

TOWN OF WINDHAM
ZONING BOARD OF APPEALS

NOTICE OF DECISION

Appellant: Anthony Requia, 285 Middle Road, Falmouth, ME 04105

Property Owner: Anthony Requia and Daniel McNutt

Property: 119 Trails End Road, Unit #2, Map/Lot 73/4/2

Zoning Classifications: Limited Residential ("Limited Residential Shoreland Zone") and Farm Residential ("FR Zone")

Introduction

1. Appellant filed a timely notice of appeal of the Code Enforcement's ("CEO) issuance of a Notice of Violation and Stop Work Order ("NOV") dated June 3, 2024 for building permit #24-000582 ("Permit") in relation to the Property.
2. September 5, 2024, a *de novo* hearing was held by the Zoning Board of Appeals ("Board"). Members present and voting were Christopher McDonald, Jim Cobb, Mike McGuigan and Raymond Batchelder, Jr.
3. The Board received testimony from the Appellant, CEO and members of the public.

Findings of Fact and Conclusions

After the public portion of the hearing was closed, the Board adopted the following findings and conclusions:

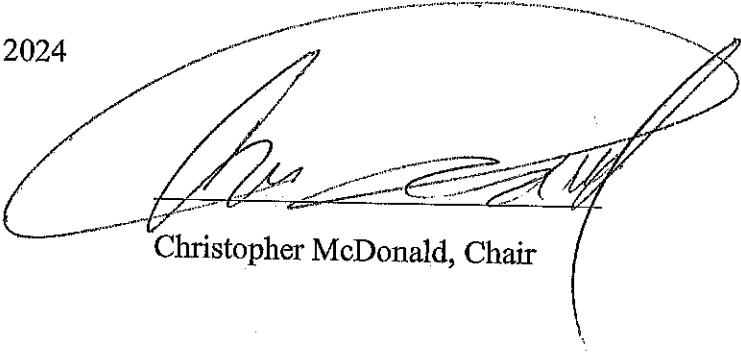
1. That the proposed lot size for Unit #2 is insufficient. Under the Windham Land Use Ordinance ("LUO"), the FR Zone requires a minimum lot size of 50,000 square feet. For Unit #2, only 23,000 square feet is located within the FR Zone with the balance located in the LR Shoreland Zone. (Voted 4-0 in favor).
2. That the proposed frontage for Unit #2 is insufficient. The LUO requires frontage of 150 feet. Unit #2 does not meet this requirement. (Voted 4-0).

Decision on Appeal

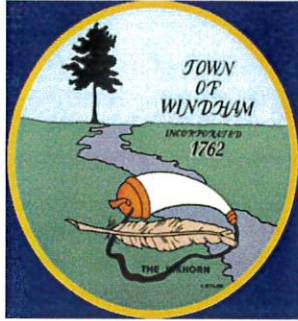
Based upon the findings of fact and conclusions set forth above, the Board voted to deny the administrative appeal. (Voted 4-0).

The Board voted to authorize the Chair to sign the Notice of Decision. (Voted 4-0).

Dated: September 11, 2024

A large, stylized handwritten signature in black ink, likely belonging to Christopher McDonald, is written over a horizontal line.

Christopher McDonald, Chair



Town of Windham Meeting Agenda

Zoning Board of Appeals

Thursday –September 5, 2024

Windham Town Office –Council Chambers

6:30 P.M.

Site Walk - Not Televised

The Board of Appeals Members will be meeting on location at 119 Trails End beginning at 7:00am Wednesday, September 4, 2024, for site visit.

Call to Order

Vote on Chair & Vice Chair

Minutes: May 4, 2023

Findings of Facts : May 4, 2023

Public Hearing

24-001: Anthony Requia's- Administrative Appeal for the Notice of Violation and Stop Work issued to 119 Trails End Rd, Unit # 2, Map 73 Lot 4/2 (Zone FR/ LD)

PLEASE INFORM US OF ANY SPECIAL REQUIREMENTS YOU MAY HAVE DUE TO A DISABILITY

New Business

Any additional discussion items for the ZBA

Adjournment

PERKINS THOMPSON

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One Canal Plaza
Portland, ME 04101

www.perkinsthompson.com

James N. Katsiaficas
jkatsiaficas@perkinsthompson.com
Direct Dial (207) 400-8108

Board of Appeals
Town of Windham
6 School Road
Windham, ME 04062

Re: Anthony Requia Appeal, 119 Trails End Road, Unit # 2, Town Tax Map 73, Lot 4, Sublot 2

Dear Board Members:

This firm represents the Town of Windham ("Town") Windham Code Enforcement Officer ("CEO") regarding this appeal.

