

Gerlach, Jerry

From: John C. Bannon <jbannon@mpmlaw.com>
Sent: Friday, April 08, 2016 9:06 AM
To: 'Tansley, Greg (gtansley@Biddefordmaine.org)'
Subject: Proposed Shoreland Zoning Amendments

Greg:

Beth Zagoren sent me copies of some e-mails with you that suggest that the process for adopting the most recent DEP amendments to the shoreland zoning guidelines may be under way. If there is a draft of the proposed amendments, could you please e-mail me a copy?

Thanks very much.

John

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Thursday, April 07, 2016 4:07 PM
To: gtansley@Biddefordmaine.org
Subject: Re: the Planning Board meeting on April 6th...

Great!!! Thank you again, Greg, Beth

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: zzag1234 <zzag1234@aol.com>
Sent: Thu, Apr 7, 2016 3:50 pm
Subject: Re: the Planning Board meeting on April 6th...

30 days would go to July 7.

Sent from my iPhone

On Apr 7, 2016, at 3:41 PM, "zzag1234@aol.com<<mailto:zzag1234@aol.com>>"
<zzag1234@aol.com<<mailto:zzag1234@aol.com>>> wrote:

Thank you!!! This is very helpful....

Just one more question: If the new ordinance does take effect on July 7th, do we need to wait 30 more days before applying for a permit? Or is the 30 day period from June 7th to July 7th?

Thanks again,
Beth Z.

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org<<mailto:gtansley@biddefordmaine.org>>>
To: zzag1234 <zzag1234@aol.com<<mailto:zzag1234@aol.com>>>
Sent: Thu, Apr 7, 2016 12:56 pm
Subject: RE: the Planning Board meeting on April 6th...

Hi Beth,

The fastest scenario appears to be:

May 4 – Planning Board recommends to City Council
May 17 – City council approved 1st Reading
June 7 – City Council approves 2nd Reading
July 7 – New Ordinance takes effect.

I hope this helps clarify the fastest path to the new Ordinance provisions taking effect.

Respectfully,

Greg

Greg D. Tansley, AICP
City Planner
P.O. Box 586
Biddeford, Maine

207-284-9115

From: zzag1234@aol.com<<mailto:zzag1234@aol.com>> [<mailto:zzag1234@aol.com><<mailto:zzag1234@aol.com>?>]
Sent: Thursday, April 07, 2016 8:57 AM
To: Tansley, Greg
Subject: Re: the Planning Board meeting on April 6th...

Hi Greg,

I'm glad the meeting went well! I am assuming that having a Public Hearing on May 4th means that this is still under the auspices of the Planning Board.... So does that mean that it won't be till after the May meeting that this package of issues will move on to the City Council? I believe you told me that the City Council then has to meet twice about these amendments, and if everything continues to go well there, we still have to wait another 30 days to go for a building permit. Is that still a viable schedule of events?

Thanks Greg,
Beth Z.

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org<<mailto:gtansley@Biddefordmaine.org>>>
To: [zzag1234](mailto:zzag1234@aol.com) <zzag1234@aol.com<<mailto:zzag1234@aol.com>>>
Sent: Thu, Apr 7, 2016 7:39 am
Subject: RE: the Planning Board meeting on April 6th...

Hi Beth,

The meeting went well. There was no one from the public present. A Public Hearing will be held on May 4.

In the meantime let me know if you have any questions.

Greg

From: zzag1234@aol.com<<mailto:zzag1234@aol.com>><<mailto:zzag1234@aol.com><<mailto:zzag1234@aol.com>?>>
Sent: Wednesday, April 6, 2016 8:45 AM
To: Tansley, Greg<<mailto:gtansley@Biddefordmaine.org><<mailto:gtansley@Biddefordmaine.org>?>>
Subject: Re: the Planning Board meeting on April 6th...

Hi Greg,

I think since it seems to be an "iffy" proposition that there will be public comment allowed, I will not come to the meeting. However, the letter that my brother and I sent a couple of months ago to the City Council is quite detailed about our situation. I would like to ask that this letter be circulated, or re-circulated, to the Board, if you think it might be at all relevant to the discussion the Board will be having tonight. Also, in the event that Mr. LaPorte should make an appearance and be able to speak to you all, I believe that our letter would serve to put any remarks he might make in perspective.....

I am attaching said letter to this email, in case it would be helpful to you to have it immediately at hand.

In any event, could you please let me know how the meeting goes, and what my brother and I could expect to see happen next.....we are hoping of course that after tonight's meeting this issue will be able to move on to the City Council....

Thank you so much,
Beth Z.

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org<<mailto:gtansley@Biddefordmaine.org>>>
To: [zzag1234](mailto:zzag1234@aol.com) <zzag1234@aol.com<<mailto:zzag1234@aol.com>>>
Cc: Tansley, Greg <gtansley@Biddefordmaine.org<<mailto:gtansley@Biddefordmaine.org>>>

Sent: Tue, Apr 5, 2016 1:00 pm
Subject: Re: Re the Planning Board meeting on April 6th...

