

ORDER

STANDISH TOWN COUNCIL

DATE: June 18, 2016
ORDER NUMBER: 80-16

SUBMITTED BY: Blanck

TITLE: AUTHORIZE CONSENT AGREEMENT – GRONLUND – Map 78 LOT 36

ORDERED that the attached Consent Agreement between Karen L. Gronlund and the Town of Standish regarding property located at 33 Oak Ridge Drive further described as Map 78 Lot 36, is approved by Council, and

FURTHER ORDERED that the town will collect a \$40 filing for the recording of the agreement at the Cumberland County Registry of Deeds.

APPROVED _____ DISAPPROVED _____

ROLL CALL YEA NAY ABSTAIN

BLANCK _____
DELCOURT _____
HIGGINS _____
NESBITT _____
POMERLEAU _____
SARGENT _____
SIRPIS _____

CLERK/SECRETARY _____

DATE: JUNE 7, 2016

TO: Council
FROM: Dan Hill, Code Enforcement Officer

REF: PROPERTY OF KAREN L. GRONLUND

LOCATION: 33 OAK RIDGE DR.

ASSESSORS' MAP 78 LOT 36

DATE OF CONSTRUCTION: FINISHED CONSTRUCTION 9-7-01

SETBACK REQUIREMENTS: SIDE SETBACK REQUIRED OF 40'

VIOLATION: 2 FOOT IN VIOLATION (38 FEET FROM SIDE LINE)

HISTORY OF CONSTRUCTION PERMITS:

Building Permit issued 5-21-01 FOR GARAGE

ZONING BOARD OF APPEALS ACTION FOUND IN RECORDS:

NONE

COMMUNICATION FROM CODE OFFICER: WITH BILL TRASK

CONSENT DECREE

This Agreement is made this 18th day of June, 2016 between Karen L. Gronlund of the state of Maine “property owner” and the inhabitants of the Town of Standish, a municipal corporation located in Cumberland County, Maine (the “TOWN”)

WHEREAS, property owner of real property located at:

33 Oak Ridge Drive
Standish, Maine

further identified on Town Assessors’ Map as MAP 78 LOT 36 (the “PREMISES”) and:

WHEREAS, the Town Building Inspector has determined that violations of the dimensional requirements of the Standish Zoning Ordinance exists on the Premises, as follows:

Less than required setback from property line:
Garage 38 feet from side line – 2 foot in violation

WHEREAS, the Standish Council at its meeting held on June 18, 2016 has determined that no useful purpose would be served by requiring the removal or alteration of the structure(s) which are in violation, and that the public health, safety and welfare would not be adversely affected by allowing the structure to continue in existence and has therefore authorized the execution of this Agreement; and

WHEREAS, both the property owner and the Town wish to avoid litigation over a zoning violation,

NOW THEREFORE; in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. The property owner acknowledges that the circumstances of the zoning violation do not warrant the granting of a variance under the variance criteria of the Zoning Ordinance and therefore waives the right to apply to the Zoning Board of Appeals for a variance.
2. The property owner agrees to pay to the town a penalty in lieu of legal action in the amount of \$_____.
3. By accepting said penalty, receipt of which is hereby acknowledged, the Town agrees to waive its rights under the Standish Zoning Ordinance to seek judicial relief against the particular zoning violation described above as it exists the date of this agreement.
4. Both parties agree that this Agreement shall be recorded in the Cumberland County Registry of Deeds as evidence that the zoning violation set forth above is deemed cured, and that the resulting nonconformity shall hereafter be deemed a lawful conformity, which is allowed to continue under the Standish Zoning Ordinance.

DATED: June 18, 2016

MUNICIPAL OFFICERS OF THE TOWN OF STANDISH

BY TOWN COUNCILORS:

Michael Blanck

Michael Delcourt

Isabel Higgins

Steven Nesbitt

Kimberly Pomerleau

John Sargent

Greg Sirpis

PROPERTY OWNERS:

Karen L. Gronlund

State of Maine, County of Cumberland

Date: _____

Then personally appeared the above named _____,
acknowledged the foregoing instrument to be her free act and deed.

