

May 9, 2019

Board of Appeals
Town of Lamoine
Lamoine, ME 04605

Re: Building Permit #18-7
114 Marlboro Beach Road

VIA EMAIL & CERTIFIED MAIL

To Whom it May Concern:

It is our understanding that an appeal has been filed relative to permit 18-7.

Kathy & I would respectively opine that:

- Mr. Moldawer does not meet the requirements for an aggrieved party; thus he does not have standing until:
 - 1) John & Marion Arnold joined the action on May 6th
 - 2) The application form is completed and
 - 3) The application fee is paid.
- A letter or conversation discussing prior decisions does not constitute grounds for appeal.
- The Building and Land Use Ordinance, as amended, does not provide the Appeals Board authority to hear this request.

Section 8 (APPEALS AND VARIANCES), Paragraph B (Administrative Appeals) states in part,

"The Board of Appeals, upon written application of an aggrieved party within 30 days of a Code Enforcement Officer or Planning Board determination, may hear appeals of such determinations on administrative grounds..."

(*** underline added for emphasis ***)

| <u>Pertinent dates:</u> | <u>Days to May 6</u> |
|---|----------------------|
| • October 9, 1993 - new septic "approved to cover" | 9,340 days |
| • July 23, 2013 - Lot coverage calculations submitted: | 2,114 days |
| • November 26, 2013- first house permit granted: | 1,988 days |
| • August 24, 2015 - first garage permit granted: | 1,352 days |
| • June 30, 2016 - second permit granted: | 1,041 days |
| • April 4, 2018 - current permit granted: | 397 days |
| • August 21, 2018 - building height calculations submitted: | 258 days |
| • August 24, 2018 - existing structure razed: | 255 days * |
| • February 5, 2019 - foundation poured: | 90 days |
| • March 1, 2019 - house set on the foundation: | 67 days |
| • April 3, 2019 - Letter from CEO | 33 days |

Should the board decide to hear the appeal, we would welcome the opportunity to address their egregious errors and false accusations point-by-point. We will also be prepared to discuss our vesting rights as well as municipal estoppel.

Thank you for your time & consideration.

Sincerely,



Thomas N. True, *P.E., *L.S.

* professional licensure is state-specific

Cc: Mr. John Holt, Planning Board Chair
Ms. Rebecca Albright, Code Enforcement Officer