Hi Beth,

Unfortunately I don't know. I would encourage public dialogue, but it is up to the Board. I think the Chair will allow it, but i can't say for sure.

Respectfully.

Greg

Sent from my iPhone

On Apr 2, 2016, at 8:25 PM,

"zzag1234@aol.com<mailto:zzag1234@aol.com><mailto:zzag1234@aol.com><mailto:zzag1234@aol.com>"<mailto:zza
g1234@aol.com%3E" <mailto:zzag1234@aol.com%3e%3cmailto:zzag1234@aol.com%3e%22%3cmailto:zzag1234@aol.
com%3E%22?>?>
<zzag1234@aol.com<mailto:zzag1234@aol.com><mailto:zzag1234@aol.com><mailto:zzag1234@aol.com<mailto:zzag1
234@aol.com<mailto:zzag1234@aol.com%3e%3cmailto:zzag1234@aol.com%3cmailto:zzag1234@aol.com?>?>>>
wrote:

Hi Greg,

I wondered if you knew yet whether the format of the upcoming Planning Board meeting includes an open-to-the-public piece or not.... If it does, I would plan to attend that part of the meeting. My brother would not be able to come. It is possible that our neighbor, Mr. La Porte, and/or members of his family would come, however. If you could let me know when you can, that would be great.

Thanks,
Beth Zagoren

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Thursday, April 07, 2016 3:41 PM
To: gtansley@Biddefordmaine.org
Subject: Re: the Planning Board meeting on April 6th...

Thank you!!! This is very helpful....

Just one more question: If the new ordinance does take effect on July 7th, do we need to wait 30 more days before applying for a permit? Or is the 30 day period from June 7th to July 7th?

Thanks again,
Beth Z.

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: zzag1234 <zzag1234@aol.com>
Sent: Thu, Apr 7, 2016 12:56 pm
Subject: RE: the Planning Board meeting on April 6th...

Hi Beth,

The fastest scenario appears to be:

May 4 – Planning Board recommends to City Council
May 17 – City council approved 1st Reading
June 7 – City Council approves 2nd Reading
July 7 – New Ordinance takes effect.

I hope this helps clarify the fastest path to the new Ordinance provisions taking effect.

Respectfully,

Greg

Greg D. Tansley, AICP
City Planner
P.O. Box 586
Biddeford, Maine
207-284-9115

From: zzag1234@aol.com [<mailto:zzag1234@aol.com>]
Sent: Thursday, April 07, 2016 8:57 AM
To: Tansley, Greg
Subject: Re: the Planning Board meeting on April 6th...

Hi Greg,

I'm glad the meeting went well! I am assuming that having a Public Hearing on May 4th means that this is still under the auspices of the Planning Board.... So does that mean that it won't be till after the May meeting that this package of issues

will move on to the City Council? I believe you told me that the City Council then has to meet twice about these amendments, and if everything continues to go well there, we still have to wait another 30 days to go for a building permit. Is that still a viable schedule of events?

Thanks Greg,
Beth Z.

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: zzag1234 <zzag1234@aol.com>
Sent: Thu, Apr 7, 2016 7:39 am
Subject: RE: the Planning Board meeting on April 6th...

Hi Beth,

The meeting went well. There was no one from the public present. A Public Hearing will be held on May 4.

In the meantime let me know if you have any questions.

Greg

From: zzag1234@aol.com<<mailto:zzag1234@aol.com>>
Sent: Wednesday, April 6, 2016 8:45 AM
To: Tansley, Greg<<mailto:gtansley@Biddefordmaine.org>>
Subject: Re: the Planning Board meeting on April 6th...

Hi Greg,

I think since it seems to be an "iffy" proposition that there will be public comment allowed, I will not come to the meeting. However, the letter that my brother and I sent a couple of months ago to the City Council is quite detailed about our situation. I would like to ask that this letter be circulated, or re-circulated, to the Board, if you think it might be at all relevant to the discussion the Board will be having tonight. Also, in the event that Mr. LaPorte should make an appearance and be able to speak to you all, I believe that our letter would serve to put any remarks he might make in perspective.....

I am attaching said letter to this email, in case it would be helpful to you to have it immediately at hand.

In any event, could you please let me know how the meeting goes, and what my brother and I could expect to see happen next.....we are hoping of course that after tonight's meeting this issue will be able to move on to the City Council....

Thank you so much,
Beth Z.

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: zzag1234 <zzag1234@aol.com>
Cc: Tansley, Greg <gtansley@Biddefordmaine.org>
Sent: Tue, Apr 5, 2016 1:00 pm
Subject: Re: Re the Planning Board meeting on April 6th...

Hi Beth,

Unfortunately I don't know. I would encourage public dialogue, but it is up to the Board. I think the Chair will allow it, but I can't say for sure.

