

ORDER

STANDISH TOWN COUNCIL

DATE: June 18, 2016

ORDER NUMBER: 81-16

SUBMITTED BY: Blanck

TITLE: AUTHORIZE CONSENT AGREEMENT – LABBE – Map 16 LOT 35 SUB 16

ORDERED that the attached Consent Agreement between Barbara Labbe and the Town of Standish regarding property located at 20 Easy Street further described as Map 16 Lot 35 Sub 16, 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 14, 2016

TO: Council
FROM: Dan Hill, Code Enforcement Officer

REF: PROPERTY OWNED BY BARBARA LABBE

LOCATION: 20 EASY ST.

ASSESSORS' MAP 16 LOT 35-16

DATE OF CONSTRUCTION: ATTACHED GARAGE 11-3-98
STORAGE SHED - GARAGE 9-1-06

SETBACK REQUIREMENTS:
FRONT 50, REAR 50', SIDES 25'

1

VIOLATION:
ATTACHED GARAGE 8' IN VIOLATION
STORAGE SHED - GARAGE, ALL, SPECIAL BUILDING ENVELORE

HISTORY OF CONSTRUCTION PERMITS:
Building Permit issued 11-3-98
9-1-06

ZONING BOARD OF APPEALS ACTION FOUND IN RECORDS:
NONE

COMMUNICATION FROM CODE OFFICER:
WITH PETER MASON

CONSENT DECREE

This Agreement is made this 18th day of June, 2016 between Barbara Labbe, 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:

20 Easy Street
Standish, Maine

further identified on Town Assessors’ Map as MAP 16 LOT 35 SUB 16 (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:

- *Attached garage 8 feet in violation*
- *Storage shed - garage built outside of the bounds of the special building envelope as set forth on subdivision plan of Oak Acres recorded in Cumberland Registry of Deeds in Plan Book 193, page 241.*

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(s) 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 and the misplaced storage shed-garage;

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 and placement of the storage shed-garage outside of the building envelope 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 or the placement of the storage shed-garage outside of the approved building envelope 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 and building placement 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 and other applicable municipal ordinances or regulations.

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:

Barbara Labbe

State of Maine, County of Cumberland

Date: _____

Then personally appeared the above named Barbara Labbe and 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:

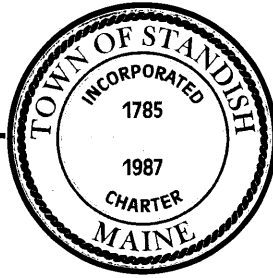
Then personally appeared the above named Town Councilors and acknowledged the foregoing instrument to be their free act and deed.

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 Barbara Labbe regarding property located on **20 Easy Street**, further described as **Map 16 Lot 35 Sub 16**. 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:

- *Attached garage 8 feet in violation*
- *Storage shed – garage special building envelope*

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

TOWN OF STANDISH

BUILDING OR USE PERMIT APPLICATION

| | | | |
|---|--|---|--|
| BUILDING OR USE PERMIT APPLICATION | | FOR OFFICE USE ONLY PERMIT NO. <u>99-144</u> ISSUE DATE <u>11-3-99</u> FEE AMOUNT <u>75.00</u> APPROVED BY <u>[Signature]</u> | |
| 1. PROPERTY OWNER <u>Leo + Barbara + Andrew Ladd</u> | 2. PHONE <u>642-3587</u> | 8. MAP <u>16</u> | |
| 3. PROPERTY ADDRESS <u>20 Eden Street</u> | | | |
| 4. OWNER'S ADDRESS <u>PO Box 400 Standish ME</u> | | 9. LOT <u>35-16</u> | |
| 5. CONTRACTOR | 6. PHONE | 10. ZONE <u>R-R</u> | |
| 7. CONTRACTOR ADDRESS | | 11. ESTIMATED VALUE <u>15,000</u> | |
| 12. PROPOSED USE - (CONSTRUCTION PLAN REQ'D.) <u>2 car Attached Garage</u> | | 3. SPECIAL ZONES & APPROVALS <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 _____ PROPOSED <u>1</u> | 15. PROPOSED BUILDING DIMENSIONS L <u>28</u> X W <u>27</u> | | 16. NUMBER OF BATHROOMS PRESENT _____ FULL _____ HALF _____ PROPOSED _____ FULL <u>1</u> HALF <u>1</u> |
| 17. NUMBER OF BEDROOMS PRESENT _____ PROPOSED <u>NA</u> | 18. PRESENT SEPTIC SYSTEM APPROVAL FOR: _____ BEDROOMS <u>NA</u> | 19. WATER SUPPLY • PRIVATE _____ • PWD <u>NA</u> | |
| 20. FRONTAGE <u>110</u> | | 21. LOT SIZE (IN SQ FT OR ACRES) _____ | |
| 22. SETBACKS • NONCONFORMING <u>50</u> <u>25</u> <u>50</u> FRONT SIDE REAR | | 23. NUMBER OF DWELLING UNITS PRESENTLY EXISTING ON THE LOT <u>1.44 acres</u> | |
| 24. MORE THAN ONE USE EXISTING ON THE PROPERTY ACCESSORY USE: _____ • NONCONFORMING | | 25. CONDITIONAL APPROVAL • YES (see below) • NO CONDITIONS OF APPROVAL MUST BE ATTACHED | |

