

500 Pd 02/03/2023
CK receipt # 4249



**Application for Administrative Appeal
to the Board of Appeals**

- Name of Appellant Sarah Dyer and Bonnie Harris
- Mailing Address 21 Old Kents Hill Rd 26 Old Kents Hill Rd
Readfield, Me Readfield, Me
207-632-7898
- Telephone 207-624-2980 e-mail address Sarah.e.blanchard@gmail.com / bonnieharris51@gmail.com
- Name of Owner of Property which is subject to appeal
Bruce Tisdale and Robert Bittar
- Location of Property: 25 Old Kents Hill Road Readfield, Me
Assessor's map # 120 Lot # 024

6. The undersigned requests that the Board of Appeals hear and consider an appeal for relief from the decision, or lack of decision, of the Code Enforcement Officer or Planning Board in regard to an application for a permit. The undersigned applicant believes that (check one):

- an error was made in the denial of a permit; or
- an error was made in the approval of a permit; or
- there has been a failure to approve or deny the permit within a reasonable period of time; or
- other _____

7. What specific section(s) of the Ordinance applies to the relief you are seeking?

Article 4 Section 5D, Article 4 Section 8, Article 6 Section 2D

8. If you do not own the property that is the subject of the decision you wish to appeal, please explain how the actual use or enjoyment of your property will be adversely affected by the decision or lack of a decision. Please describe how you will be affected in a way different from the impact of the decision on the general public.

Allowing the permits to stay in place will make it easier for illegal activity to happen on the property and for Mr. Bittar to continue in his harassment of his neighbors.

Please describe in detail on a separate sheet of paper the facts surrounding this appeal, what you think is wrong about the decision which you are appealing, and what action you want the Board of Appeals to take in this matter. You should be as specific as possible so that the Board can give full consideration to your case.

There is a \$50 application fee for all applications to the Board of Appeals.

I certify that the information contained in this application is true to the best of my knowledge and belief.

S Dyer Bonnie Harris
Signature of Appellant

2/3/2023
Date

**Board of Appeals
Required Submittals
for
Administrative Appeal**

1. Copy of completed application;
2. Copy of the decision being appealed;
3. Copy of the portion of applicable tax map showing subject property and abutting properties;
4. Names and mailing addresses of all property owners abutting the subject property. (Abutters are the owners of any parcels with one or more common boundaries or points, as well as property owners of any parcel located directly across any road, railroad or stream along the road, railroad or stream from the parcel involved in the application. Also included is any Qualified Conservation Holder of an easement in any of these parcels);
5. Exact direction to the property from the Town Office, using a map if necessary; and
6. Any additional information relevant to the project, for example, photographs or additional documentation.

Pd 50⁰⁰ on 2/3/2023
ck/receipt # 4249

It is unfortunate that the process for appeal of CEO permits looks more at the actions of the CEO than the applicant. We believe the CEO made mistakes in issuing the permits that he did, but we want to state that the actions and deception of the applicant Bob Bittar are the real problem; one we are also trying to address. The CEO has the ability to revoke the permits that were issued and stop the ongoing illegal work at 25 Old Kents Hill Road. We are asking the Board of Appeals to act within your jurisdiction to do the same and revoke both permits.

When permits were issued to Bittar in December the CEO was aware of his extensive history of lies and misrepresentation with respect to the Town's permit process and Land Use Ordinance. While not exhaustive, that history is available at: <https://www.readfieldmaine.org/planning-board/pages/mill-stream-road-land-use-information>.

When these permits were issued the CEO was aware that Bittar had been arrested multiple times for violating conditions of his bail and a Protection from Harassment Order obtained by Eric Dyer, including Bittar's intent to use the property illegally to harass the Dyer family living right beside him.

Bittar pushed several different uses and ideas to the CEO that wholly or in part violated conditions of the Land Use Ordinance before finding the one that would work on paper. In his final permit application, he intentionally omitted details related to parking and the true scope of his intended work.

This information was not given sufficient consideration when Bittar was issued his December permits by the CEO. No additional scrutiny was applied, and several red flags were overlooked. Neither the building permit nor the subsequent plumbing permit should have been issued. Specifically, Article 4, Section 5-D stating that "The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance." was not met. The fact that Bittar has grossly violated his building permit conditions is further grounds for revocation of the plumbing permit under Article 4, Section 5-D and Article 4, Section 8.

