

August 26, 2019

To the Appeals Board;

I am writing in support of the appellant Alan Moldawer's claim that the True house is too tall. I would like to make the following points:

- 1) Using the CEO's own research into the height is sufficient to demonstrate beyond a reasonable doubt that the True house is nearly 40' high. On March 26, 2019 the CEO reported in an email to me that "five feet of fill was brought in". Then in her letter of April 2<sup>nd</sup> the CEO reported that the house was 34' 9" tall. Add these two figures together yields a structure of nearly 40'.
- 2) The Board may not be aware but there is a covenant in the condo association, of which the Trues are signatory, which states that no structure within the condo association shall exceed 31'. Now obviously that is outside the purview of the Appeals Board but what is relevant is the fact that there was a professional survey done at that time that could be used to enforce that covenant. The same surveyor returned to the site in August 2019 and measured the height of the True house and concluded that it was at least 38' 6" high.
- 3) The Trues argue that the BLUO height limit wording is ambiguous. I disagree. The language whereby two values are compared and the larger one is used is common throughout many government forms including the IRS Form 1040. Any alternate interpretations, as suggested by the Trues, is an obvious ruse to hide the truth regarding the height of the structure.
- 4) All of this might have been avoided if the Trues had called for the foundation inspection between the time the foundation was poured and early March when the house was erected. Mr. True is a professional engineer and should be well versed in the normal inspection processes. So should have their builder, Coastal Builders. The fact that the inspection was skipped, either by omission or commission, is irrelevant. Ignorance of the law is no excuse. Had the inspection been done then the fact that the Trues had brought in so much fill would have been remedied relatively easily.

The skipped foundation inspection, their lack of willingness to voluntarily have the height surveyed, their willingness to stretch the meaning of the number of bedrooms in the home vis-à-vis the capacity of the septic system, and the obvious disregard for the neighborhood, all seems to indicate, in my opinion, a contempt for the town's standards and rules. The True home is like a giant middle finger to the Marlboro Beach area and to the town of Lamoine.

I believe there is a straightforward solution to this problem. The True home of modular design. The roof could be uncoupled from the third story, the third story uncoupled from the second and the roof reinstalled on the second story. This would solve several issues: a) the total height would be remedied, b) the modified structure would be in compliance with the "two story" limit on homes and c) the number of bedrooms would be in alignment with the septic system.

Finally, since this structure is obviously a non-conforming structure the Certificate of Completion should be revoked immediately until the height of the structure is remedied.

Regards,

Richard Arnold, 102 Marlboro Beach Rd