-0" back from the existing footprint and without reusing 50% of the existing structural members for the following reasons:

Hardship

- 1. The existing structural members are not feasible for use under current building codes. Re-use and the resulting necessary repair of the existing structure simply for its own sake will add burdensome costs and complexity to the project and will compromise the White's ability to yield a reasonable return on the property because of the extra investment required.
- 2. The need for this variance is due to the combination of this property's undersized structure and the potential presence of mold. Additionally, the variance is requested in exchange for improving the environmental conditions at the site.
- 3. Granting this variance will not alter the essential character of the locality. The new building will be located in the almost the exact same area as the existing building, and will meet the requirements for expanding the existing building with regards to all other aspects of the zoning requirements and relevant building codes. In fact, with the proposal to push the new house back from the pond by 4'-0", the house will be even closer to complying with the actual shoreland setback.
- 4. In this case, the hardship is caused by strict interpretation of the ordinance, which would add burdensome cost and complexity to the project. In addition, there is a concern about mold triggered allergens that could remain in portions of the existing framing and sheathing, and their affect on the health of the new occupants.

Environmental Improvements

- 1. As new property owners on Taylor Pond, the Whites would like to make efforts improve the environmental conditions of their site. They would like to move the new house footprint back approximately 4'-0" from the footprint of the existing house, making the new building more-conforming with regards to the shoreland setback and increasing the buffer area between the new house and the water. The 4'-0" distance has been determined to be the greatest amount reasonable for pushing the new house back, due to the presence of large pine trees on the road side and the desire to stay far enough away from the trees to not risk disturbing their roots or be too close to the path that a tree could fall on during severe weather. Additionally, there is the possibility of a septic tank being located between the existing house and the road. The exact location of the tank is currently under investigation.
- 2. The Whites propose creating a vegetated buffer in the 4'-0" area of land between the new house and the pond. The 4'-0" deep vegetated strip will be on the water side of the property, at all locations that are in front of the new house and decks.

- 3. The Whites will be following all recommended best practices to minimize soil disturbance and prevent construction runoff from reaching the pond.
- 4. The Whites have begun the process of participating in the Lake Smart Program run by the Maine Lakes Society. In consultation with Lake Smart Director Maggie Shannon, we will be looking at the Best Management Practices for capturing stormwater on the property before it reaches the pond. Strategies currently under review for inclusion in the final plan and site plan include:
 - Directing all roof runoff to underground filtration by means of a gutter with downspout leading to rain gardens or a continuous drip edge with subsurface French drain
 - Limiting and clearly defining recreational space on site
 - Selecting only native and native friendly plants for both the new buffer zone and other areas of the property
 - Creating clearly delineated walking paths with pervious and/or infiltration friendly materials

In summary, the Whites would appreciate the assistance of this Board in removing the 50% structure requirement from their new house, and will in turn look forward to making improvements to the site around their new home. Please let me know if you have questions or need additional information to aid in this appeal. Thank you for your time.

Sincerely,

1 2 2

Roben Tannenbaun

Robin Tannenbaum Project Manager, LEED AP Kaplan Thompson Architects

r v s



CIVIL & STRUCTURAL ENGINEERING

424 Fore St., Portland, ME 04101 Phone 207.842.2800 Fax 207.842.2828

October 9, 2014

Ms. Robin Tannenbaum Kaplan Thompson Architects 424 Fore Street Portland, ME 04101

Re: White Residence 64 Waterview Drive Auburn, Maine

Project Number: 14-118

Dear Robin:

Casco Bay Engineering performed a site visit to observe existing building conditions on September 24, 2014. The property is located on the East shore of Taylor pond in Auburn, Maine. The existing building is a one-story structure, with a daylight crawl space on the West side of the building.

During our site visit we noticed that the buildings framing systems are grossly undersized for the spans and loads prescribed for this building. The first floor is comprised of 2x4 framing and the roof and second floor is comprised of 2x6 framing. In order for the owners to comply with the 50% existing framing requirement it will take a disproportionate amount of effort and costs as compared to a new code compliant structure. New columns will need to be added through the existing structure in order to support the required loads and new framing members will need to be added to the floor, wall and roof framing systems.