Abutters

Sarah and Eric Dyer 21 Old Kents Hill Road

Bonnie and Will Harris 26 Old Kents Hill Road

Jennifer Von Deesten and Isaiah Stephan 33 Old Kents Hill Road

Mill Stream Road Easement: Town of Readfield 8 Old Kents Hill Road

25 Old Kents Hill Road is west of the Town Office

Thank you

Robert Dittar

Attachment: Mr. Stevenson email has been forwarded to you.

Chip Stephens

From:
Sent:
To:
Subject:

Readfield Town Officers
Chip Stephens
2531107

Chip Stevens, CEO
Readfield Town Officers

Chip,

I submitted the Subsurface Wastewater Disposal System Application and engineering documents to Mr. Joe Stevenson, soil engineer. We discussed the use of the house and garage. He stated that any additional bedroom space would require an additional number of chambers to the drainage system. At this time, that appears unnecessary an unnecessary expense at this time since I will only occupy one of the three bedrooms in the house.

There appears to be a more immediate need for a bathroom in the garage.

I discussed the use of the garage as a work area with Mr. Stevenson. There are several distinct uses which can be accommodated in the garage which has been cleaned out of debris.

1. I have spent years in music, art and sculpture and will require a large art studio in which to engage in multi-media art. One half of the second floor will be a studio.
2. I will continue my activities in Readfield political reform as self appointed ombudsman. An additional part of the second garage floor will be used as a private office space for these activities.
3. During the last election I gathered 360 votes among Readfield citizens. These are my political supporters. I intend to continue my political activity in pursuit of a position on the Select Board and other areas of Readfield administrative office. It is clear that I have been effective in helping to defeat the broadband initiative. I intend to move more actively to highlight areas of administrative activity which require review and reform. This requires a **work area** in which to build signs, and an area for meeting with my political supporters as we develop a political base. This area will also function as a **political hospitality area** in which I will speak to constituents.

A Bathroom

My political supporters may arrive from time to time to work on a political campaign, discuss agendas and build a coalition. A bathroom will be needed to accommodate my personal needs and needs of visitors who engage in my political reform activity. Mr. Stevenson indicated that adding a bathroom in a garage workspace which contains no bedrooms does not require additional septic system field capacity. It will be unnecessary therefore to increase the current 290 gallons per day field capacity. The garage bathroom may be added with no change to the current system.

I therefore request permission to install a bathroom in the garage as soon as excavation of the area is completed. I am familiar with plumbing and will complete the installation myself.

Recd 12/27/22 to 3614

PLUMBING APPLICATION

Maine DHHS/CDC - Division of Environmental & Community Health

City, Town, or Plantation	Readfield	Town/City	Readfield
Street/Subdivision Lot #	170-024	Permit #	2680
		Total Fee	\$ 40
Name (Last, First)	BUTTAJ Robert	Date Issued	12/21/22
Applicant Name (Last, First)	BUTTAJ Robert	Double Fee	
		Local Plumbing Inspector Signature	[Signature] License # 2266
Street	25 Old Kent Hill Rd	FEES State	\$ 40
City	Readfield	Local	\$ 30
State	Me	LOCATION Map #	120
Zip Code	04355	Lot #	024

Internal plumbing fixtures and piping may not be installed until a permit is issued by the Local Plumbing Inspector. The permit authorizes the owner or installer to install the plumbing system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector(s) to deny a permit.

CAUTION: INSPECTION REQUIRED
I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules Application.

