

DAVID GOODRICH
28 MERMONT AVENUE
LAMOINE, MAINE 04605

August 29, 2019

Board of Appeals
Town of Lamoine
606 Douglas Highway
Lamoine, Maine 04605

Dear Members of the Board of Appeals,

I am writing to protest the excessive height of the structure erected by Kathryn True on her property on Marlboro Beach Road, designated as Lot 48-1 on Sheet 16 of the town's tax maps. I believe this structure greatly exceeds the 35 feet allowed by the town's zoning ordinance. It is completely out of place in a small residential community and is a blight on the neighborhood.

Although my address is on Mermont Avenue, this is simply my driveway and my property fronts on Marlboro Beach Road approximately 300 feet from the subject structure. My wife and I reside at this address between three and four months each year.

I am a retired partner of the world's largest accounting firm, in which capacity I have been called on to make mathematical computations based on the legal language of contracts, laws and regulations on innumerable occasions.

The definition of height in the zoning ordinance is "The vertical distance between the highest point of the structure and the average final grade around the foundation, or the average grade of the original ground adjoining the building, whichever is greater." This definition is clear and unambiguous. It requires making two computations: (a) the vertical distance between the highest point of the structure and the average final grade around the foundation, and (b) the vertical distance between the highest point of the structure and the average grade of the original ground adjoining the building. The greater of these two distances is defined as the "height."

Of course, when it is obvious that the final grade has been substantially increased by bringing in fill and boulders, as is the case with the subject structure, it is pointless to make the first computation as the vertical distance to the original average grade will necessarily be greater.

The determinations of the average final grade and the average grade of the original ground adjoining the building, especially in the case of a building built on a slope such as that from Marlboro Beach Road (elevation approximately 100') to

Raccoon Cove, must be made by a professional land surveyor. A property owner is not qualified to make these determinations.

My understanding is that the determination of height was made by the property owner based on some conception of the final grade and that that determination was agreed to by the Code Enforcement Officer. If it is in fact true that the determination was made incorrectly, the Board of Appeals must require the Code Enforcement Officer to cause the property owner to make a proper determination, including engaging a licensed land surveyor, at the property owner's expense.

If the structure's height, properly calculated, exceeds 35', as it almost certainly does by a considerable margin, the town must require Kathryn True to reduce the height of the building.

Very truly yours,

A handwritten signature in blue ink that reads "David Goodrich". The signature is written in a cursive style with a large, prominent "D" and "G".

David Goodrich
155 Congress Street
Brooklyn, NY 11201.