I also have a major concern with the existing mold issues in the existing framing members. There will be significant costs dealing with existing mold and air quality issues in the structure.

Please contact us if you have any additional questions or concerns.

Sincerely,

Eric Dube, P.E. Casco Bay Engineering



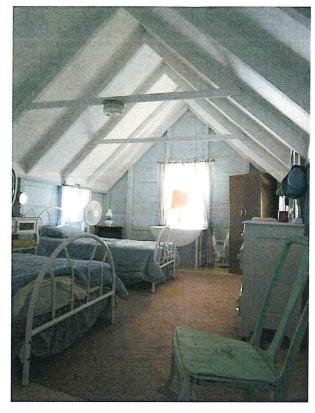






NEW HOUSE Tobin & Melissa White 64 Waterview Drive Auburn, ME















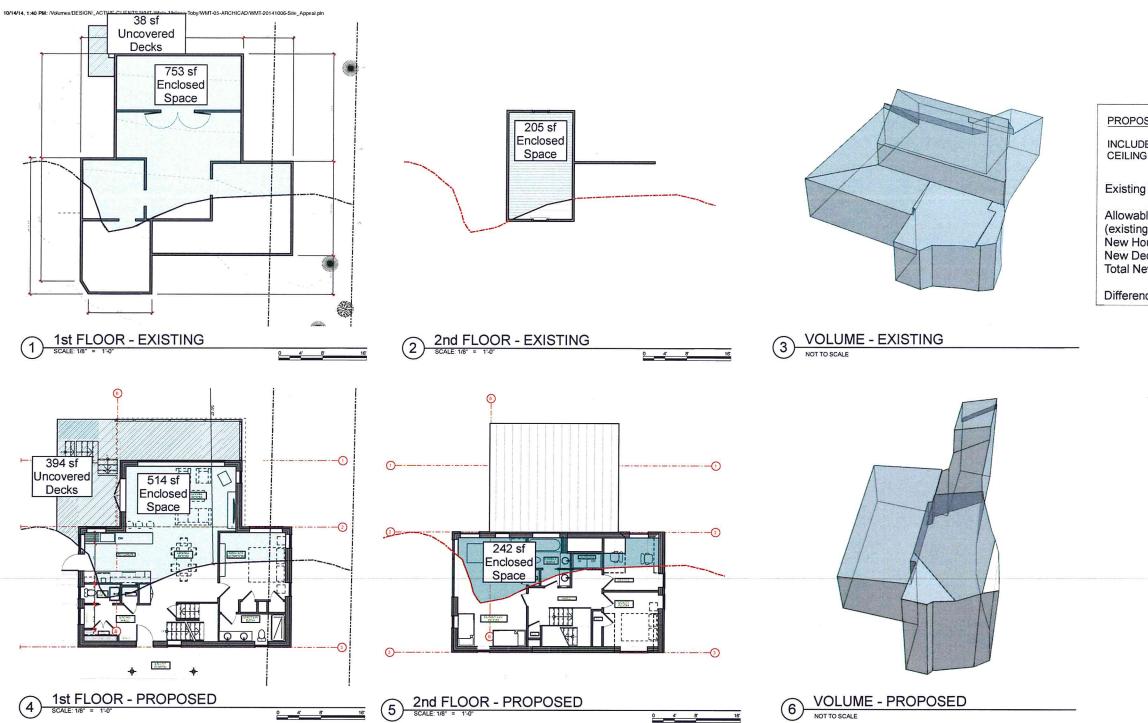
Photographs - Existing Interior, Structure





NEW HOUSE

TOBIN & MELISSA WHITE 64 Waterview Drive Auburn, ME



 KAPLAN THOMPSON

 A R C H I T E C T S

 424 Fore ST., PORTLAND, ME 04101

 207-842-2888 FX:842-2828

30% Expansion Calculations

PROPOSED FLOOR AREA & VOLUME WITHIN SHORELAND SETBACK

INCLUDES AREA TO THE INTERIOR OF FRAMING OF WALLS AND CEILING AND TO TOP OF STRUCTURE OF EXISTING FLOOR.