Signature of Owner/Applicant	[Signature]	Date	12/21/22	LPI Signature	[Signature]	Date (Rough-In)	
Copy:	Property Owner <input checked="" type="checkbox"/>	Town	<input type="checkbox"/>	State	<input type="checkbox"/>	Date (Final)	

This application is for:	New Plumbing	<input checked="" type="checkbox"/>
	Relocated Plumbing	<input type="checkbox"/>
Type of structure to be served:	Single Family Residence	<input checked="" type="checkbox"/>
	Modular or Mobile Home	<input type="checkbox"/>
	Multiple Family Dwelling	<input type="checkbox"/>
	Other (specify below)	<input type="checkbox"/>
		<input type="checkbox"/>
Plumbing to be installed by:	Master Plumber	<input type="checkbox"/>
	Oil Burner Installer	<input type="checkbox"/>
	Mfd. Housing Rep.	<input type="checkbox"/>
	Public Utility Rep.	<input type="checkbox"/>
	Property Owner	<input checked="" type="checkbox"/>

Maximum 1 Hook-Up	Type of Fixture	Qty	Type of Fixture	Qty
Hook-Up (a) <input type="checkbox"/> <i>Hook-up to public sewer in those cases where the connection is not regulated and inspected by the local sanitary district.</i>	Hosebib/Sillcock		Bathtub (and Shower)	1
	Floor Drain		Shower (Separate)	
	Urinal		Sink	1
	Drinking Fountain		Wash Basin	
Hook-Up (b) <input checked="" type="checkbox"/> <i>Hook-up to an existing subsurface wastewater disposal system.</i>	Indirect Waste		Water Closet (Toilet)	1
	Treatment Softener, Filter, etc.		Clothes Washer	
	Grease/Oil Separator		Dishwasher	
Piping Relocation <input type="checkbox"/> <i>Relocation of sanitary lines, drains, and piping without new fixtures.</i>	Roof Drain		Garbage Disposal	
	Bidet		Laundry Tub	
	Other:		Water Heater	

State of Maine
Department of Health and Human Services/
Center for Disease Control and Prevention
Environmental & Community Health - Subsurface Wastewater
286 Water Street
State House Station 11
Augusta, ME 04333
207-287-2070
HHE-211
Revised 7/24/2018

Total Column 1 1 + Total Column 2 + Total Column 3 3 = Enter Total Fixtures / Hook-Ups Below

PERMIT TRANSFER ONLY \$10.00

4
10
40

40 units
10/fixture (sink, Drng, Toilet, ...)

TOWN OF READFIELD, ME
APPLICATION FOR BUILDING,
SIGN, OR USE PERMIT

8 Old Kents Hill Rd.
 Readfield, ME 04355 Tel: 685-3290

Permit No. 2312
 Permit Fee \$63
 Date Pd 12/5/22 Rec. # 3364
 Date Issued 12/5/22
 Ext. Plng. Permit# _____
 Int. Plng. Permit # _____
 E-911# _____

The undersigned hereby applies for a permit for the following construction or use of property, said permit to be issued on the basis of the information contained within this application and in accordance with all applicable local and State laws. The applicant certifies that all information and attachments to this application are true and correct and authorizes the Code Enforcement Officer to verify on-site any and all information contained herein.

Any permit issued on the basis of this application is subject to appeal to the Board of Appeals for 45 days from the date of issuance, pursuant to Article 2, Section 1.C of the Readfield Land Use Ordinance. You are advised to inform, *in advance*, your abutters or anyone else who may be directly impacted about the nature and extent of your proposed construction or change of use to your property herein applied for. This notification is your responsibility.

1) Property Owner: ROBERT B. BICAR Phone: 561 397 4335
 Name: _____
 Mailing Address: 1146 Main St Readfield Zip: 04215
 E-mail address: RB.BICAR@IQACC.COM

2) Applicant: (if not owner, proof of right, title, or interest required, i.e. letter of authorization, purchase/sale agreement, etc.)
 Name: _____
 Address: _____ Phone: _____

3) Contractor: _____ Phone: _____

4) Street Address of Property (if different from mailing address): 25 Old Kent Hill Rd
 Tax Map No. 120 Lot No. 024 Zoning District Village Residential

5) Lot Size: Road Frontage _____ Depth _____ Area _____ Shore frontage _____
 Is this a new lot created from the division of another lot or parcel within the previous 5 years? _____

6) Existing use of property: _____

7) Proposed Project Description and/or Use of Property:
Repair Garage - New House Roof Shingles
House Heat Pump cement for floor

Dimensions _____ #rooms _____ # bedrooms _____ # baths _____ # stories _____

Height of building from the finished grade at the downhill side to the highest point (exclude chimneys) _____ ft.
 Foundation: full _____ partial _____ frost wall slab _____ columns _____ other _____

