

Readfield Planning Board  
Town of Readfield  
Readfield, ME 04355

May 17, 2021

RE: Morash Building Application  
111 Mayo Road, Readfield, ME

Dear Planning Board Members,

Please consider our additional written response to the Morash site visit and Planning Board meeting held on May 11<sup>th</sup>, 2021. We are hopeful that all parties can come to an agreement on a building plan that meets the needs of the Morash's while having the least impact on the environment and abutting property owners. That is why we are asking all parties to reconsider other options for the proposed new driveway.

The only reason the Morash's are proposing a new driveway right next to our property line and renaming part of Mayo road the "Hewey driveway" is to avoid the 50' road setback. It's a matter of semantics in how the right of way is being defined, as a road or as a driveway it has resulted in the same outcome as far as the setback of the garage. As a matter of fact, the Morash's had previously prepared a building plan that had the garage on the north side of the house and utilized their current lower driveway. The garage was 20 feet from what the town defined as a "road" and was subject to a 50' setback. The new building plan also has the garage 20 feet from the same right of way, but now defined as the "Hewey driveway", not subject to the 50' setback. The new plan also includes a new driveway for the Morash's that would require the removal of many trees and would reduce the buffer between our properties. The lower end of the proposed new driveway is 3 feet from our property line and would clearly have more of an environmental and adverse impact than the previous plan. We believe utilizing their current driveway and having the garage on the north side of the house would eliminate the need to remove many trees, maintain our current buffer, meet the need of road frontage, and greatly reduce the overall environmental impact and concerns of water runoff.

The potential reduction in non-conformity which truly impacts our lake can be realized with reconsideration of all factors, to the greatest practical extent, for this proposed project. We want to reiterate that we support the Morash's building their retirement home and we'll go along with what is agreed upon because they are good neighbors.

Respectfully,

*Rob + Kathy*

Rob and Kathy Corey  
8 Prosperity Lane  
Readfield, ME 04355

Cc: Scott and Dawn Morash  
CEO Chip Stephens

May 13, 2021

Readfield Planning Board  
Town of Readfield  
Readfield, ME 04355

RE: Runoff water evaluation  
8 Prosperity Lane, Readfield, ME

Dear Planning Board Members, Coreys,

Please consider our written response to the notice sent by abutting property owner Rob and Kathy Corey.

With the concern the Corey's have raised of the Morash build project and the Corey preexisting "very sensitive leach field", we propose the following:

- 1) The Corey's allow Dirigo Surveying Winthrop Maine on his property to perform Topo measurements near and around the Corey leach field.
- 2) The measurements will then be placed on an expanded topo survey of this project area for a full site evaluation by Gerry Mitchell licensed site evaluator.
- 3) This site evaluation will be shared with the Readfield planning board and the Corey's.

This evaluation will provide the necessary information for judgement as to precautions and planning to ensure that water runoff is properly addressed to prevent any adverse impact to their property. Thank you for your consideration.

Respectfully,

Scott Morash  
56 Ledgewood  
Hollis Center, Maine  
04042

CC: Rob and Cathy Corey  
CEO Chip Stephens

## Legal Opinion Request

May 12, 2021

The Readfield Planning Board has asked me to obtain your opinion on a land use application currently under review.

An applicant is proposing to reconstruct a non-conforming single-family dwelling on a non-conforming lot. The Board's responsibility is to apply the "Greatest Practical Extent" standard to the reconstruction as described in Article 3, section 4 of the Land Use Ordinance.

The lot is non-conforming in several aspects including lot size but the primary issue at hand is the non-conformity related to insufficient road frontage—being 187 feet—short of the 200 feet required for conformity.

The road, described by deed as a right-of-way (over land of others), runs easterly and the lot is the second to the last lot on the easterly end of a dead-end road, that is, the road serves only one lot beyond the applicant's existing driveway currently on the easterly end of his lot. The applicant proposes to abandon the existing driveway and construct a new driveway on the westerly end of his lot. The applicant argues that the road frontage beyond his new driveway should be considered driveway frontage—not road frontage—by definition, that a driveway is "a private vehicular way providing access to no more than one lot for one single-family dwelling or other single ownership structures." Hence, a "road" is defined as "any route for vehicular access other than a driveway." (Interpreted to mean a road is a vehicular access which serves *two or more* single-family dwellings).

If the Board were to accept the road frontage easterly beyond the applicant's new, relocated driveway on the westerly end of his property as driveway frontage, then the "road" frontage of the lot would be reduced from 187-feet to about 30-feet. The effect would be a reduction in the minimum setback distance for the new dwelling for the remainder of the 157-feet of road, now being defined as that from a boundary line rather than a road, thus allowing for a larger footprint for reconstruction.

The Board is seeking your opinion as to whether this proposal would have the effect of violating the provision in Art. 3, section 4.C.1 which states, "In no case shall a structure be reconstructed or replaced so as to increase its non-conformity." (See definition for Non-Conformance, Article 11) stating that "...any further deviation from the dimensional standards creating the non-conformity shall constitute an increase in non-conformity (see definition for Increase in non-conformity of a structure)."

The second question is, if the result is in fact a decrease in road frontage is the Board permitted to allow this decrease if it finds that other existing non-conformities would be removed entirely or to the Greatest Practical Extent would the combination outweighs the reduction in road frontage?

### MMA LEGAL REPLY:

If I understand correctly, the lot owner in this case contends that if he relocates his driveway from the easterly side of his lot to the westerly side, this will somehow convert the easterly balance of his road frontage (157 feet) into "driveway frontage," or in other words a mere lot boundary line as