	AREA	VOLUME	
g House & Decks in Shoreland Zone	996 sf	9,246 cu ft.	
x30%	299 sf	2,774 cu ft.	
ble Expansion in Shoreland Zone ng + 30%)	1,295 sf	12,020 cu ft.	
ouse in Shoreland Zone	756 sf	9,273.8 cu ft.	
eck in Shoreland Zone	394 sf	NA	
ew Area in Shoreland Zone	1,150 sf	NA	
nce	95 sf	2,747 cu ft.	

NEW HOUSE

TOBIN & MELISSA WHITE 64 Waterview Drive Auburn, ME

Notes : All Book and Page references as shown hereon are from the Androscoggin County Registry of Deeds. Lines shown and not labeled (bearings & distances) are illustrative only, they are based on tax maps and are not verified by this surveyor. 3. Area of property is 11,300 square feet more or less. Source deed – Claire B. Landry to Tobin F. White and Melissa E. White by deed dated June 13, 2014, and recorded in said Registry in Book 8935, Page 280. 4. map 266, lot 17 boris L. Folsom to Doris Liane Folsom as Trustee of the Doris Liane Folsom Revocable Trust May 16, 1995 Book 3418, Page 117 see Abstract of Trust Doris Laine Boisvert Revocable Trust June 11, 1996 Book 3618, Page 159 5. Property lies within the Urban Residential Zone (UR). Flood elevation as shown hereon (246) as shown on the Flood Insurance Rate Maps for Androscoggin County (Auburn), map number 23001C0307E, effective date of July 8,2013. 100 year flood hazard zone — elevation = 246 7. Property as shown on the City of Auburn Tax Map No. 266, Lot 16. 5'± 1-1/2"ipf 111 1118 h3"pine S75'07'41"E 111 21"oak agp 0 111 Z"00 22"pine Apparent high water mark-111 22"pine Bench Mark : Bench Mark – Brass disk in ledge outcrop, southerly of Chicoine Avenue and westerly of Hotel road, disk stamped AU-HO-B 1978. On file at the Maine Department of Transportaion, Control Point Descriptions. Elevation = 258.963 (NAVD8B). TBM #1 Mag Navio (May 10, 200) TBM #1 Auge CMP #8.3 (as shown hereon). Elevation = 257.70 (NAVD8B). existing dock existing cottage / 22"pine 16"pine 6"pine vood steps TXTT 20"pine 8"pine 0 02'58"E - 48' - -line 22"pine 20"pine ved area 27"pine 254 100 year flood hazard — zone — elevation = 246 Concrete Patio blocks 17"pine Legend : 21"pine O ipf iron pipe found 26"pine crf 12"pine capped rebar found **19**"pine capped 3/4 inch rebar found I.D. #2177 Crs 24"pine 22"pine 27"pine 254 #492 0 pole CMP#8.3 TBM#1 guy 24"pine____ 5 174'41'43"W 27"pine 254] Site map 266, lot 15 Richard G. Heldman and Kristen L. Heldman to Thomas N. Ouelette December 30, 2010 Book 8089, Page 233 256 1 Pond laylor

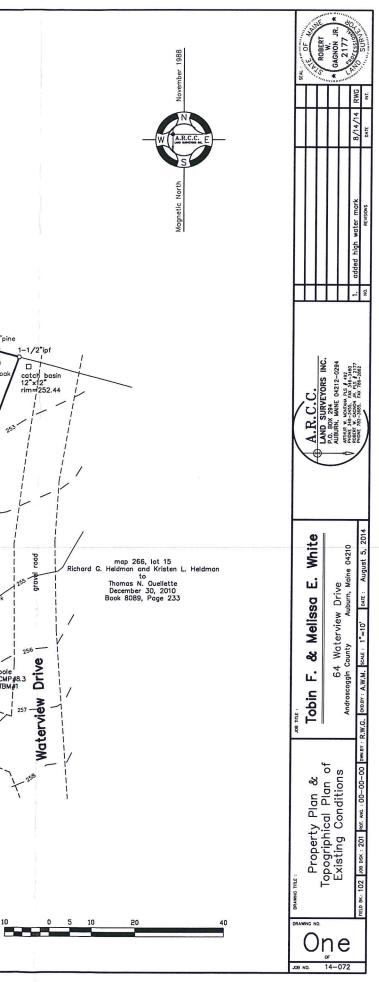
- Location Map -

Certification :

To the best of my knowledge and beliefs this survey conforms to the Maine Board of Registration for Land Surveyors.