Respectfully,

Greg

Sent from my iPhone

On Apr 2, 2016, at 8:25 PM,

"zzag1234@aol.com<<mailto:zzag1234@aol.com>><<mailto:zzag1234@aol.com>>"<<mailto:zzag1234@aol.com%3E>?>
<zzag1234@aol.com<<mailto:zzag1234@aol.com>><<mailto:zzag1234@aol.com><<mailto:zzag1234@aol.com>?>>> wrote:

Hi Greg,

I wondered if you knew yet whether the format of the upcoming Planning Board meeting includes an open-to-the-public piece or not.... If it does, I would plan to attend that part of the meeting. My brother would not be able to come. It is possible that our neighbor, Mr. La Porte, and/or members of his family would come, however. If you could let me know when you can, that would be great.

Thanks,
Beth Zagoren

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Thursday, April 07, 2016 8:57 AM
To: gtansley@Biddefordmaine.org
Subject: Re: the Planning Board meeting on April 6th...

Hi Greg,

I'm glad the meeting went well! I am assuming that having a Public Hearing on May 4th means that this is still under the auspices of the Planning Board.... So does that mean that it won't be till after the May meeting that this package of issues will move on to the City Council? I believe you told me that the City Council then has to meet twice about these amendments, and if everything continues to go well there, we still have to wait another 30 days to go for a building permit. Is that still a viable schedule of events?

Thanks Greg,
Beth Z.

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: zzag1234 <zzag1234@aol.com>
Sent: Thu, Apr 7, 2016 7:39 am
Subject: RE: the Planning Board meeting on April 6th...

Hi Beth,

The meeting went well. There was no one from the public present. A Public Hearing will be held on May 4.

In the meantime let me know if you have any questions.

Greg

From: zzag1234@aol.com <<mailto:zzag1234@aol.com>>
Sent: Wednesday, April 6, 2016 8:45 AM
To: Tansley, Greg <<mailto:gtansley@Biddefordmaine.org>>
Subject: Re: the Planning Board meeting on April 6th...

Hi Greg,

I think since it seems to be an "iffy" proposition that there will be public comment allowed, I will not come to the meeting. However, the letter that my brother and I sent a couple of months ago to the City Council is quite detailed about our situation. I would like to ask that this letter be circulated, or re-circulated, to the Board, if you think it might be at all relevant to the discussion the Board will be having tonight. Also, in the event that Mr. LaPorte should make an appearance and be able to speak to you all, I believe that our letter would serve to put any remarks he might make in perspective.....

I am attaching said letter to this email, in case it would be helpful to you to have it immediately at hand.

In any event, could you please let me know how the meeting goes, and what my brother and I could expect to see happen next.....we are hoping of course that after tonight's meeting this issue will be able to move on to the City Council....

Thank you so much,
Beth Z.

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: [zzag1234 <zzag1234@aol.com>](mailto:zzag1234@aol.com)
Cc: Tansley, Greg <gtansley@Biddefordmaine.org>
Sent: Tue, Apr 5, 2016 1:00 pm
Subject: Re: Re the Planning Board meeting on April 6th...

Hi Beth,

Unfortunately I don't know. I would encourage public dialogue, but it is up to the Board. I think the Chair will allow it, but i can't say for sure.

Respectfully.

Greg

Sent from my iPhone

On Apr 2, 2016, at 8:25 PM,
"zzag1234@aol.com<<mailto:zzag1234@aol.com>><<mailto:zzag1234@aol.com>>"<<mailto:zzag1234@aol.com%3E>?>
<zzag1234@aol.com<<mailto:zzag1234@aol.com>><<mailto:zzag1234@aol.com><<mailto:zzag1234@aol.com>?>>> wrote:

Hi Greg,

I wondered if you knew yet whether the format of the upcoming Planning Board meeting includes an open-to-the-public piece or not.... If it does, I would plan to attend that part of the meeting. My brother would not be able to come. It is possible that our neighbor, Mr. La Porte, and/or members of his family would come, however. If you could let me know when you can, that would be great.

Thanks,
Beth Zagoren

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Wednesday, April 06, 2016 8:45 AM
To: gtansley@Biddefordmaine.org
Subject: Re: the Planning Board meeting on April 6th...
Attachments: letter to mayor:city council, Biddeford.docx

Hi Greg,

I think since it seems to be an "iffy" proposition that there will be public comment allowed, I will not come to the meeting. However, the letter that my brother and I sent a couple of months ago to the City Council is quite detailed about our situation. I would like to ask that this letter be circulated, or re-circulated, to the Board, if you think it might be at all relevant to the discussion the Board will be having tonight. Also, in the event that Mr. LaPorte should make an appearance and be able to speak to you all, I believe that our letter would serve to put any remarks he might make in perspective.....

I am attaching said letter to this email, in case it would be helpful to you to have it immediately at hand.

In any event, could you please let me know how the meeting goes, and what my brother and I could expect to see happen next.....we are hoping of course that after tonight's meeting this issue will be able to move on to the City Council....

Thank you so much,
Beth Z.

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: zzag1234 <zzag1234@aol.com>
Cc: Tansley, Greg <gtansley@Biddefordmaine.org>
Sent: Tue, Apr 5, 2016 1:00 pm
Subject: Re: Re the Planning Board meeting on April 6th...

Hi Beth,

Unfortunately I don't know. I would encourage public dialogue, but it is up to the Board. I think the Chair will allow it, but I can't say for sure.

