

3rd & 7th: Nick Harrington has arrived at his parents land, map 7, lot 3-C, an eight acre plot having an old shed established. Original plans were to adapt the shed into a living quarters, but it's condition was too deteriorated. Harrington conferred about building a new cabin and location. Original indication was that Sanborn Pond was not a "shoreland zone" but a 75 ft. set-back was advised. Four days later, via phone conversation, set-back was corrected to 100 feet. This is a "rural zone" dimension and ordinance requirement.

At a later date, Harrington complained about the change of set-back dimension. Further discussion and E-mail correspondence is included elsewhere. Harrington stated that he may seek an appeals board ruling. Nothing yet as of July 30th.

A building permit was executed on or about July 10th and indicated a set-back of 100 feet. As of July 28th, no construction activity has started.

Wes.

Wes Sunderland

From: Wes Sunderland [wsunderland@roadrunner.com]
Sent: Wednesday, July 12, 2017 3:04 PM
To: 'Norman Blake'
Subject: RE: harrington setback distance

Hi Norm,

Yes, Nick Harrington and I have had a few conversations about building locations. The preliminary first visit initiated a potential location at 75 ft.+ from water. And, yes it is not a great pond even though it is greater than 10 acres. About a week later, and I had done more research, Nick approached me and stated that he had decided to relocate at 100 feet. My response was that was good because the ordinance for rural district reads (page #20) that "from normal high water mark" setback is to be 100'. It seems that Nick has forgotten that brief conversation, conveniently.

Also what enters the situation is that there are some large rock outcrops and he cannot handle the geology, so his argument is to include that he has harvested some trees.

When looking at the definitions for shoreland, there is a list of water bodies, brooks, streams, ponds, and Sanborn Pond is not in the list. Therefore, it is not shoreland. Therefore it comes under the rural district's 100 foot dimension requirement. Also, within the shoreland documented section, there is a map about "fresh water wet-lands map" identification. I believe wetland #184 is Sanborn Pond (it's not a great map). #184 is labeled "N" meaning "not rated". Therefore, not a pond and not a wetland, it is not rated as shoreland. So again, the 100 foot rule falls into place because it is rural district.

We had a constructive talk in which he debated about going before the appeals board. The option is his. If the CEO made an error, then the board can change the dimension. In this case, I made an error at 75 feet. The error was corrected to 100 feet. Therefore the CEO is not in error. The one week lapse in time was short to announce the correction. A few trees have been eliminated. The cabin needs some sun light so that moss won't grow on it.

Nick has 7+ acres. He can most likely find another location. Why does an inhabitant NEED to be exactly 75 feet from water's edge. I also recommended that he should give himself some "freeboard". Porches and/or decks come later on and space is needed.

The location is secluded and the building is small. It can be your call. It may be nice to keep inhabitants happy. On the other hand, ordinance rules need to be addressed and upheld.

.Wes.

From: Norman Blake [mailto:wa1wb@att.net]
Sent: Tuesday, July 11, 2017 1:05 PM

Wes....

I got a call yesterday from Harrington who wants to build somewhere near Sanborns Mill Pond. He says you originally told him 75 foot setback, then changed it to 100, after he did the clearing and laying out where the structure was going to be. Looking at Baldwin Shoreland Ord, Section 15 B (Principal and Accessory Use Structures) in Standards.... I think you made an error. Sanborns Mill Pond is not a GPA Great Pond, just a wide spot in the stream.. I believe it is " other water bodies" and therefore should be subject to the 75 foot number. Just because people have called it a pond forever doesn't make it Sebago Lake. I think his permit should be changed to reflect the 75 foot number.

How say you?

Norm