

**SKELTON
TAINTOR
& ABBOTT**
ATTORNEYS AT LAW

JAMES F. PROSS
BAR NO. 9641

October 10, 2018

VIA HAND DELIVERY

Eric Cousens, Deputy Director
Economic and Community Development
City of Auburn
60 Court Street
Auburn, ME 04210

RECEIVED
OCT 10 2018

BY:

Re: Property: 83 West Dartmouth Street

Dear Eric:

Pursuant to our conversation yesterday, I am outlining a proposal for an administrative consent agreement that would resolve the alleged land use violation at the above captioned property. Doing so would avoid the need for the Board of Appeals to hear the variance request that I have filed today pursuant to our discussion from yesterday. It would also avoid the need for the City to go to Court under an enforcement action.

Under the framework that I am proposing, the City and Mrs. Pelletier would agree that the alleged set back violation would be permitted to continue, provided that Mrs. Pelletier paid a civil penalty in an amount acceptable to the parties. The civil penalty would reflect an amount that the City would potentially obtain through Court action, without the need to tack on legal fees, and also represent a deterrent to would be violators. The City Council would likely have to approve of the consent agreement and the City of Auburn would essentially enter into a non-enforcement/consent agreement with Mrs. Pelletier in exchange for her agreement to pay the penalties.

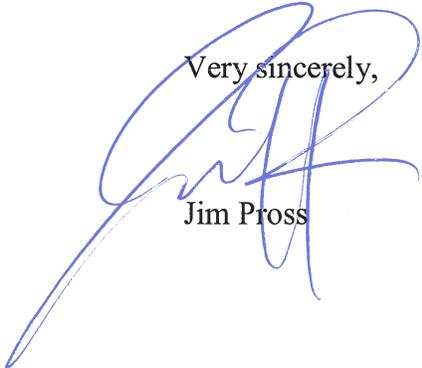
The practicalities and economics of the situation are such that this potential resolution is workable for both parties. I appreciate your dedication to the enforcement of the zoning chapter, but ask that you also consider the facts on the ground in this particular case. I refer you to the variance request I have filed and its attachments pertaining to the character of the neighborhood and the locations of homes relative to the street. With the addition my client built, the house is now one of the nicer homes on the street. Was it a mistake not to obtain a building permit? Absolutely, but strict enforcement of the setback violation has little benefit to the neighborhood that the home is located in. Proceeding in this manner gives the City the opportunity to penalize Mrs. Pelletier for the violation which sets the example that violators will have a price to pay. It also allows Mrs. Pelletier to avoid the significant expense of reconstruction, maintaining the aesthetic improvements to the home, while doing little or nothing to adversely affect the neighborhood. A more complete factual picture can be found in the variance request and I will not restate the facts and arguments here.

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I thank you for your willingness to consider and discuss this option with Manager Crichton. Please let me know if the City is willing to consider this further. If it is, please let me know what civil penalty it feels would be appropriate to set an example to deter future violators. I will look forward to hearing from you.

Very sincerely,



Jim Pross

cc: Leslie Pelletier