

To: CHAIR - BELGRADE BOARD OF APPEALS

Appeals Board Application # _____

Ref: PLANNING BOARD PERMIT FOR 2ND MAJOR BUILDING & PLUMBING CHANGES ON JONES LOT AT SANDY COVE, LONG POND
APPLICATION FOR VARIANCE OR

APPEAL TO BOARD OF ZONING APPEALS

SEPT. 05, 2020
01 (WEEKEND + HOLIDAY)

Name of Appellant: JOHN T. SUTTON

Mailing Address: 559 WEST ROAD, BELGRADE, ME 04917

City or Town: BELGRADE 04917 (Maine)

Telephone: 207-495-3498 email: jtsutton@roadrunner.com

Name of Owner: JOHN T. SUTTON

The undersigned requests that the Board of Appeals consider one of the following:

1. An Administrative Appeal. 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 believes that (check one):

 an error was made in the denial of the permit

 the denial of the permit was based on a misinterpretation of the ordinance

 there has been a failure to approve or deny the permit within a reasonable period of time

X other • DISCHARGE FROM JONES' PROPOSED NEW SEPTIC SYSTEM FOULS SUTTON LAND FOR FUTURE WELL.
• JONES' PLAN FAILS TO SHOW R-O-W BOUNDARIES OF SANDY COVE ROAD ACROSS JONES' PROPERTY.

a. Explain in more detail the facts surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case. SEE SUTTON LETTER OF AUG. 19, 2020 TO PETER RUSHTON, P.B. CHAIR, (ENCLOSED)

b. A sketch plan of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question. SEE ACCOMPANYING SKETCH MARKED UP TO SHOW SANDY COVE R-O-W ACROSS JONES' PROPERTY & INTERFERENCES.

2. A Variance. SEE ACCOMPANYING SKETCH MARKED UP TO SHOW SANDY COVE R-O-W ACROSS JONES' PROPERTY & INTERFERENCES.

Nature of Variance: Describe generally the nature of the variance. _____

REQUESTS: 1) KEEP JONES' SEPTIC DISCHARGE WITHIN HIS OWN PROPERTY FOR PURPOSES OF A FUTURE WELL ON SUTTON AND FULL WIDTH OF R-O-W.
2) SHOW ON PLANS AND PLANNING BOARD DOCUMENTATION THE FULL 30 FT. WIDTH OF SANDY COVE R-O-W TO SUTTON ACROSS JONES.

- a. A sketch plan of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.
- b. *Justification of Variance.* In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the zoning ordinance would cause undue hardship. There are four criteria which must be met before the BOA can find that a hardship exists.

Please explain how your situation meets each of these criteria listed below:

- 1.) The land in question cannot yield a reasonable return unless the variance is granted.
SEE ATTACHED LETTER TO PETER RUSHTON, CHAIR-BELGRADE PLANNING BOARD - AUG. 19, 2020:
* APPELLANT MANAGES ADJOINING LAND FOR FAMILY RECREATION, TREE GROWTH AND LAKE WATER PROTECTION. P.B. CONDITIONS FOR JONES APPROVAL DO NOT ADDRESS POLLUTION FROM JONES' NEW SEPTIC SYSTEM ONTO SUTTON PROPERTY, OR DEFINE BOUNDARIES OF DEED R.O.W. TO SUTTON.
- 2.) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood. - TRUE

- 3.) The granting of a variance will not alter the essential character of the locality. - TRUE

- 4.) The hardship is not the result of action taken by the appellant or a prior owner. - TRUE

I certify that the information contained in this application and its supplement(s) is true and correct.

Date: SEPT. 8, 2020 Appellant Signature: John T. Sutton
 Appellant's Printed Name: JOHN T. SUTTON

Note to the appellant: This form should be returned to the Chairman of the Board of Appeals. You will be notified of the date of the hearing on your appeal. (Rev. 6-20-2018)

559 West Road
Belgrade, ME 04917
jtsutton@roadrunner.com
(207) 495-3498

August 19, 2020

Peter Rushton, Chair
Belgrade Planning Board

Re: Jones "Garage" Re-application

Peter,

This refers to the subject application, as recently approved by the Planning Board.