ACKNOWLEDGMENT

I acknowledge receipt of a copy of this form; being notified of the requirements applicable to the construction authorized by building permit no. 99-144; and notification of the penalties imposed for violation of those requirements.

Date 11-3-99

[Signature]
Code Enforcement Officer

Property Owner

[Signature]
Permit Holder

MORTGAGE LOAN INSPECTION PLAN

16/35-16

I HEREBY STATE TO
HULL LAW OFFICE
BIDDEFORD SAVINGS BANK
AND ITS TITLE INSURER

LOCUS ADDRESS
EASY STREET
STANDISH, MAINE

NORTHEASTERN LAND
SURVEYING
16 COLLEGE AVENUE
GORHAM, MAINE 04038
PHONE (207) 831-3250
JOB NUMBER 234-14
INSPECTION DATE

THE BUILDING SETBACKS ARE NOT*
IN CONFORMITY WITH THE
MUNICIPAL ZONING REQUIREMENTS
THE DWELLING DOES NOT FALL
WITHIN THE SPECIAL FLOOD
HAZARD AREA AS DELINIATED BY
F.E.M.A.

BUYERS: PAUL BRYAN TITTSWORTH
CHRISTINA DAWN TITTSWORTH

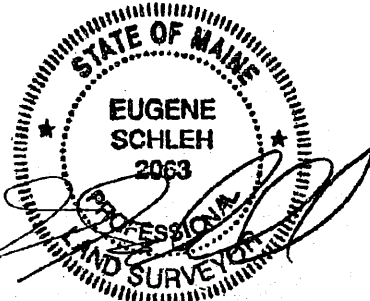
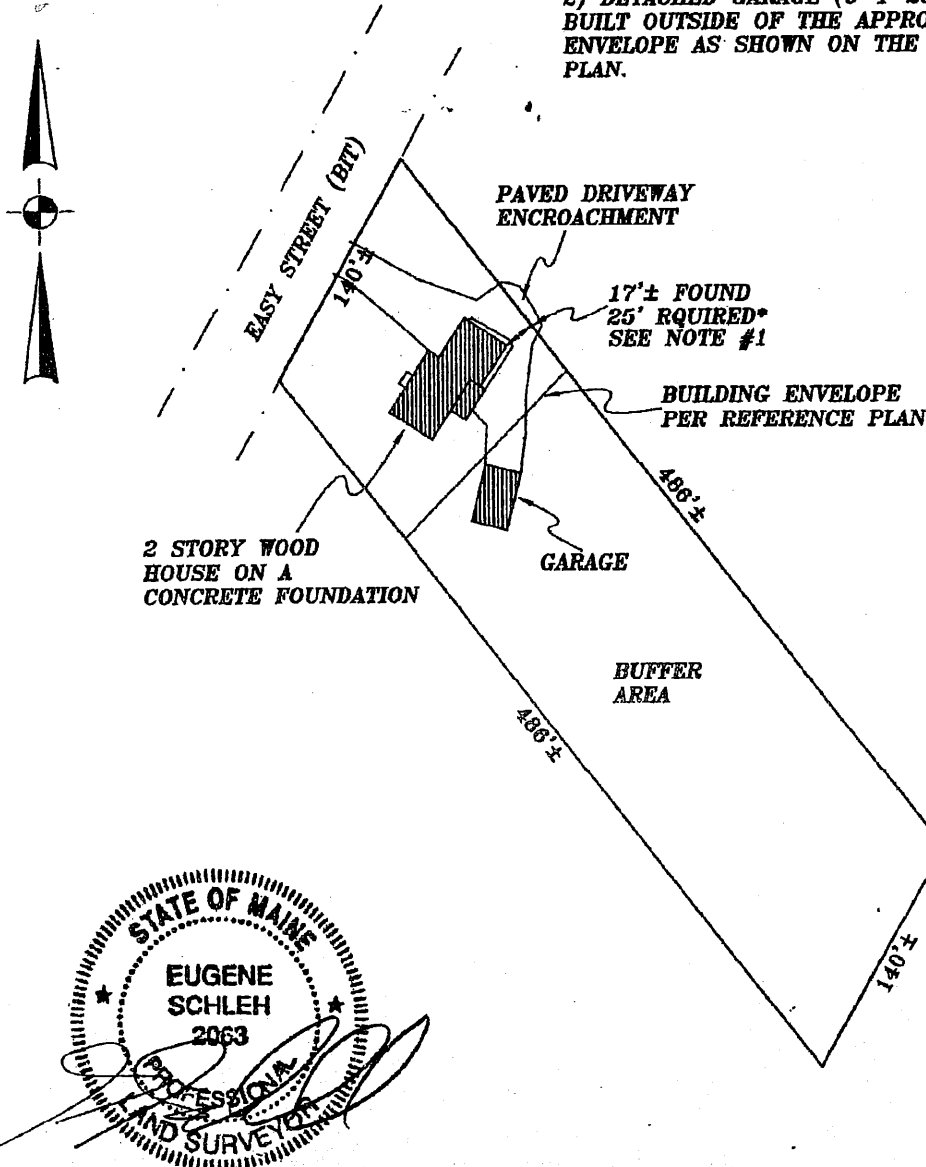
SELLER: BARBARA T. LABBE