Before me, _____
(Notary Public)

My Commission Expires:

State of Maine, County of Cumberland

Date:

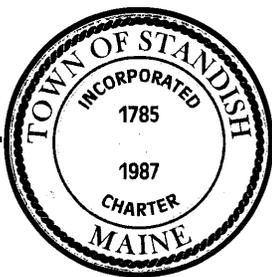
Then personally appeared the above named Town Councilor's acknowledged the foregoing instrument to be their free act and deed.

Before me, _____
(Notary Public)

My Commission Expires:

TOWN OF STANDISH

175 Northeast Road
Standish, ME 04084



(207) 642-3461
Fax (207) 642-5181

June 15, 2016

NOTICE OF PENDING CONSENT AGREEMENT

Dear Property Owner:

This letter constitutes notice that the Standish Town Council will consider authorization of a consent agreement between the Town and Karen I. Gronlund regarding property located on **33 Oak Ridge Drive**, further described as **Map 78 Lot 36**. This pending agreement concerns a potential violation of the Standish Land Use Ordinance at the referenced location. Consideration will occur at the Council's special meeting scheduled after the Annual Town Meeting which starts at 9 a.m. on June 18, 2016 at the Standish Municipal Center at 175 Northeast Road, Standish Maine.

A consent agreement authorized by the Standish Town Council has the same practical effect as a variance granted by the Standish Zoning Board of Appeals. Both documents are registered at the Cumberland County Registry of Deeds. The difference between the two is in timing. Consent agreements are considered, upon petition by the applicant, after the violation has occurred. Variances are considered prior to the commencement of construction.

The nature of the violations currently under consideration for this consent agreement is as follows:

Less than required setback from property line:

Garage 38 feet from side line – 2 foot in violation

You are not required to respond to this letter. It is provided only to inform you of a pending action by the Council and to make you aware of your right to communicate your position (if any) in this matter. Oral and /or written testimony may be provided to the Town Council on June 18, 2016.

Please contact this office if you have any further questions regarding this matter.