Robert W. Gagnon Jr. PLS 2177

Date



IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA

14, 2:39 PM: /Volumes/DESIGN/_ACTIVE-CLIENTS/WMT-White-Melissa-Toby/WMT-05-ARCHICAD/WMT-20141006-Site_Appeal.pln

(20% = 2,264 SF ALLOWED TO BE IM	PERVIOUS)
EXISTING BUILDING	1,232 SF
EXISTING UNCOVERED DECKS	53 SF
EXISTING PATIO	266 SF
EXISTING WALKWAYS	379 SF
EXISTING STONE WALL	53 SF
TOTAL EXISTING IMPERVIOUS	1,983 SF
TOTAL EXISTING IMPERVIOUS IN SHORELAND ZONE	1,315 SF
PROPOSED BUILDING	1,125 SF
PROPOSED UNCOVERED DECKS	473 SF
EXISTING PATIO	266 SF
	151 CE

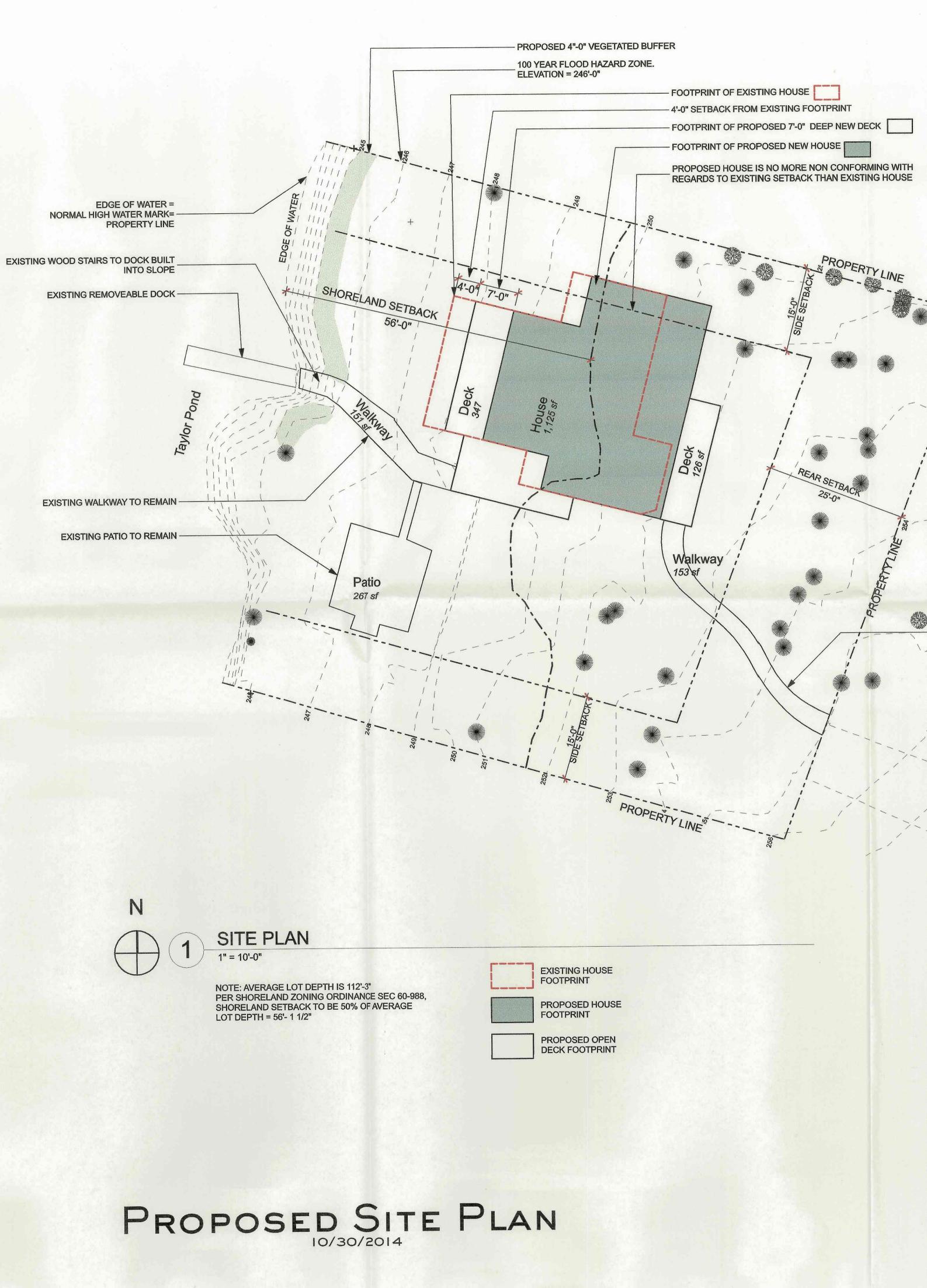
EXISTING WALKWAYS RETAINED 121 22 153 SF PROPOSED NEW WALKWAYS EXISTING STONE WALL RETAINED 53 SF 2,221 SF TOTAL PROPOSED IMPERVIOUS