8) If structure is a dwelling, is it: (1) Year-round (2) Seasonal _____

9) Will proposed structure be used as the applicant's dwelling or accessory to it? Yes

10) If structure is a mobile home, what is the make? _____
 year? _____ Where is it being moved from? _____

11) If structure is a modular home, what brand? _____

12) Sewage disposal: Existing Proposed _____
 (If proposed, please include copy of Site Evaluator's report & design)

13) No. of existing dwelling units on property? 1

14) Is proposed project located in a floodplain, as identified on the Flood Insurance Rate Map? No (If yes, have you applied for a Flood Hazard Development Permit? _____)

15) Is proposed project located within a Shoreland Zone? No If so, and if the proposed project involves the expansion of an existing non-conforming structure, how many total square feet of existing and proposed floor area for all structures will be within:

- (a) 25-75 feet of the normal high-water line of a waterbody or the upland edge of a wetland? _____
- (b) within 75-100 feet of the normal high-water? _____

(OVER)

- 16) Do you need to construct a new driveway entrance onto a public or private road? No
 17) Type of water supply proposed?: Drilled well _____ Dug well _____ Spring _____ Other Existing
 18) Type of heat proposed? Heat pump
 19) Does any part of this application require Planning Board approval? No
 If so, please give date of decision _____

Please draw a site plan sketch on a separate sheet of paper illustrating the lot configuration with dimensions, location of existing and proposed building(s) with distances from nearest lot line, road or right of way, water body, wetland, etc., location of septic system components, well, and areas to be cleared, filled or excavated. For projects which involve excavation or other soil disturbance, please note on the site plan or describe separately your plans for erosion control. For new development, including new driveways, describe how you intend to treat all new stormwater on site. If application is for a sign, indicate dimensions of sign, letter height and distance from center of road. If you need to construct a new driveway, please indicate the location of your proposed entrance.

SIGNATURE OF APPLICANT: [Signature] DATE: 12/12/22
 Date application & fee received by Town Office: [Signature] By: 12/5/22

FEE SCHEDULE: (Any construction, alteration, expansion, reconstruction, placement or relocation of a structure, (for which the fair market value, materials & labor, is at least \$2,000), or new or change of use of property requiring a permit. This includes mobile and modular homes.

(SQ. FT. FEES BELOW BASED ON TOTAL FLOOR AREA OF NEW STRUCTURE OR EXPANSION, EXCLUDING UNFINISHED BASEMENTS.

- RESIDENTIAL, INSTITUTIONAL & GOVERNMENT STRUCTURES: PRINCIPAL: \$.10/sq.ft., ACCESSORY: \$.05/sq.ft.
- COMMERCIAL, INDUSTRIAL & PUBLIC UTILITIES STRUCTURES: PRINCIPAL-\$.12.sq.ft. ACCESSORY: \$.09/sq.ft.

In cases where there is no new square footage or square footage formula above cannot be otherwise applied:
 Value of materials/labor \$2,000--\$4,999=\$25.00
 \$5,000--\$14,999 = \$45.00
 \$15,000--\$20,000 = \$60.00 A fee of \$3 shall be added for each additional \$5,000 over \$20,000 or fraction thereof
 Estimated value of this project: \$ 20,000

AGRICULTURAL BUILDINGS (roofed structures intended for shelter associated with intensive agricultural activities) \$.02/sq.ft.

- NEW DRIVEWAY ENTRANCES ONTO PUBLIC OR PRIVATE ROADS: \$25.00
- NEW PRIVATE ROAD NAMING & SIGN INSTALLATION (E-911) : \$100.00
- CONSTRUCTION REVISIONS TO PERMITS ALREADY ISSUED: \$25.00
- FLOODPLAIN PERMITS: Minor: \$25.00 Major: \$50.00
- CERTIFICATE OF OCCUPANCY PERMITS: No fee when the inspection is associated with an active building permit, otherwise the fee shall be \$25.00.
- SIGN OR USE PERMITS: \$25.00
- DEMOLITION PERMITS: \$25.00

\$63

CEO & PLANNING BOARD RENEWAL FEES (ONE TIME, IF NO CHANGE IN PROPOSED PROJECT OR APPLICABLE REGULATIONS HAVE OCCURRED): \$25.00
 MINIMUM PERMIT FEE FOR ANY OF THE ABOVE: \$25.00
 ALL EXTERNAL & INTERNAL PLUMBING PERMIT AND SEASONAL CONVERSION PERMIT FEES ARE AS ESTABLISHED BY THE DIVISION OF HEALTH ENGINEERING---CONTACT LOCAL PLUMBING INSPECTOR FOR CURRENT APPLICABLE FEES.

