

111 Marlboro Beach Road
Lamoine, Maine
August 29, 2019

To: Town of Lamoine Board of Appeals
Re.: Moldawer vs. CEO

My property is across the road from the True property on Lamoine Map 16, Lot 48 -1. As an abutting property owner, I am directly affected by the mountain of fill and three-story building that have recently appeared on the Trues' property, and I am appalled that the height of the new structure has not been correctly measured.

Attached please find three letters written by CEO Albright. These letters show that the grade had been substantially elevated before she took her measurements, that she was confused about how to measure, and that she measured without regard for the original grade -- even though the clear and simple language of the BLUO specifies measurement from original grade. Therefore, her determination is invalid and the Board should reverse her decision.

The ground at the site was substantially raised before the CEO obtained her measurements. Since then, the ground has continued to be greatly raised and altered with over 20 additional five-ton trucks of fill and the placement of dozens of large boulders (see attached photos). Due to the great changes made to the land, I believe the services of an independent licensed surveyor are required to accurately interpret pre-existing surveys and correctly determine the height of the building from the original grade.

I contend that the Board must find in favor of the appellant, Alan Moldawer.

Respectfully submitted,

Laura Lyell

Attachments: Albright letters of April 2, April 12 and April 16, 2019
Four photos of structure on True property

BEFORE



AFTER



WEST SIDE MAY 24,2019

4/12 CEO ALBRIGHT STATES “THE TREMENDOUS AMOUNT OF FILL BROUGHT IN”
TRUCK LOADS OF FILL CONTINUED TO BE BROUGHT IN BETWEEN 4/12 & DATE IMAGE SHOT 5/13



WEST SIDE MAY 24,2019

A GREAT DEAL MORE FILL CONTINUED TO BE BROUGHT IN..IMAGE SHOT 8/6



**EXTREME
AMOUNTS
OF DIRT,
GRAVEL &
BOULDERS
COVER
FIRST
FLOOR**



WEST SIDE MAY 15

WEST SIDE MAY 24,2019



Office of Code Enforcement
Rebecca Albright, CEO
606 Douglas Highway
Lamoine, ME 04605
(207) 667-2242

April 16, 2019

Dear Selectboard,

Two things. First, I would like to propose that you, the Select Board amend the **Ordinance Fee Schedule**. I have had yet another new building go up in town where the contractor failed to obtain a set-back inspection. This is a critical inspection.

I propose that under the "**ALL ORDINANCE-POLICY**" a line be added at the end stating something like, "In the event that a set-back inspection is not obtained by the property owner or their agent, a fee of \$500 will be assessed to the property owner or the applicable agent."

Secondly, there has been some concern recently about the height of the Kathryn True house located on Lupine Lane (Marlboro). **SEE ENCLOSED LETTER**

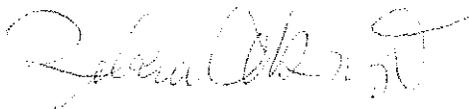
After a careful review of the original permitting process and 2 separate recent incidents involving the measurement of said structure I would like to issue a brief statement about the house in question.

The definition of "Building Height" from the Building and Land Use Ordinance is vaguely written. It can be and has been interpreted in two completely different ways. I accepted Tom True's understanding of the "Building Height" definition 18 months ago when he and I first talked about it.

Now, I read and interpret it differently. However, I accepted the way Tom True was looking at the definition 18 months ago and accepted his application based on that.

I will be asking the Planning Board to kindly re-write this critical definition.

Please contact me at any time with concerns, comments and/or questions about anything in this statement.



Rebecca Albright, CEO/LPI

Town of Lamoine
606 Douglas Highway
Lamoine, Maine 04605
Office of Code Enforcement
Rebecca Albright, CEO/LPI
207 667-2242
4/12/19

To Whom It May Concern:

The problem with the potentially excessive height of the new Tom & Kathryn True residence of Lupine Lane lies ultimately in the interpretation of the key term "Building Height" from the Lamoine Building and Land Use Ordinance. I quote from the Ordinance,

"Building Height: 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."

Mr. True interpreted "whichever is greater" to refer to/modify the word "elevation", meaning that if, in his situation, the average final grade of his project is a larger number than the number produced by the elevation of the average original grade, the greater number applies.

In his case, the greater number is derived from a measurement of the average final grade and the highpoint of his structure.

Other people have interpreted this definition in a much different way. They believe that the phrase, "whichever is greater" is intended to modify the phrase "vertical distance".

Herein lies the problem. Tom True actually included a highlighted copy of the building definition from the BLUO to justify the building of his house as it sits, with a 9'7" basement and a tremendous amount of fill brought in.