With a possible appeal in mind, I'd appreciate copies of Planning Board minutes and decisions regarding the Jones application for the so-called "garage" that became a second house at Sandy Cove. As an adjoining property owner and Belgrade citizen with interest in lake water quality protection I have the following interests:

- **Shore land zoning observance and administration precedent set by forgiveness and re-application:** Here, a so-called "garage" nearly doubling the size and functions of the pre-existing home, was built and plumbed on a non-conforming shorefront lot under flawed building and plumbing permits. When questioned, a revised building permit application was accepted for the new structure as-built (with kitchen appliances removed), and a new septic treatment and discharge system was designed for the combined pre-existing and new structures. Seasonal occupancy potential for the shorefront lot is nearly doubled.

My general concern is the precedent for Shore Land Zoning control in Belgrade implied by this "build first – forgive – re-permit" policy.
- **New septic system fouls adjoining Sutton land for future well location based on statutory 100 ft. septic discharge/well separation:** No development is currently planned for Sutton's point. However, siting of a building, well and septic system on this point surrounded by Long Pond on three sides would be difficult enough without fouling of some Sutton land by the 100 ft. separation imposed by Jones' nearby discharge point – with its added volume from the new building. Further concern is that Jones proposed discharge site may be a source of septic seepage through Sutton land to Long Pond, raising questions of responsibility and remediation.
- **The right-of-way location on North Sandy Cove Road across Jones to the Jones/Sutton boundary should be marked on the ground and shown in related plans and records:** Sutton owns deeded rights to foot, vehicle and utility access from the Dunn Road to Jones/Sutton property line, recognized by over 50 years of Sutton usage. The Planning Board declines to define and mark this r-o-w across Jones except for its center line, for unspecified reasons – perhaps to squeeze 100 ft. between Jones' well and his new septic discharge point. It is generally accepted that the North Sandy Cove Road r-o-w in this area is 30 ft., with the travelled road less. Again, no development is currently planned for Sutton's point. However, unimpeded preservation of this singular access to Sutton point by foot, vehicles and utilities should be permanently recorded and assured.

Thanks in advance for your response.

John T. Sutton (Jack)

Cc: Sam Hudspath, Chair, Belgrade Appeals Board
Anthony Wilson, Belgrade Town Manager; Richard Sutton; Nancy Vailas; David Bean, Pres. Sandy Cove Corporation