SCALE: 1" = 100'

THE LAND DOES NOT FALL
WITHIN THE SPECIAL FLOOD
HAZARD AREA AS DELINIATED
BY F.E.M.A. ON COMMUNITY/
PANEL # 230207/0010B

NOTES:

- 1) ATTACHED GARAGE PERMIT #99-144 (11-3-1998)
- 2) DETACHED GARAGE (9-1-2006) IS
BUILT OUTSIDE OF THE APPROVED BUILDING
ENVELOPE AS SHOWN ON THE REFERENCE
PLAN.



THIS IS NOT A BOUNDARY SURVEY. THIS PLAN IS NOT
TO BE USED FOR PROPERTY LINE LOCATION, BUILDING
PURPOSES, CONVEYING OR DESCRIBING PROPERTY, OR
RECORDING PURPOSES. THIS PLAN IS FOR LENDING
PURPOSES ONLY. THIS PLAN MAY NOT REVEAL CONFLICTS
WITH ABUTTING DEEDS. THE PARCEL IS SUBJECT TO ALL
RIGHTS, COVENANTS, RESTRICTIONS, AND EASEMENTS OF
RECORD. A BOUNDARY SURVEY MAY YIELD DIFFERENT
RESULTS.

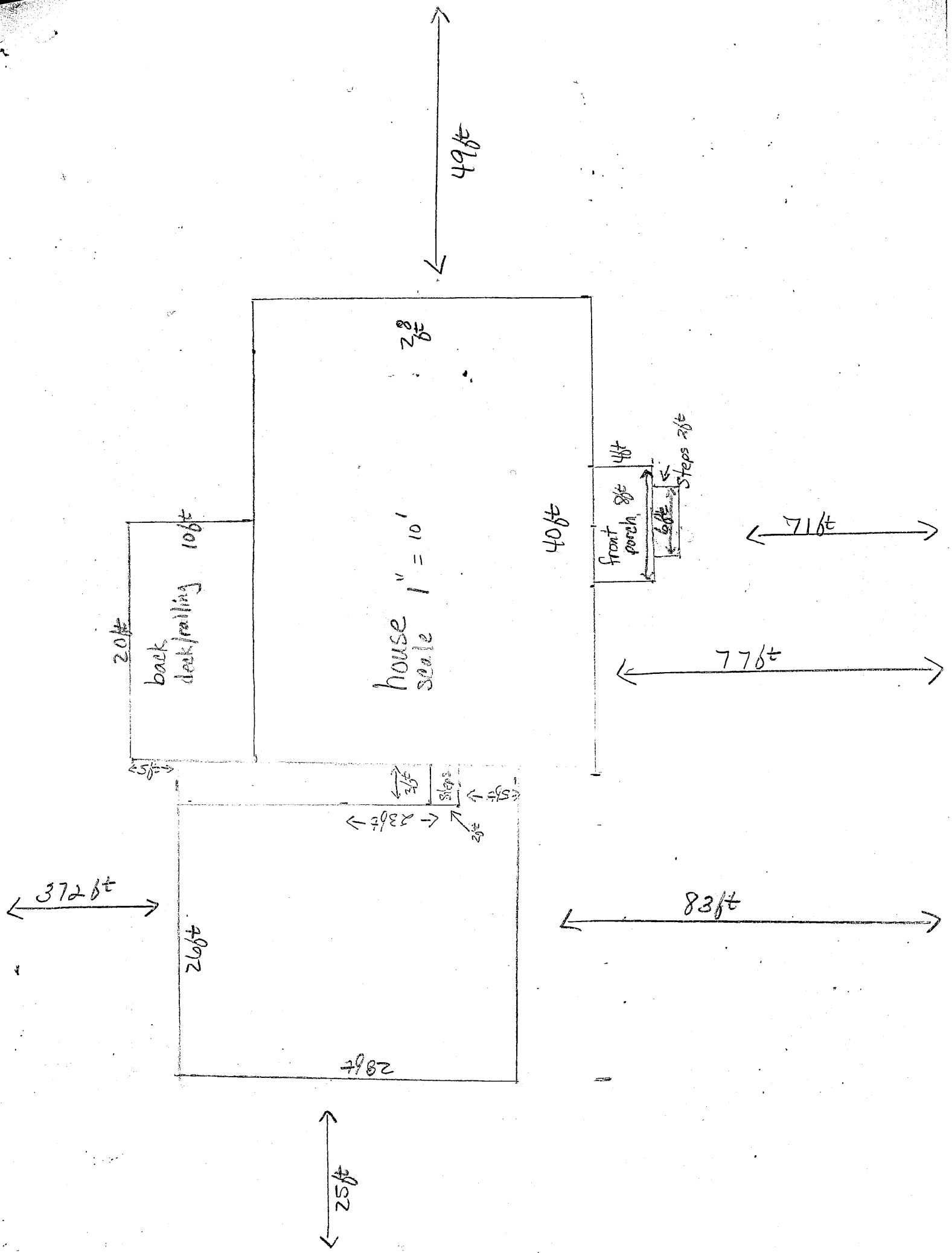
REFERENCES

PLAN BOOK 123 PAGE 241 LOT 16

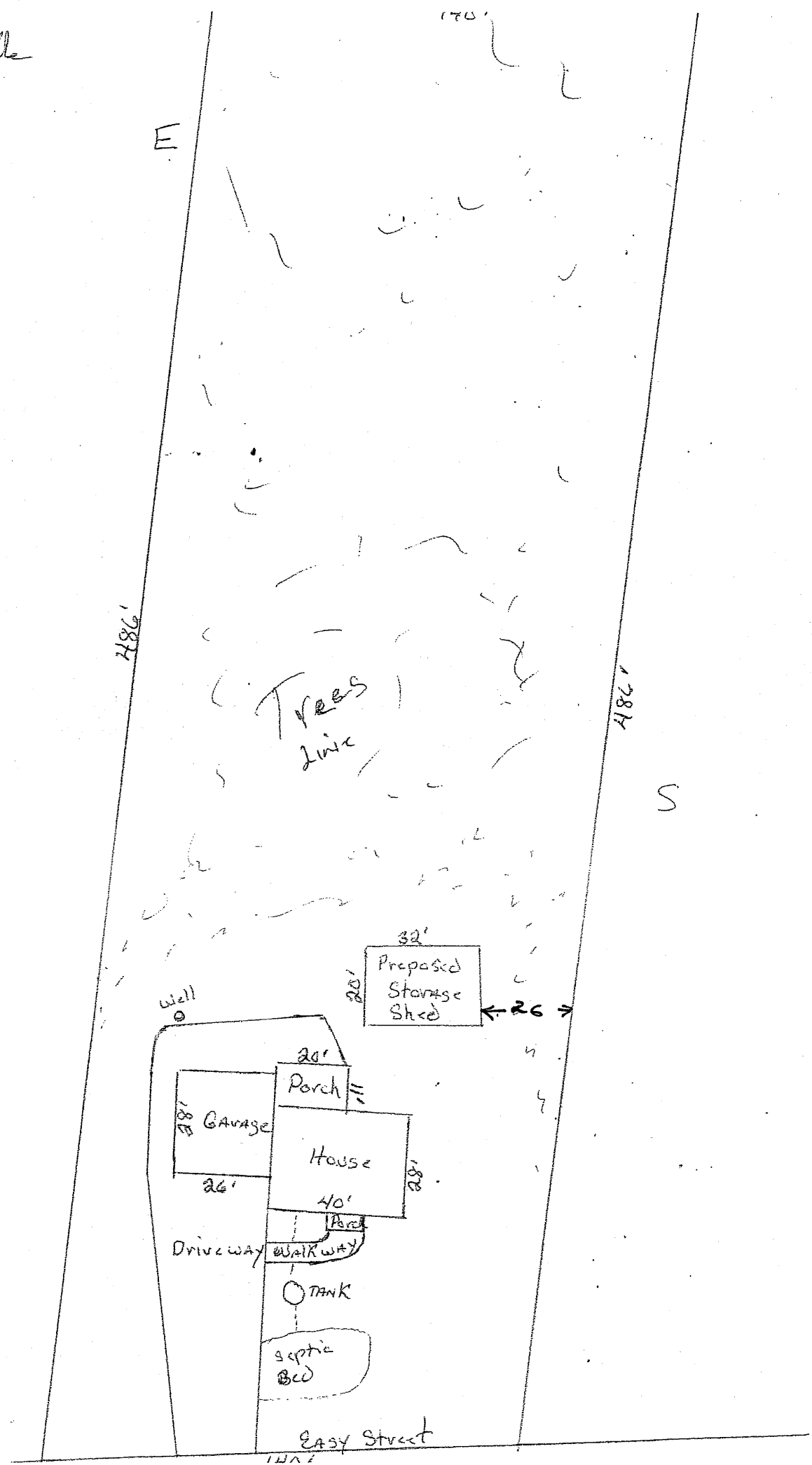
DEED BOOK 31769 PAGE 204

COUNTY CUMBERLAND

DRAWN BY GRRS



SITE PLAN