IF ANY WORK, INCLUDING EXCAVATION, IS BEGUN PRIOR TO OBTAINING THE REQUIRED PERMITS, A MINIMUM \$100 PENALTY OR DOUBLE THE PERMIT FEE, WHICHEVER IS GREATER, SHALL BE CHARGED.

No expansion
Repair of the Garage
Replacement of the Heating System

=====

Half of the Garage Floor – 2” layer of concrete to cover the old broken concrete on

12’ x 24’ area 2000

Heating – heat pump unit replaced hot water heat 7000

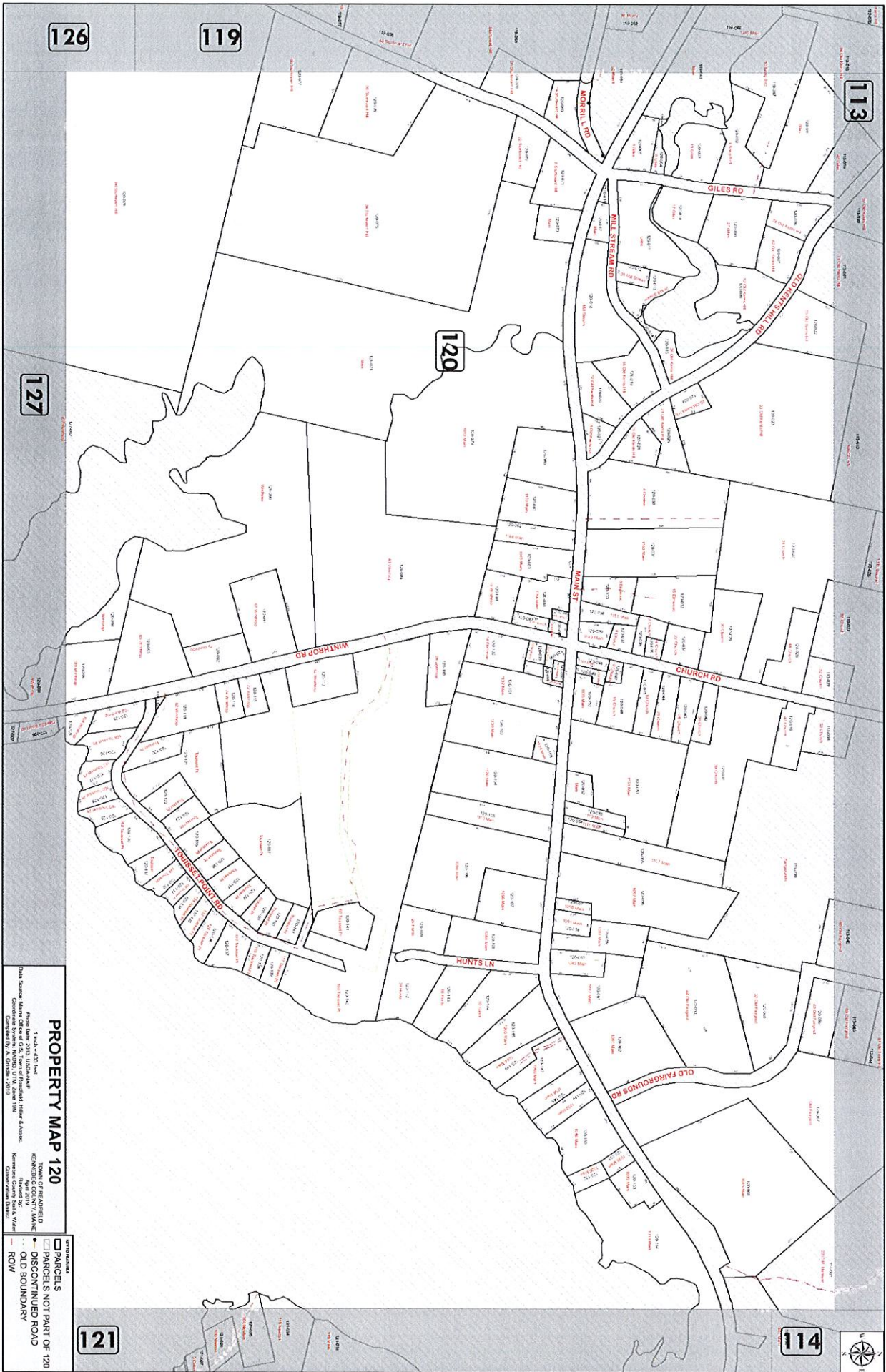
Repair Roofing - to be done 8000

Repair Garage Walls - to be done 4000

landscape front door path, parking ? - to be done ?

fill soil in low spot on side of barn - parking- to be done ?