LONG
POND

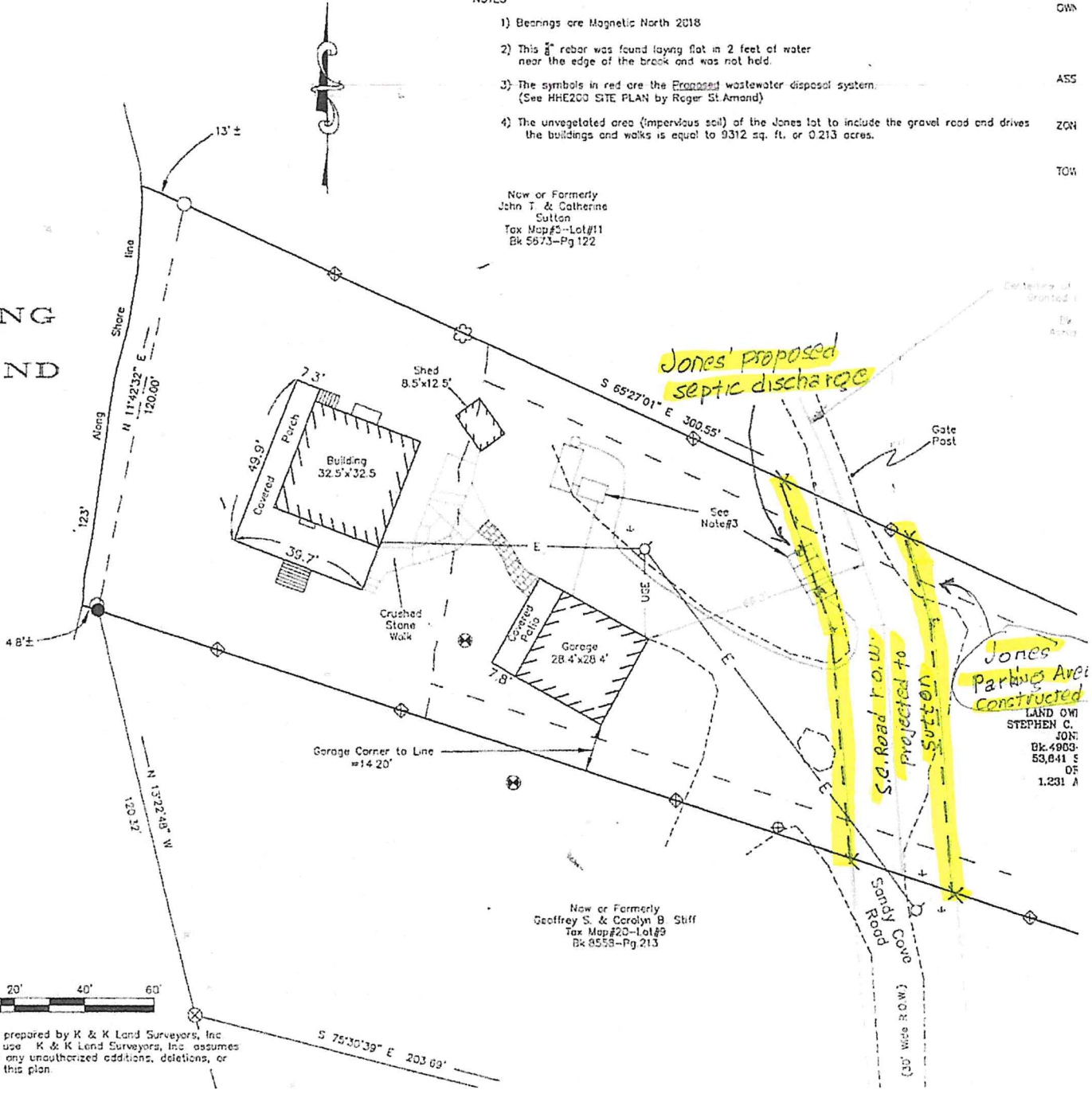
NOTES

- 1) Bearings are Magnetic North 2018
- 2) This $\frac{3}{8}$ " rebar was found laying flat in 2 feet of water near the edge of the break and was not held.
- 3) The symbols in red are the ~~Proposed~~ wastewater disposal system. (See HHE200 SITE PLAN by Roger St Amand)
- 4) The unvegetated area (impervious soil) of the Jones lot to include the gravel road and drives, the buildings and walks is equal to 9312 sq. ft. or 0.213 acres.

GWN
ASS
ZON
TOW

Now or Formerly
John T. & Catherine
Sutton
Tax Map#5-Lot#11
Bk 5673-Pg 122

Now or Formerly
Geoffrey S. & Carolyn B. Stiff
Tax Map#20-Lot#9
Bk 8558-Pg 213



This plan was prepared by K & K Land Surveyors, Inc for a specific use. K & K Land Surveyors, Inc. assumes no liability for any unauthorized additions, deletions, or alterations to this plan.

Jones Plan Marked-Up to show:

- Sandy Cove r-o-w projected to Sutton property
- Interference with Jones' projected septic discharge
- Potential fouling of well location on Sutton land from Jones' discharge (100 ft. rule).

J.T. SUTTON
9-07-2020