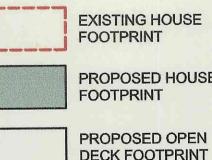
TOTAL PROPOSED IMPERVIOUS IN SHORELAND ZONE

1,205 SF

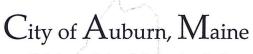
11,321 SF

APLAN THOMPSON RCHITECTS 24 FORE ST., PORTLAND, ME 04101 207-842-2888 FAX:842-2828





ParcelI D	Loc	Owner1	Owner2	BillingAddress	City	State	Zip	
266-017			DORIS LIANE BOISVERT REVOCABLE	70 WATERVIEW DR	AUBURN	ME	04210- 9022	
266-016	64 WATERVIEW DR	LANDRY CLAIRE B		160 NORTH COMMON RD	WESTMINSTER	MA	01473	Updated new ownership and mailed letter to the Whites in California.
266-062		OUELLETTE THOMAS N		54 WATERVIEW DR	AUBURN	ME	04210	
266-061	122 TAYWOOD RD	SASSEVILLE GAIL L		PO BOX 136	STANDISH	ME	04084	
266-063	51 WATERVIEW DR		UPTON LEE O JR & STEPHANIE N	1016 S. INDIANA ST	GREENCASTLE	IN	46135	



"Maine's City of Opportunity"

Office of Planning & Development



October 15, 2014

To Whom It May Concern,

This letter is to inform you that the Auburn Zoning Board of Appeals will hold a Public Hearing on Thursday, October 30, 2014 at <u>6:00 pm</u> in the Council Chambers of Auburn Hall, 60 Court Street, Auburn, Maine on the following:

1. Variance Appeal of Melissa and Tobin White to reconstruct an existing structure at 64 Waterview Drive / PID # 266-016 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187 and section 60-85. The proposal is in compliance with the standards for rehabilitation and less than 30% expansion of an existing structure; however, the existing construction is substandard and has deteriorated over time to the extent that saving the structural members is impractical.

Please do not hesitate to contact me at 333-6601, ext: 1154 if you would like additional information.

Sincerely,

Eric Cousens Deputy Director of Planning & Development

LEGAL NOTICE City of Auburn

The Auburn Appeals Board will hold a Public Hearing on Thursday, October 30, 2014 at 6:00 p.m. in the City Council Chambers of Auburn Hall, 60 Court Street, Auburn Maine. The following appeal will be heard:

Variance Appeal of Melissa and Tobin White to reconstruct an existing structure at 64 Waterview Drive / PID # 266-016 without requiring that 50% of the structural members remain in place pursuant to Chapter 60, Article XV, Division 4, section 60-1187 and section 60-85. The proposal is in compliance with the standards for rehabilitation and less than 30% expansion of an existing structure; however, the existing construction is substandard and has deteriorated over time to the extent that saving the structural members is impractical.

Further information may be obtained from the Department of Planning and Development.

Eric J. Cousens Deputy Director of Planning & Development