Respectfully,

Greg

Sent from my iPhone

On Apr 2, 2016, at 8:25 PM, "zzag1234@aol.com<<mailto:zzag1234@aol.com>>" <zzag1234@aol.com<<mailto:zzag1234@aol.com>>> wrote:

Hi Greg,

I wondered if you knew yet whether the format of the upcoming Planning Board meeting includes an open-to-the-public piece or not.... If it does, I would plan to attend that part of the meeting. My brother would not be able to come. It is possible that our neighbor, Mr. La Porte, and/or members of his family would come, however. If you could let me know

when you can, that would be great.

Thanks,
Beth Zagoren

Gerlach, Jerry

From: gtansley@Biddefordmaine.org
Sent: Tuesday, April 05, 2016 1:00 PM
To: zzag1234@aol.com
Cc: gtansley@Biddefordmaine.org
Subject: Re: Re the Planning Board meeting on April 6th...

Hi Beth,

Unfortunately I don't know. I would encourage public dialogue, but it is up to the Board. I think the Chair will allow it, but i can't say for sure.

Respectfully.

Greg

Sent from my iPhone

On Apr 2, 2016, at 8:25 PM, "zzag1234@aol.com" <zzag1234@aol.com> wrote:

Hi Greg,

I wondered if you knew yet whether the format of the upcoming Planning Board meeting includes an open-to-the-public piece or not.... If it does, I would plan to attend that part of the meeting. My brother would not be able to come. It is possible that our neighbor, Mr. La Porte, and/or members of his family would come, however. If you could let me know when you can, that would be great.

Thanks,
Beth Zagoren

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Saturday, April 02, 2016 8:25 PM
To: gtansley@biddefordmaine.org
Subject: Re the Planning Board meeting on April 6th...

Hi Greg,

I wondered if you knew yet whether the format of the upcoming Planning Board meeting includes an open-to-the-public piece or not.... If it does, I would plan to attend that part of the meeting. My brother would not be able to come. It is possible that our neighbor, Mr. La Porte, and/or members of his family would come, however. If you could let me know when you can, that would be great.

Thanks,
Beth Zagoren

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Friday, March 04, 2016 8:36 AM
To: gtansley@Biddefordmaine.org
Cc: gilpatrb@gmail.com
Subject: Re: tonight's Planning Board meeting

Hi Greg,

The workshop sounds like a brilliant idea. I know there are many parts/pieces to this issue, not just the one(s) that pertain to our lot...

If there is no public input desired at the April 6th meeting/workshop, would this matter still be able to move on to the City Council for their 2 meetings after that? Or would there need to be an additional meeting for the public on May 4th before that could happen?

Thanks again for all your attention and work on this Greg....

With appreciation,
Beth

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: zzag1234 <zzag1234@aol.com>
Cc: Tansley, Greg <gtansley@Biddefordmaine.org>; gilpatrb <gilpatrb@gmail.com>
Sent: Thu, Mar 3, 2016 9:12 am
Subject: Re: tonight's Planning Board meeting

Hi Beth,

It went well. We are going to conduct a workshop on April 6. I will talk to the Chair about public input since under the rules they don't have to accept it during a workshop, but I think it might be a good idea. Certainly written comment is welcome.

Respectfully,

Greg

Sent from my iPhone

On Mar 2, 2016, at 4:28 PM, "zzag1234@aol.com<<mailto:zzag1234@aol.com>>" <zzag1234@aol.com<<mailto:zzag1234@aol.com>>> wrote:

Oh that sounds great! Would you let me (us) know how that goes afterwards?
Would the public meeting on this then be on the schedule for April 6th?

Thank you Greg :-)

Beth Zagoren

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org<<mailto:gtansley@biddefordmaine.org>>>
To: [zzag1234 <zzag1234@aol.com<<mailto:zzag1234@aol.com>>>](mailto:zzag1234@aol.com)
Sent: Wed, Mar 2, 2016 10:08 am
Subject: RE: tonight's Planning Board meeting

Hi Beth,

My intent is to distribute the potential amendments tonight and have the Board schedule a Workshop to review them in detail.

Respectfully,

Greg

Greg D. Tansley, AICP
City Planner
P.O. Box 586
Biddeford, Maine
207-284-9115

From: zzag1234@aol.com<<mailto:zzag1234@aol.com>> [<mailto:zzag1234@aol.com><<mailto:zzag1234@aol.com>>?>]
Sent: Wednesday, March 02, 2016 8:55 AM
To: Tansley, Greg
Subject: tonight's Planning Board meeting

Hi Greg,

I just looked at the agenda for the meeting tonight, and didn't see anything on there relating to the Shoreline Ordinance/our land....

I'm still hoping it is going to be considered tonight though.....? - Not that my brother and I aren't on tenterhooks or anything!!

Thanks,

Beth Zagoren

Gerlach, Jerry

From: gtansley@Biddefordmaine.org
Sent: Thursday, March 03, 2016 9:12 AM
To: zzag1234@aol.com
Cc: gtansley@Biddefordmaine.org; gilpatrb@gmail.com
Subject: Re: tonight's Planning Board meeting

Hi Beth,

It went well. We are going to conduct a workshop on April 6. I will talk to the Chair about public input since under the rules they don't have to accept it during a workshop, but I think it might be a good idea. Certainly written comment is welcome.