Sincerely,

Mary Chapman
Town Clerk

FOR MORTGAGE LENDER USE ONLY

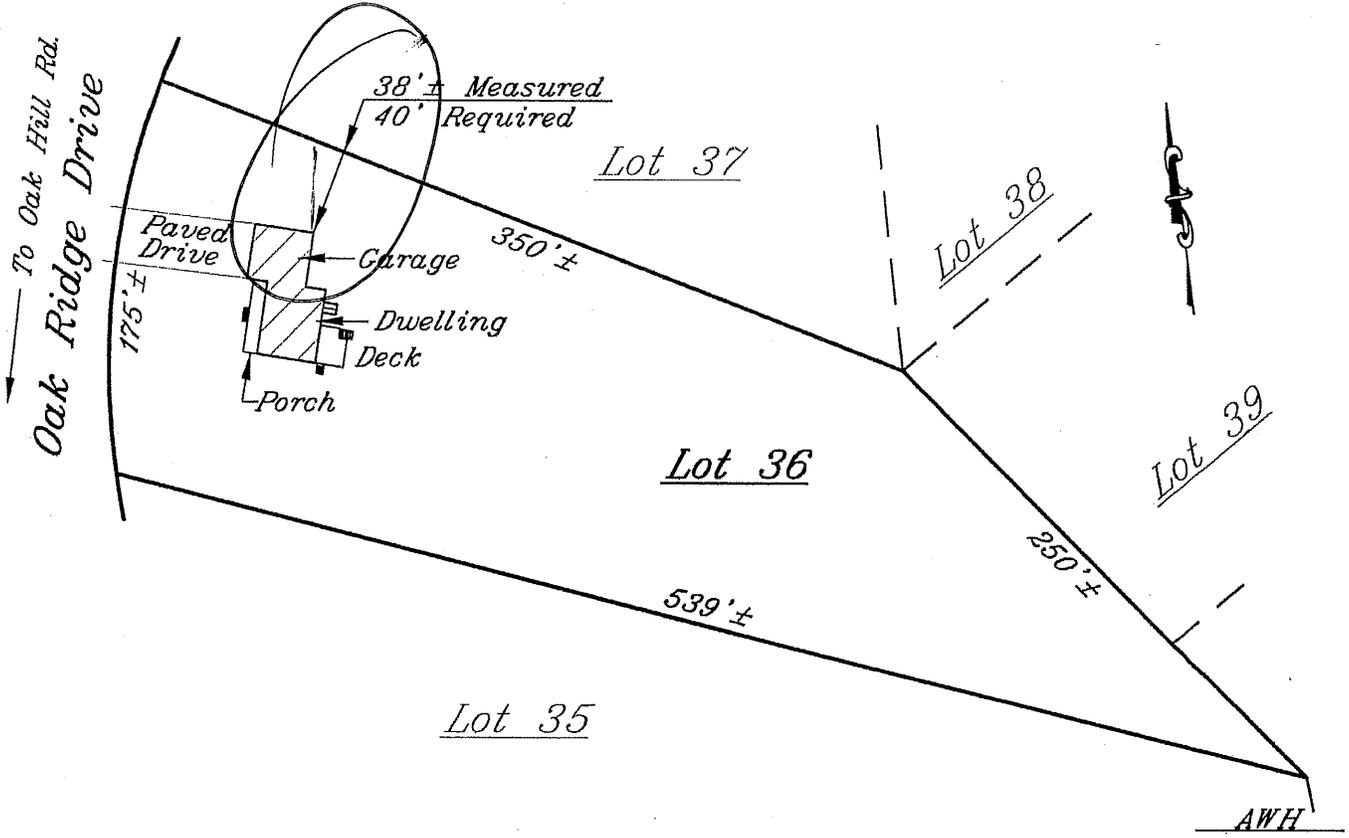
GENERAL NOTES: (1) DISTANCES SHOWN ARE TAKEN FROM PROVIDED TITLE REFERENCES SHOWN BELOW. (2) THE PURPOSE OF THIS INSPECTION IS TO RENDER AN OPINION AS FOLLOWS: A) DWELLING AND ACCESSORY STRUCTURE'S COMPLIANCE WITH RESPECT TO MUNICIPAL ZONING SETBACKS, AND B) FLOOD ZONE DETERMINATION BY HORIZONTAL SCALING ON BELOW REFERENCED FEMA MAP. (3) THIS INSPECTION EXCEPTS OUT ALL TECHNICAL STANDARDS CURRENTLY SET FORTH BY STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS. (4) THIS INSPECTION IS TO BE USED ONLY BY THE BELOW LISTED LENDER AND IS NOT TO BE USED BY ANOTHER PARTY FOR BOUNDARY LINE LOCATIONS OR LAND TITLE OPINIONS. (5) TITLE OR OWNERSHIP NOT DETERMINED. (6) A BOUNDARY SURVEY SHOULD BE PERFORMED TO RENDER A PROFESSIONAL OPINION PERTAINING TO BOUNDARY LINE LOCATIONS, EASEMENTS, RIGHTS OF WAY, ENCUMBRANCES, ENCROACHMENTS, AND/OR CONFLICTS WITH ADJUTER'S DEEDS. (7) LOCATION/EXISTENCE OF WETLANDS NOT DETERMINED UNLESS SHOWN ON A RECORDED SUBDIVISION PLAN. (8) THIS OFFICE DOES NOT GRANT AUTHORIZATION TO ANY THIRD PARTY FOR USE OF THIS INSPECTION IN ANY BOUNDARY LINE EVALUATION FOR PERMITTING/PLANNING/APPROVALS. (9) THIS OFFICE ACCEPTS NO LIABILITY AND/OR RESPONSIBILITY FOR THE IMPROPER USE OF THIS MORTGAGE LOAN INSPECTION.

REV. 08/01/2013

THIS SKETCH IS NOT TO BE USED FOR CONSTRUCTION PURPOSES, IMPROVEMENTS SHOWN ARE APPROXIMATE.