A final note for the record, the height of the "naked" building is 28' 10", and the average of the filled grade is (slightly) under 34'.

Rebecca Albright, CEO

The submitted height calculation calculates the height of the average final grade
is greater than the original grade
the elevation of the average final grade
is the elevation of the original or final grade
either the original or final grade
refers to the vertical distance compared to the grades

Office of Code Enforcement
Rebecca Albright, CEO
606 Douglas Highway
Lamoine, ME 04605
(207) 667-2242
April 2, 2019

RE: Kathryn True/ Building Height

Lot 16 Lot 48-1

To whom it may concern:

I have inspected and measured the recent (abovementioned) construction on Lupine Lane, Marlboro twice recently.

The construction is a two story modular that has a walk-out basement. This project is on a slope and has involved bringing in a great deal of fill. It appears quite tall and imposing. I had to make sure that this structure did NOT violate the Town's 35' height requirement.

The actual height of the new building is 28' 10" from the bottom of the first floor trim board to the top most point of the roof ridge. In other words, if the building was sitting on flat ground (w/o basement), it would be 28' 10" high.

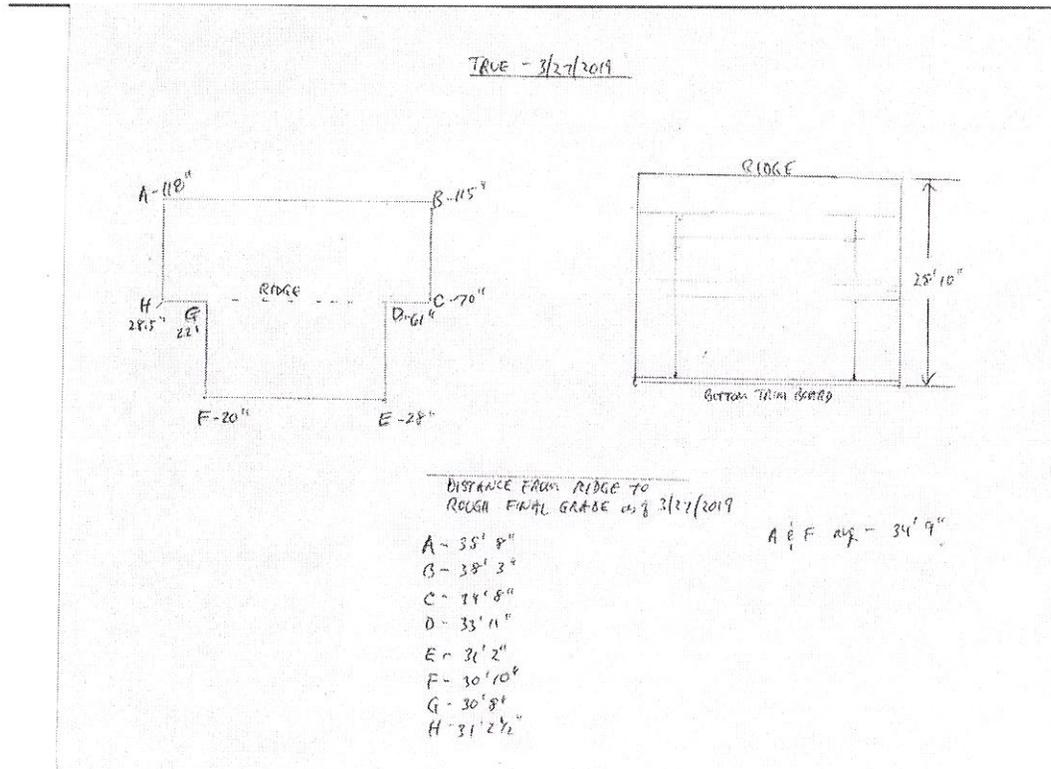
35 feet - 28' 10" leaves 6' 2" of height which remains to be utilized in the project.

The grade of the project varies from 97.5' above sea level to 93.5' above sea level. The grade is on a southern slope, sloping down toward Frenchman's bay. This is a 4 foot differential which spans the width of the house (which is 28'). I have divided the 28 feet of house width in to the 4 foot grade differential and find that (28 divided by 4=7) On average, for every seven feet of vertical distance there is a one foot horizontal grade drop.

The tallest distance from the grade to the roof peak is in the front (south side). This measurement is 38' 8" from ground to the peak of the new house.

The shortest distance from grade to the roof peak is in the back or north side of the building. This is a 30' 9" distance.

The average final grade from back to front of the building is 34' 9"



It is therefore my opinion that the True house is not in violation of the Lamoine Building and Land Use ordinance

Respectfully Submitted,

Rebecca Albright, CEO