Respectfully,

Greg

Sent from my iPhone

On Mar 2, 2016, at 4:28 PM, "zzag1234@aol.com" <zzag1234@aol.com> wrote:

Oh that sounds great! Would you let me (us) know how that goes afterwards?
Would the public meeting on this then be on the schedule for April 6th?

Thank you Greg :-)

Beth Zagoren

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: zzag1234 <zzag1234@aol.com>
Sent: Wed, Mar 2, 2016 10:08 am
Subject: RE: tonight's Planning Board meeting

Hi Beth,

My intent is to distribute the potential amendments tonight and have the Board schedule a Workshop to review them in detail.

Respectfully,

Greg

Greg D. Tansley, AICP
City Planner
P.O. Box 586
Biddeford, Maine

207-284-9115

From: zzag1234@aol.com [mailto:zzag1234@aol.com]

Sent: Wednesday, March 02, 2016 8:55 AM

To: Tansley, Greg

Subject: tonight's Planning Board meeting

Hi Greg,

I just looked at the agenda for the meeting tonight, and didn't see anything on there relating to the Shoreline Ordinance/our land...

I'm still hoping it is going to be considered tonight though.....? - Not that my brother and I aren't on tenterhooks or anything!!

Thanks,

Beth Zagoren

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Wednesday, March 02, 2016 4:29 PM
To: gtansley@Biddefordmaine.org; gilpatrb@gmail.com
Subject: Re: tonight's Planning Board meeting

Oh that sounds great! Would you let me (us) know how that goes afterwards?
Would the public meeting on this then be on the schedule for April 6th?

Thank you Greg :-)

Beth Zagoren

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: zzag1234 <zzag1234@aol.com>
Sent: Wed, Mar 2, 2016 10:08 am
Subject: RE: tonight's Planning Board meeting

Hi Beth,

My intent is to distribute the potential amendments tonight and have the Board schedule a Workshop to review them in detail.

Respectfully,

Greg

Greg D. Tansley, AICP
City Planner
P.O. Box 586
Biddeford, Maine
207-284-9115

From: zzag1234@aol.com [<mailto:zzag1234@aol.com>]
Sent: Wednesday, March 02, 2016 8:55 AM
To: Tansley, Greg
Subject: tonight's Planning Board meeting

Hi Greg,

I just looked at the agenda for the meeting tonight, and didn't see anything on there relating to the Shoreline Ordinance/our land....

I'm still hoping it is going to be considered tonight though.....? - Not that my brother and I aren't on tenterhooks or anything!!

Thanks,

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Wednesday, March 02, 2016 8:55 AM
To: gtansley@biddefordmaine.org
Subject: tonight's Planning Board meeting

Hi Greg,

I just looked at the agenda for the meeting tonight, and didn't see anything on there relating to the Shoreline Ordinance/our land....

I'm still hoping it is going to be considered tonight though.....? - Not that my brother and I aren't on tenterhooks or anything!!

Thanks,

Beth Zagoren

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Friday, February 05, 2016 10:17 AM
To: gtansley@Biddefordmaine.org; gilpatrb@gmail.com
Subject: Planning board meeting this past Wednesday.....

Hi Greg,
How did the meeting go a couple of nights ago?
Thank you,
Beth

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: zzag1234 <zzag1234@aol.com>; gilpatrb <gilpatrb@gmail.com>
Sent: Thu, Jan 21, 2016 8:17 am
Subject: RE: planning board meeting this week?

Hi Beth,

I hope to have something for the Board to take away with them on the February 3rd Meeting. It is not being scheduled as a item on the Agenda, however.

Respectfully,

Greg

Greg D. Tansley, AICP
City Planner
P.O. Box 586
Biddeford, Maine
207-284-9115

From: zzag1234@aol.com [<mailto:zzag1234@aol.com>]
Sent: Monday, January 18, 2016 2:28 PM
To: Tansley, Greg; gilpatrb@gmail.com
Subject: planning board meeting this week?

Hi Greg,
Beth Zagoren here..... It doesn't seem like there is a planning board meeting this week, since there is no agenda posted on the Biddeford calendar. Is that the case? If so, will the shoreline issue relating to our land then be brought up at the meeting on February 3rd?
Thanks,
Beth

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Thursday, January 21, 2016 6:00 PM
To: gtansley@Biddefordmaine.org; gilpatrb@gmail.com
Subject: Re: planning board meeting this week?

Hi Greg,

Great! I hope the issue will then come up the next time after that in March...dare I hope they might vote on it at that time? My brother and I will have to come up with yet another \$4385.00 apiece for taxes on this buildable/unbuildable land in April of this year, and then also again in October.....That is if Biddeford doesn't raise the taxes, which cities/towns usually do....at least both the taxes for my house at Goose Rocks and for my home here in Cambridge, MA go up a bit each year....