ADDRESS: 33 Oak Ridge Drive
Standish, Maine

INSP. DATE: 5/19/2016
SCALE: 1" = 80'



SEE PROVIDED TITLE REFERENCES FOR APPURTENANCES, IF ANY.

APPLICANT: C. Mulcahy & P. Crockett FILE#: 21629613
OWNER: Karen Cronlund CLIENT#: 16-14663
LENDER: cPort Credit Union
REQ. PARTY: Atlantic Coast Title Company, LLC

TITLE REFERENCES: COUNTY: Cumberland
DEED BOOK: 12707 PAGE: 65
PLAN BOOK: 181 PAGE: 2 LOT: 36

MUNICIPAL REFERENCE:
MAP: 78 BLOCK: _____ LOT: 36

THE DWELLING DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA COMMUNITY MAP No. 230207 PANEL: 0040B
ZONE: C DATE: 5/19/1981

THE DWELLING WAS NOT IN COMPLIANCE WITH MUNICIPAL ZONING SETBACK REQUIREMENTS AT THE TIME OF CONSTRUCTION.

Nadeau Land Surveys

Professional Land Surveyors
Certified Floodplain Managers

FOR REVIEW

918 BRIGHTON AVE. PH.(207)878-7870
PORTLAND, ME. 04102 F.(207)878-7871

THIS INSPECTION IS VALID ONLY WITH A SURVEYOR'S SEAL AND IS NULL & VOID 90 DAYS AFTER INSPECTION DATE.

THIS IS NOT A BOUNDARY SURVEY - NOT FOR RECORDING

TOWN OF STANDISH

BUILDING OR USE PERMIT APPLICATION

FOR OFFICE USE ONLY

PERMIT NO. 01-351

ISSUE DATE 5-2-01

FEE AMOUNT \$225.00

APPROVED BY [Signature]

1. PROPERTY OWNER <u>[Signature]</u>	2. PHONE <u>[Number]</u>	8. MAP <u>9</u>
3. PROPERTY ADDRESS <u>[Address]</u>		9. LOT <u>3</u>
4. OWNER'S ADDRESS <u>[Address]</u>		10. ZONE <u>[Zone]</u>
5. CONTRACTOR <u>[Name]</u>	6. PHONE <u>[Number]</u>	11. ESTIMATED VALUE <u>[Value]</u>
7. CONTRACTOR ADDRESS <u>[Address]</u>		3. SPECIAL ZONES & APPROVALS <ul style="list-style-type: none"> <input type="checkbox"/> SHORELAND <input type="checkbox"/> FLOOD ZONE <input type="checkbox"/> WETLANDS <input type="checkbox"/> PLANNING BOARD <input type="checkbox"/> ZONING BOARD OF APPEALS
12. PROPOSED USE - (CONSTRUCTION PLAN REQ'D.) <u>[Description]</u>		

14. NUMBER OF STORIES PRESENT <u>2</u> PROPOSED <u>2</u>	15. PROPOSED BUILDING DIMENSIONS L <u>26</u> X W <u>24</u>	16. NUMBER OF BATHROOMS PRESENT <u>1</u> FULL <u>1</u> HALF PROPOSED <u>2</u> FULL <u>0</u> HALF
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17. NUMBER OF BEDROOMS PRESENT <u>3</u> PROPOSED <u>3</u>	18. PRESENT SEPTIC SYSTEM APPROVAL FOR: <u>3</u> BEDROOMS	19. WATER SUPPLY <input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PWD
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20. FRONTAGE <u>175'</u>	21. LOT SIZE (IN SQ FT OR ACRES) <u>66,000'</u>
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22. SETBACKS FRONT <u>77'</u> • NONCONFORMING SIDE <u>4'</u> REAR <u>37'</u>	23. NUMBER OF DWELLING UNITS PRESENTLY EXISTING ON THE LOT <u>1</u>
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24. MORE THAN ONE USE EXISTING ON THE PROPERTY ACCESSORY USE: _____ <input type="checkbox"/> NONCONFORMING	25. CONDITIONAL APPROVAL <input type="checkbox"/> YES (see below) <input type="checkbox"/> NO CONDITIONS OF APPROVAL MUST BE ATTACHED
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ACKNOWLEDGMENT

I acknowledge receipt of a copy of this form; being notified of the requirements applicable to the construction authorized by building permit no: 01-351; and notification of the penalties imposed for violation of those requirements.

