

MEMORANDUM

To: Rick Gallegos, Lamoine Code Enforcement Officer & Lamoine Board of Appeals
From: John Holt, Chair, Lamoine Planning Board
Re: Appeal by Carol Mason & Mark Harris of CEO's 11/30/2016 denial of Building Permit
Date: February 1, 2017

Mason & Harris file an Administrative Appeal asserting that "(t)he proposed addition is no closer to the road than the existing structure/home, which was approved by the Planning Board in 2003."

Planning Board involvement.

A review of town records indicate that the Building Permit related to the construction of the existing structure/home in 2003 was approved and issued by then Code Enforcement Officer John Holdsworth, not the Planning Board. There exists a letter from Holdsworth to Carol Mason dated September 10, 2002, many months before the Building Permit was issued, in which he reports that he conferred with the Lamoine Planning Board regarding her question about replacing a building on an existing footprint. Holdsworth writes: "The Board advised me that is allowed." However, there is no record in Planning Board meeting minutes in 2002 or 2003 which indicate that the Board as a whole discussed this issue. Perhaps Mr. Holdsworth, seeking advice, spoke only to the chair or some other member. Whatever may have taken place, it is clear that the CEO issued the permit, not the Planning Board. The Planning Board does not issue permits for residential structures.

2003 Setback issue

In his letter to Mason, Holdsworth states that "(i)n your particular case the road setback matter is the issue, and within that existing footprint, the road setback matter would be grand-fathered."

The Building and Land Use Ordinance in force at the time of the building permit application had last been amended June 27, 2002. The Lot Standards and Structure Setback Table, BLUO Section 4 (I)(2), states that the Minimum Front Yard Setback from the Centerline of a Roadway in the Rural & Agricultural Zone was seventy-five (75) feet. Apparently, the footprint of the then existing house, which Mason & Davis proposed removing and replacing, was closer than 75' from the roadway centerline. This fact would indicate that the existing house in 2002 was a non-conforming structure in as much as it did not meet the then current standards.

2003 Footprint issue