Thank you again so much for your efforts in this matter....

With appreciation,
Beth

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: zzag1234 <zzag1234@aol.com>; gilpatrb <gilpatrb@gmail.com>
Sent: Thu, Jan 21, 2016 8:17 am
Subject: RE: planning board meeting this week?

Hi Beth,

I hope to have something for the Board to take away with them on the February 3rd Meeting. It is not being scheduled as a item on the Agenda, however.

Respectfully,

Greg

Greg D. Tansley, AICP
City Planner
P.O. Box 586
Biddeford, Maine
207-284-9115

From: zzag1234@aol.com [<mailto:zzag1234@aol.com>]
Sent: Monday, January 18, 2016 2:28 PM
To: Tansley, Greg; gilpatrb@gmail.com
Subject: planning board meeting this week?

Hi Greg,

Beth Zagoren here..... It doesn't seem like there is a planning board meeting this week, since there is no agenda posted on the Biddeford calendar. Is that the case? If so, will the shoreline issue relating to our land then be brought up at the meeting on February 3rd?

Thanks,
Beth

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Monday, January 18, 2016 2:28 PM
To: gtansley@biddefordmaine.org; gilpatrb@gmail.com
Subject: planning board meeting this week?

Hi Greg,

Beth Zagoren here..... It doesn't seem like there is a planning board meeting this week, since there is no agenda posted on the Biddeford calendar. Is that the case? If so, will the shoreline issue relating to our land then be brought up at the meeting on February 3rd?

Thanks,
Beth

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Thursday, January 07, 2016 2:53 PM
To: gtansley@Biddefordmaine.org
Subject: Re: letter/meeting last night...

Hi Greg,

Thank you so much! My brother and I are extremely appreciative of your efforts in this matter...

Gratefully yours,
Beth

-----Original Message-----

From: Tansley, Greg <gtansley@Biddefordmaine.org>
To: zzag1234 <zzag1234@aol.com>
Sent: Thu, Jan 7, 2016 11:12 am
Subject: RE: letter/meeting last night...

Hi Beth,

I explained several issues to the Board, including the issue of ledge and non-vegetated cover. They supported the change and want to move it (and other changes) forward.

I am going to try to move the process forward as quickly as I can, at least to get it to a public discussion.

Respectfully,

Greg

Greg D. Tansley, AICP
City Planner
P.O. Box 586
Biddeford, Maine
207-284-9115

From: zzag1234@aol.com [<mailto:zzag1234@aol.com>]
Sent: Thursday, January 07, 2016 11:08 AM
To: Tansley, Greg
Subject: letter/meeting last night...

Hi Greg,

Just wanted to confirm that you got the letter to the Mayor/City Council that I sent to you the other day... Also, did anything relevant to us happen at the meeting last night?

Thanks,
Beth Zagoren

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Thursday, January 07, 2016 11:08 AM
To: gtansley@biddefordmaine.org
Subject: letter/meeting last night...

Hi Greg,

Just wanted to confirm that you got the letter to the Mayor/City Council that I sent to you the other day... Also, did anything relevant to us happen at the meeting last night?

Thanks,
Beth Zagoren

Gerlach, Jerry

From: zzag1234@aol.com
Sent: Tuesday, January 05, 2016 12:41 PM
To: gtansley@biddefordmaine.org
Subject: letter to Mayor/City Council re Granite Point land

Hi Greg,

Thanks for speaking with me today. I have included below the letter we wrote (with John Bannon's lawyerly help!) to the Mayor and the City Council concerning our predicament with this piece of land. I hope you find the letter informative and helpful. I so look forward to this issue being resolved in favor of our securing a building permit. We have been at this for 8 years now, and as I mentioned on the phone, we were almost there in 2013, when Mr. LaPorte stepped in and stopped us from getting the permit from Roby Fecteau, and started legal proceedings against us. This has been a very long, frustrating, and expensive experience, that my brother and I hope can end as soon as possible. Thanks again Greg for your attention to this matter.

Sincerely,
Beth Gilpatric Zagoren

Hon. Alan Casavant, Mayor
Members of the Biddeford City Council
205 Main Street
Biddeford, ME 04005

***Re: Request that the City Council Adopt a DEP-Approved
Amendment to Biddeford Shoreland Zoning Ordinance.***

Dear Mayor Casavant and Members of the City Council:

We know that you and the City Council are always very busy looking after the City's business. However, we must interrupt to ask you for your assistance because we have nowhere else to turn. We are in an extreme financial crisis that can only be cured by the adoption of a minor amendment to the Biddeford Shoreland Zoning Ordinance.

Since 1966, our family has owned a parcel at 20 Sea Spray Drive on Granite Point that is shown as Lot 30 on Tax Map 67 (hereafter the "Property"):



The City's GIS parcel maps depict the Property as being bounded by the white lines shown in the above image. However, the white line in the above image showing the shoreward boundary of the Property is incorrect. In fact, the sidelines of the Property extend to the

water, as shown by the red lines superimposed on the City's GIS map. As a result, 45% of the total area of the Property is taken up by the natural rock outcroppings along the shore (hereafter the "Ledge"). Since my family first acquired the Property in 1966, there has never been any vegetation on the Ledge, and we have never removed vegetation from any portion of the Property. The Property has always been vacant.