Date 5-11-01

[Signature]
Property Owner

[Signature]
Code Enforcement Officer

Permit Holder

Permit Valid 2 Years From Date Of Issue

Nadeau Land Surveys

Professional Land Surveyors
Certified Floodplain Managers

PAYMENT DUE FOR SERVICES RENDERED

INVOICE DATE: 5/12/2016

JOB NUMBER: 21629613

YOUR FILE #: 16-14663

REQUESTING PARTY: Atlantic Coast Title Company, LLC

LENDER: cPort Credit Union

APPLICANT: Christian W. Mulcahy and Phoebe Crockett

OWNER: Karen Gronlund

LOCUS ADDRESS: 33 Oak Ridge Drive

CITY/TOWN: Standish

RTP:

SERVICES RENDERED:

MORTGAGE LOAN INSPECTION WITH FLOOD CERTIFICATION

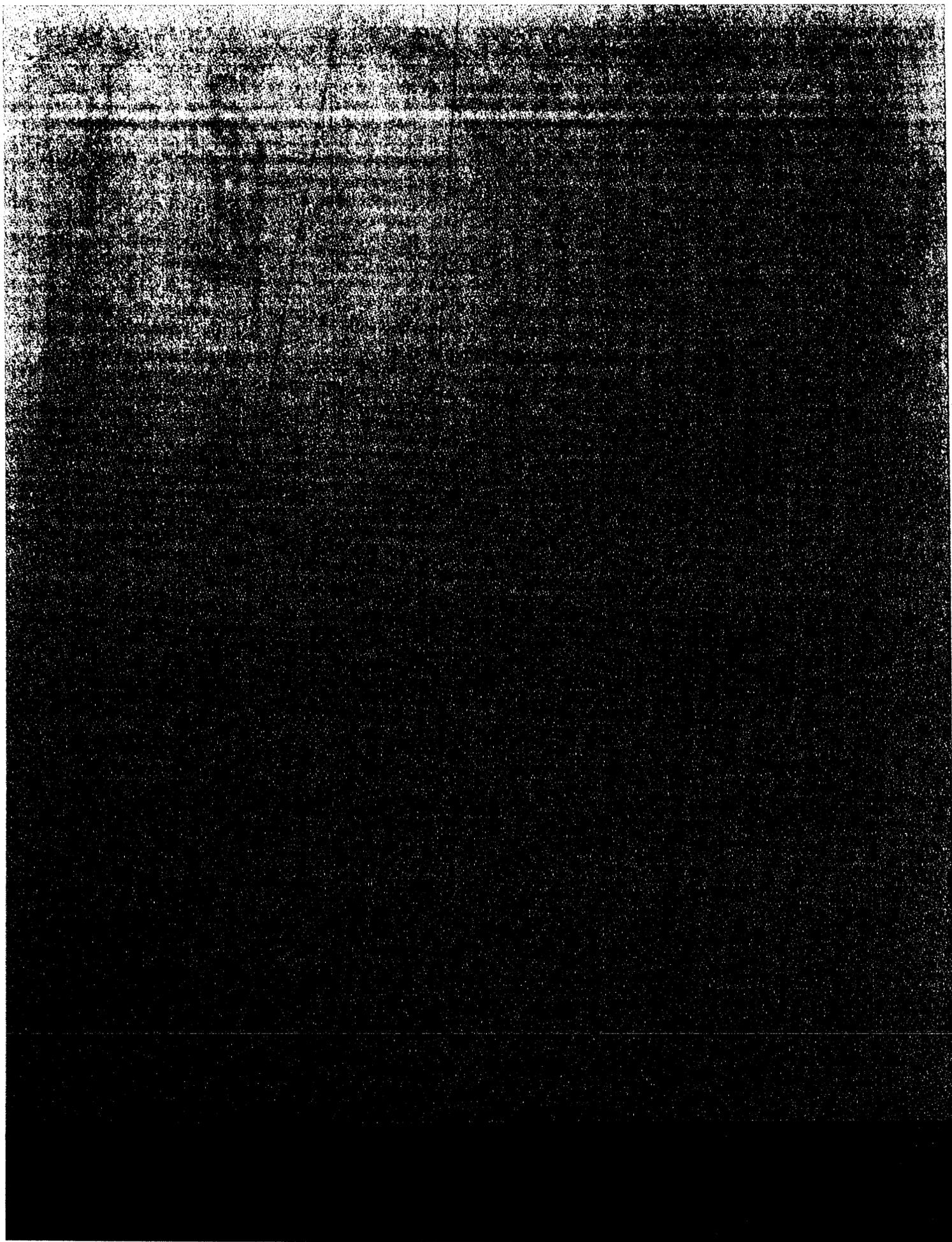
FLOOD CERTIFICATION ONLY

OTHER _____

TOTAL AMOUNT DUE: \$225.00

Thank you for your patronage!!