total 21000



PROPERTY MAP 120

1 inch = 435 feet

Map Date: 2013 (Update)

Map Source: Aerial Imagery, 2011; Survey Data, 2011; GIS Data, 2011

Coordinate System: NAD83, UTM, Zone 18N

Compiled by: M. Sprague, 2013

TOWN OF FARGO, MN

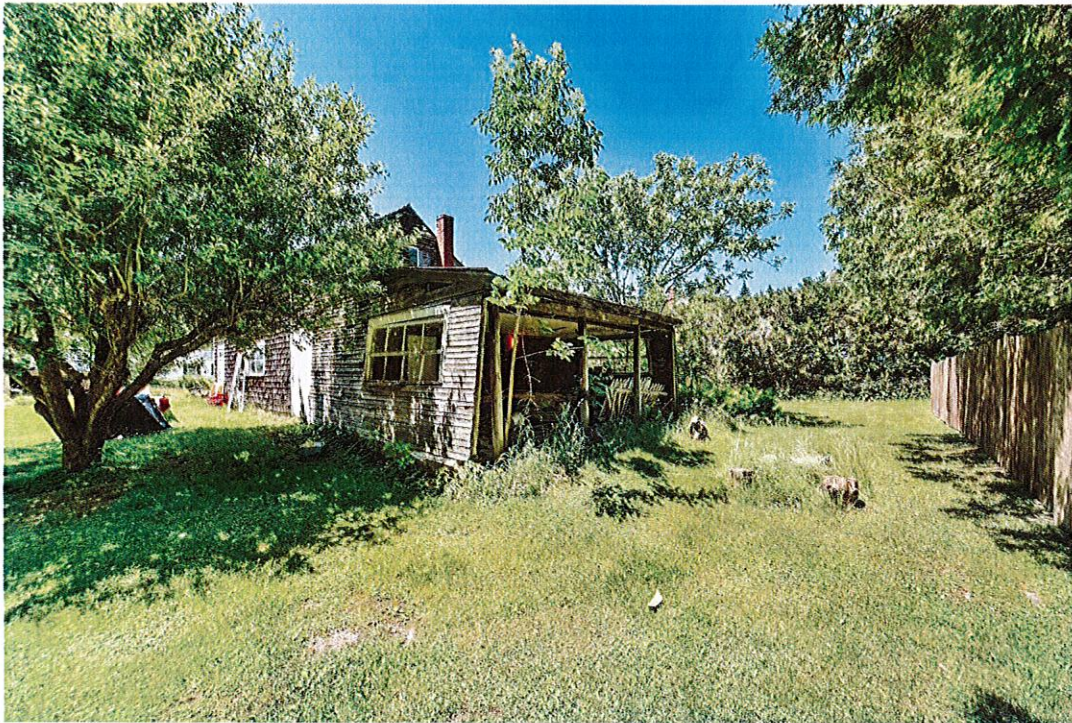
DATE: 11/15/2013

BY: KENNETH QUINN, SIDA & WILSON

PROJECT: PROPERTY MAP 120

PARCELS
 PARCELS NOT PART OF 120
 DISCONTINUED ROAD
 OLD BOUNDARY
 ROW

This depiction of property lot boundaries, whether with general locations and dimensions for use in planning and assessing, NOT TO BE USED FOR CONVEYANCE PURPOSES!