Our problem is that § 15(B)(4) of the Biddeford Shoreland Zoning Ordinance (hereafter the "SZO") currently renders our Property unbuildable, and, in turn, unmarketable. The relevant part of that ordinance states as follows:

The total footprint area of all structures, parking lots and other nonvegetated surfaces, within the Shoreland Zone shall not exceed 20% of the lot or a portion thereof, located within the Shoreland Zone, including land area previously developed... .

Until July of 2014, the Code Enforcement Office had interpreted § 15(B)(4) to mean that portions of a lot that contain *naturally* "nonvegetated surfaces" – such as the Ledge -- are grandfathered, and are not counted towards determining whether the proposed lot coverage will exceed 20%. That interpretation makes perfect sense. Property owners cannot fairly be penalized for areas of their lots that have been stripped of their vegetation by natural forces beyond the property owners' control.

However, when we applied for a building permit for the Property in July, 2014, Code Enforcement Officer Roby Fecteau told us that he had spoken with Michael Morse of the Maine DEP and had been told by Mr. Morse that the City's long-standing interpretation of § 15(B)(4) was wrong. According to Mr. Morse, on March 24, 1990 the DEP had amended the State Minimum Guidelines for Shoreland Zoning Ordinances (hereafter the "State Guidelines") to provide that, when determining whether 20% of a parcel is "unvegetated," municipalities must include naturally unvegetated areas. Because, in our case, the unvegetated Ledge constitutes 45% of the total Property area, Mr. Fecteau ruled that the Property already exceeds the maximum 20% allowance for nonvegetated surfaces and it therefore unbuildable.

Believing it was unfair for the City to change the rules after 13 years, we had our attorney contact Mr. Morse to double-check whether Mr. Fecteau had heard him correctly. Mr. Morse confirmed that Mr. Fecteau had accurately recalled their conversation. However, Mr. Morse also told our attorney that the DEP *itself* had concluded that the rule was unfair and was already in the process of amending § 15(B)(4) of the State Guidelines to *exclude* rock outcroppings and other naturally-unvegetated surfaces when determining whether more than 20% of a lot is unvegetated. The DEP's draft amendment to the State Guidelines would have added the following sentences to § 15(B)(4):

For the purposes of calculating lot coverage, nonvegetated surfaces include, but are not limited to, the following: structures, driveways, parking areas, patios, decks, retaining walls, and access paths. *Ledge and rock outcroppings are not counted as nonvegetated surfaces when calculating lot coverage.*

(emphasis added) Under that amendment, our lot would be buildable.

Our lawyer asked the City Planner, Greg Tansley, whether he supported the DEP's proposed amendment to § 15(B)(4). Mr. Tansley replied, in an e-mail dated September 18, 2014, that although he could not speak for the City Council,

as a municipal planner, I would support the amendment. In my opinion, I concur with the amendment in the sense that natural phenomena should not burden property owners with respect to calculating lot coverage for Shoreland Zoning purposes.

The DEP invited public comment on the proposed amendments to the State Guidelines, of which the amendment to § 15(B)(4) was only one. Only three people in the entire state raised objections to the proposed amendment to § 15(B)(4). Significantly, two of those who objected were neighbors who own property on the opposite side of Sea Spray Drive from us and who hope to keep our property vacant in order to protect their water views. As a result of those objections, the DEP substantially modified the proposed amendment to § 15(B)(4) so that it would read as follows:

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

The DEP explained to us that it had modified the language of the amendment so that it became a grandfathering provision rather than a rule that would be applicable to all lots in the future. The DEP had first begun counting naturally-occurring ledge and rock outcroppings in calculating lot coverage in an amendment to the State Guidelines that had become effective on March 24, 1990. As modified, the amendment to § 15(B)(4) would protect only those lots that were already of record on March 24, 1990 and that had not been subdivided or changed since that date. Very few parcels in the State of Maine would be entitled to the exemption. However, because our lot has been a lot of record since 1966 and has never been altered since then, our Property is one of the few lots in the City or the State that would benefit from the amendment.

The DEP's amendment to § 15(B)(4) of the State Guidelines became effective on January 26, 2015. However, even though the State Guidelines constitute the model for all municipal shoreland zoning ordinances, amendments to the State Guidelines do not become effective in a municipality until the municipality votes to adopt them as part of its own Shoreland Zoning Ordinance. Accordingly, the amendment to § 15(B)(4) of the Shoreland Guidelines will be useless to us unless and until the City Council adopts it. That is why we are asking the City Council to adopt that amendment as soon as possible.

We are at the end of our financial rope because of two circumstances, one of which was brought on by the City, and one of which was brought on by our neighbors on the opposite side of Sea Spray Drive.