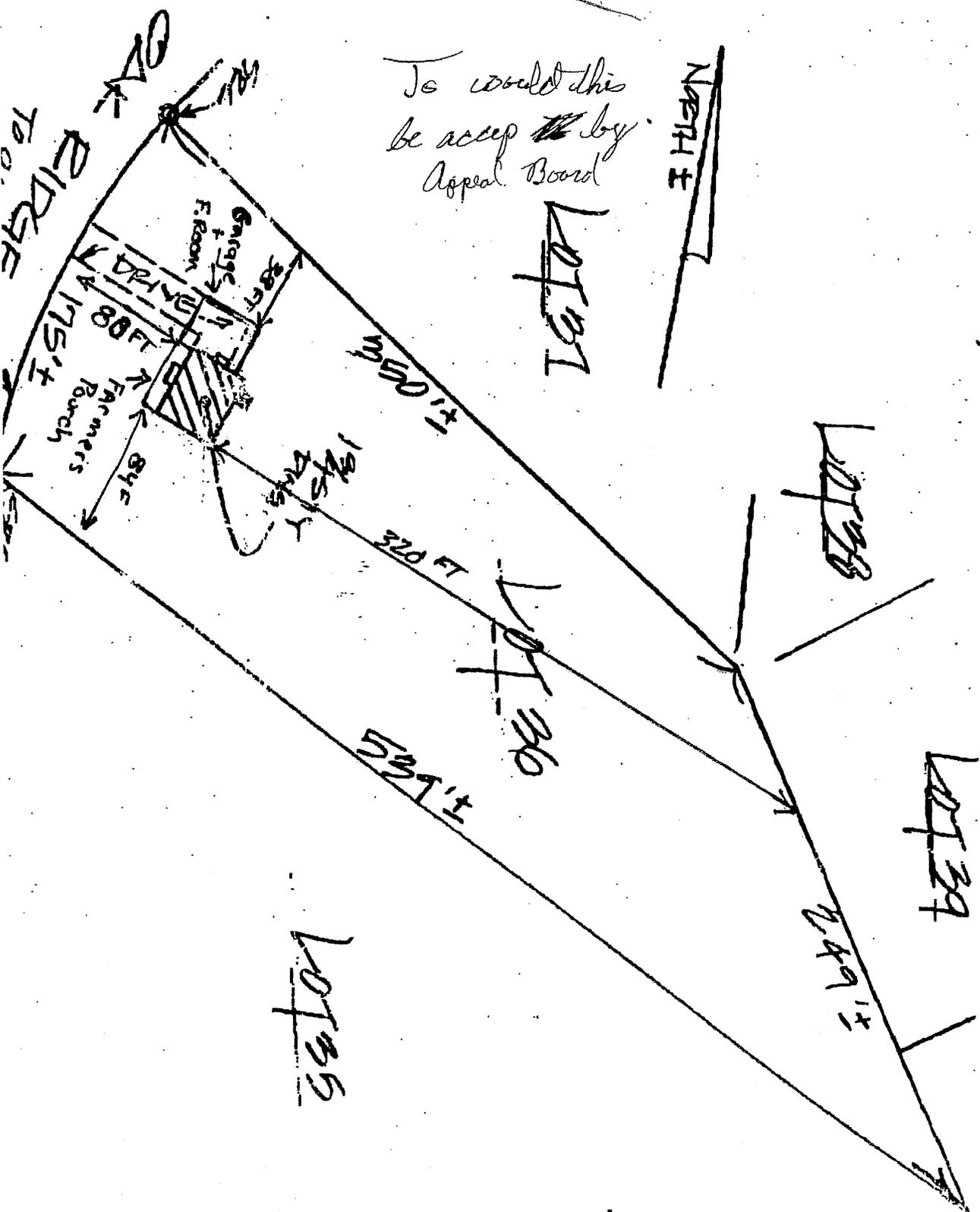


ADDRESS: LOT 20 OAK RIDGE DRIVE
STANDISH, ME

INSPECTION DATE: 0-29-70

SCALE: 1" = 80'

To would this
be accep ~~ed~~ by
Appeal Board



TOWN OF STANDISH

BUILDING OR USE PERMIT APPLICATION

FOR OFFICE USE ONLY
 PERMIT NO. 01-351
 ISSUE DATE 5-21-01
 FEE AMOUNT \$235.00
 APPROVED BY JPH

1. PROPERTY OWNER <u>Michael & Karen VanDoverler</u>	2. PHONE <u>309 642 1000</u>	
3. PROPERTY ADDRESS <u>33 Oak Ridge Dr. Standish, ME 04084</u>		
4. OWNER'S ADDRESS <u>SAME</u>		8. MAP <u>78</u>
5. CONTRACTOR <u>S.O.P. Builders</u>		9. LOT <u>31</u>
6. PHONE <u>372 1056</u>		10. ZONE <u>RPS</u>
7. CONTRACTOR ADDRESS <u>14 Harding Road, Greenville, ME 04042</u>		11. ESTIMATED VALUE <u>46,513.57</u>
12. PROPOSED USE - (CONSTRUCTION PLAN REQ'D.) <u>2 car garage w/ family room above front porch</u>		3. SPECIAL ZONES & APPROVALS <ul style="list-style-type: none"> <input type="checkbox"/> SHORELAND <input type="checkbox"/> WETLANDS <input type="checkbox"/> FLOOD ZONE <input type="checkbox"/> PLANNING BOARD <input type="checkbox"/> ZONING BOARD OF APPEALS

14. NUMBER OF STORIES PRESENT <u>2</u> PROPOSED <u>2</u>	15. PROPOSED BUILDING DIMENSIONS L <u>26</u> x W <u>34</u>	16. NUMBER OF BATHROOMS PRESENT <u>1</u> FULL <u>1</u> HALF PROPOSED <u>2</u> FULL <u>1</u> HALF
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17. NUMBER OF BEDROOMS PRESENT <u>2</u> PROPOSED <u>2</u>	18. PRESENT SEPTIC SYSTEM APPROVAL FOR: <u>3</u> BEDROOMS	19. WATER SUPPLY <input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PWD
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20. FRONTAGE <u>115'</u>	21. LOT SIZE (IN SQ FT OR ACRES) <u>1.6 1000 ±</u>
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22. SETBACKS <u>7' 11'</u> FRONT <u>4' 11'</u> SIDE <u>30' 6"</u> REAR <input type="checkbox"/> NONCONFORMING	23. NUMBER OF DWELLING UNITS PRESENTLY EXISTING ON THE LOT <u>1</u>
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24. MORE THAN ONE USE EXISTING ON THE PROPERTY ACCESSORY USE: _____ <input type="checkbox"/> NONCONFORMING	25. CONDITIONAL APPROVAL <input type="checkbox"/> YES (see below) <input type="checkbox"/> NO CONDITIONS OF APPROVAL MUST BE ATTACHED
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Date 5-16-01

Michael VanDoverler
Property Owner

James D. Hill
Code Enforcement Officer

Permit Holder

Permit Valid 2 Years From Date Of Issue