Closed: \$269,000 (3 beds, 2 baths, 1,754 Square Feet)

Photos

Save Home

Share



Closed: \$269,000 (3 beds, 2 baths, 1,754 Square Feet)

- no subject) - sarah@blar
- My Drive - Google Drive
- volume_20_issue_02_feb
- 2019readrle(ztammap120
- Google Calendar - Janua
- Legal- Bittor-documents
- 25 Old Kents Hill Road R



25OKHwork.pdf

- Search
- Taskbar icons: File Explorer, Microsoft Edge, Word, Excel, PowerPoint, OneDrive, Teams, Outlook, and other system utilities.

II. LEGAL STANDARD

TRO requires satisfaction of the three prong test:

1. Public interest will not be adversely affected by the injunction
2. Plaintiff will suffer irreparable injury if the injunction is not granted
Such injury outweighs any harm granting relief would inflict on the defendants
3. Plaintiff exhibited likelihood of success on the merits

See Bangor Historic Track, Inc. v Dep't of Agric., Food and Rural Res., 2003 ME 140, 10837 A.2d.

III. ARGUMENT

A. PUBLIC INTEREST WILL BE ADVERSELY AFFECTED BY A TRO

1. **Landmarks** are an important part of Maine Public Interest, legacy and identity. **25 OKHR may be the ONLY remaining 17th CENTURY PIONEER-SETTLER building in Maine. It may be the oldest Maine structure.** It requires immediate repair. Defendant intends to restore this pre-Georgian (pre 1700) pioneer building and furnish it as a Pioneer-Indian Trading Post. Once complete Defendant will offer free tours to children and town residents. The truth of our American Indian experience must also be understood.

Defendant believes 25 OKHR may be one of the oldest buildings in Maine (ca. 1650-1680). The Kennebec British fur trade reached its peak in 1634 -1649. In 1676, the remains of the Augusta trading post was burned "during ["Indian King"] Philip's War Kennebec Valley was depopulated of English settlements". The 25 OKHR must be protected and preserved. There are few artifacts documenting the life of Maine pioneer life prior to 1760. Few records exist and no trading posts survive. Traders were squatters with no land title. (Indian Trade was a low point in American history. Mass. Authorities legislated a bounty on "Indian Scalps" and stole their land with trinkets, addiction, treaties and deceit. Indian trade reduced native Americans to immoral theft of resources, life and land. It was a commercial operation which depend upon trading furs in exchange for tools, knives, axes whiskey, etc.) Albeit its inherent immorality (theft, and exploitation of Indians) fur trading, was profitable. Indian trade was the cornerstone of Maine's frontier economy with Massachusetts. Like slavery, it was best forgotten. Maine historic records became available only after the census, 1759 British defeat of French forces and British land grant sales for Maine farms and manufacturing.

Confirmation of 25 OKHR Historic Significance. Defendant and his wife Helen spent decades in their doctoral degree studies of American History and architecture at N.Y.U. They were particularly interested in artifacts and architecture of the pre-colonial settler experience. **Helen first identified Massachusetts "twelve over eight windows" - the equivalent of finding a 4 carat diamond. 25 OKHR contains hand made windows frames with hand blown "twelve over eight" glass panes, hand made plank door with hand wrought iron hardware and sleeping loft, crude log-cabin type floor stringers- All characteristic of ONLY pre-colonial Mass. buildings.. (see photo #6)**

Defendant believes 25 OKHR may be one of the oldest buildings in Maine. 25 OKHR was built in two stages. The building is currently dated incorrectly. There is no historical documented date for this structure. No pre 1770 Maine record keeping process existed. For that reason, the only date noted for this property reflects the date of its most recent 1840 addition. The 1840 addition was attached to the original pioneer structure. The Nineteenth century property deeds for this property merely mention its part of the "John O. Craig Farm". James,

Documentation
from Bittler
to Dyer Attorney 7/22 (SD)

Back 2023 11:55:15