Until 2013, we had been unable to obtain a septic system permit from Mr. Fecteau because he questioned whether our proposed system complied with the State Plumbing Code. Our neighbors had been urging Mr. Fecteau to deny the septic system permit. However, as

you know, the State Plumbing Code is ultimately interpreted by the Maine Department of Health and Human Services, Division of Health Engineering. Although the State DHHS/DHE quickly approved our proposed septic system, it took Mr. Fecteau several months to be convinced. Mr. Fecteau finally granted the septic system permit on September 10, 2013.

As a result of our obtaining the septic system permit, the City Assessors Office revalued our property in 2014. Before then, the appraised value of the Property had been \$14,200, and its assessed value was only \$ 12,900. During the revaluation, the Assessors' office decided that our Property was buildable and therefore increased the assessed value of the Property to **\$ 901,000.00**. Our annual tax bill suddenly shot to **\$ 17,000 per year**. However, as we have explained above, Mr. Fecteau still refuses to issue a building permit for the Property because of his interpretation of § 15(B)(4). Thus, although we cannot get a building permit for the Property, we are being taxed on the Property as though it were a buildable lot. We are sure you can understand how unfair that situation is.

Mr. Fecteau's position is that, although § 15(B)(4) of the SZO prevents him from issuing a building permit for the Property, the lot is nevertheless "buildable" because, in his opinion, the Zoning Board of Appeals could grant us a *variance* from § 15(B)(4) that would then allow us to build a house on the Property. However, Mr. Fecteau cannot control the Zoning Board of Appeals. There is no way of knowing whether the Board would grant a variance. Even if it did, our Property and any house built on it would become nonconforming because they would not comply with Mr. Fecteau's present interpretation of § 15(B)(4). The Shoreland Zoning Ordinance imposes restrictions on the use of nonconforming lots and structures. But if the Council simply adopts the DEP's recent amendment to § 15(B)(4), we would not even need a variance and our Property would be perfectly conforming.

The other reason why a variance is not a feasible way to render the Property buildable is because we have every reason to believe that our neighbors on the opposite side of Sea Spray Drive would oppose our variance request before the ZBA and appeal to the courts from any variance the Zoning Board of Appeals chose to give us. We believe this because that is exactly what they did when we obtained our permit to build on the Property from the Maine DEP under the Natural Resources Protection Act on May 29, 2013 – the neighbors appealed the permit to the Maine Board of Environmental Protection. We spent five months and many thousands of dollars in legal fees preparing to defend our DEP permit before the BEP. After all that time and expense, on the day before the hearing on the neighbors' appeal before the BEP, the neighbors simply *dropped* the appeal without any explanation. We needlessly spent so much money on that BEP appeal that we cannot afford to fight an appeal from the granting of a variance.

We even offered to sell our Property to our neighbors in 2013. They never even responded to our offer.

Please help us. For the City Council to adopt the DEP amendment to § 15(B)(4) would change virtually nothing in the existing Shoreland Zoning Ordinance. The only people it can possibly affect are those very few individuals who own lots that (a) are covered, by more than 20%, by natural ledge or rock outcroppings (b) have been lots of record since March 24, 1990 and (c) have not been altered since then. In our case, for the City Council to adopt the DEP amendment to § 15(B)(4) – which would finally render our Property buildable -- is the only

possible means to render it fair for the City to assess our property at \$ 901,000 as a buildable lot.

Thank you very much for your attention to his letter. If you have any questions our letter, about us, or about our Property, please contact us immediately.

Sincerely,
Beth Gilpatric Zagoren
Robert Gilpatric

Gerlach, Jerry

From: cransom@Biddefordmaine.org
Sent: Friday, December 18, 2015 12:31 PM
To: gtansley@Biddefordmaine.org
Subject: Property @ Granite Point, Biddeford

Greg:

Just received a phone call from Beth Zagoren. She and her brother (Bob Gilpatrick) own a piece of property at Granite Point in Biddeford. Her brother has been paying taxes on this property right along and they, together, would like to build on the property. Beth said that this has been a work in progress for over 8 years now. It was all set to go in 2013 when their neighbor stepped in and didn't want a house built on the piece of land because it would obstruct his view.

Beth said that Bob spoke with you recently about getting a building permit. Rob Fecteau said that it had to be adopted by the city before they could get the permit. She referred to an upcoming Planning Meeting in January that she was informed about and wondered if it were public. I checked on line for her and I believe that Planning Meeting is on Wednesday January 6, 2016 at 6:00pm and it is open to the public.

She told me that she resides in Massachusetts and that time frame would be difficult for her. I believe that she is concerned about who will attend that meeting and what the agenda will be. She would like to get the building permit finalized and if she knew that property will be discussed at that meeting it would ease her mind.

She would like to hear from you before Christmas so that she has a clearer understanding. Could you please give her a call?

Beth Zagoren's contact information is as follows:

Tel: (617)306-5594
e-mail: zzag1234@aol.com

Vr

Connie Ransom

City of Biddeford
HR Administrative Assistant
Tel (207)286-0593 X 4121
Fax (207)571-0674
cransom@Biddefordmaine.org

Always, bear in mind that your own resolution to succeed is more important than any other one thing.



-Abraham Lincoln

www.biddefordmaine.org

@BiddMEHR