By Noel P. Zelle



TOWN OF STANDISH

BUILDING OR USE PERMIT APPLICATION

FOR OFFICE USE ONLY

PERMIT NO. 07-053
 ISSUE DATE 7-1-06
 FEE AMOUNT \$88.00
 APPROVED BY DAH

| | | | |
|---|--|---|--|
| 1. PROPERTY OWNER <u>Barbara Labbe / Leo Labbe</u> | | 2. PHONE <u>787-3345</u> | |
| 3. PROPERTY ADDRESS <u>20 Easy St</u> | | 8. MAP <u>16</u> | |
| 4. OWNER'S ADDRESS <u>Standish Me</u> | | 9. LOT <u>35-16</u> | |
| 5. CONTRACTOR <u>Self</u> | | 6. PHONE <u>787-3345</u> | |
| 7. CONTRACTOR ADDRESS <u>Self</u> | | 10. ZONE <u>R-R</u> | |
| 12. PROPOSED USE - (CONSTRUCTION PLAN REQD.) <u>Storage shed</u> | | 11. ESTIMATED VALUE <u>2000 - 10,000</u> | |
| | | 3. SPECIAL ZONES & APPROVALS <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>1</u> PROPOSED <u>1</u> | 15. PROPOSED BUILDING DIMENSIONS L <u>32</u> X W <u>20</u> | 16. NUMBER OF BATHROOMS PRESENT <u>NA</u> FULL <u>NA</u> HALF PROPOSED <u>NA</u> FULL <u>NA</u> HALF |
| 17. NUMBER OF BEDROOMS PRESENT <u>NA</u> PROPOSED <u>NA</u> | 18. PRESENT SEPTIC SYSTEM APPROVAL FOR: <u>NA</u> BEDROOMS | 19. WATER SUPPLY <input type="checkbox"/> PRIVATE <u>NA</u> <input type="checkbox"/> PWD |
| 20. FRONTAGE <u>140</u> | | 21. LOT SIZE (IN SQ FT OR ACRES) _____ |

| | |
|--|---|
| 22. SETBACKS <input type="checkbox"/> NONCONFORMING FRONT SIDE REAR | 23. NUMBER OF DWELLING UNITS PRESENTLY EXISTING ON THE LOT _____ |
| 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 |

ACKNOWLEDGMENT

I acknowledge receipt of a copy of this form; being notified of the requirements applicable to the construction authorized by building permit no: 07-053; and notification of the penalties imposed for violation of those requirements.

Date _____

Daniel F. Hill

Code Enforcement Officer

Barbara Labbe

Property Owner

Permit Holder

Permit Valid 2 Years From Date Of Issue