Introduction

The Windham Code Office initially issued Anthony Requia and Daniel McNutt ("Appellants") a building permit (#24-000582) to construct a new single-family dwelling located at 119 Trails End Road on a 2.3 acre lot shown as Town Tax Map 73, Lot 4 (the "Lot"). This lot already is improved with a single-family residence on a portion of the lot that is located within a Shoreland Zone – the Limited Residential ("LR") District. The Lot has 240 feet of shore frontage on Sebago Lake. The easterly corner of the Lot is outside the Shoreland Zone and is located in the Town's Farm Residential ("FR") District. Access to the Lot is by private driveway that travels over the abutting property of Kenyon R. and Eileen Clark before intersecting with Trails End Road, which intersects with Route 302. The existing dwelling was constructed in 1955 (*see* enclosed property tax card for 119 Trails End Rd Unit #1), before the 1974 enactment of the State Shoreland Zoning Act and local shoreland zoning ordinances, and the Lot and its driveway are lawfully nonconforming as to access and frontage and the dwelling is lawfully nonconforming as to water setback.

Appellants initially proposed to divide the Lot in two as depicted on a plan by Little River Land Surveying, Inc. entitled "Proposed Division of Property," dated March 2, 2022 and revised April 6, 2022, recorded June 10, 2022 in Plan Book 222, Page 232 in the Cumberland County Registry of Deeds (the "Initial Plan," copy enclosed). After discussing this proposed division with the Town

and learning it constituted an illegal division and was not acceptable to the Town, Appellants created a two-unit condominium for the Lot and applied for and received building permit #24-000582 on April 23, 2024) to construct a new single-family dwelling on the Lot (on "Sublot 2," *see* enclosed property tax card for 119 Trails End Rd Unit #2) within the portion of the Lot located within the FR District. *See* plan by Little River Land Surveying, Inc. entitled "Sunset Point Condominiums," dated March 13, 2023 and revised December 5, 2023, recorded March 12, 2024 in Plan Book 224, Page 78 in the Cumberland County Registry of Deeds (the "Revised Plan").

After the CEO discussed this matter with legal counsel, the CEO determined that the Lot for the proposed building did not meet the 150-foot minimum frontage requirement for the FR, in violation of Section 120-407 E (3) (a), and did not meet the FR minimum lot size of 50,000 square feet (where Appellants' surveyor indicated there was only 22,493 square feet of Lot area in the FR), in violation of Section 120-407 E (1) (a) of the Code.

As a result, the CEO issued a "Notice of Violation, Revocation of Permit #24-000582, and Stop Work Order" by letter dated June 3, 2024 (copy enclosed). The CEO revoked that building permit pursuant to Section R105.7 of the IRC, 2015 (MUBEC, which the Town has adopted) and Section 120-1002 of the Town of Windham Land Use Ordinances (the "LUO"). Under that Section R105.7 of the IRC, 2015:

Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provision of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

This appeal followed.

Argument

The Board of Appeals hears this appeal *de novo* (that is, it hears the matter anew - not on the record below), and Appellants bear the burden of proving their case. § 120-1104 A.

By letter of July 2, 2024, Appellants have raised three arguments to which the CEO responds as follows.

1. Minimum Lot Area.

According the Initial Plan and Revised Plan, the total area of the Lot is 100,339 square feet. When questioned by the CEO, the Appellants' surveyor stated that the portion of the Lot that is within the FR District is 22,493 square feet. Under § 120-407 E.(1) (a) of the LUO, the minimum lot size in the FR District is 50,000 square feet. Under § 185-15 A.(1)(a) of the Shoreland Zoning Ordinance (the "SZO"), the minimum lot area in the Shoreland Zone is 40,000 square feet, with 200-foot minimum lot width and shore frontage.

Appellants argue that the LUO definition of "lot" does not require the area considered as a lot to be within a certain zoning district, so that the total 100,339 square foot area of the Lot, including that portion located within the Shoreland Zone LR District, should be counted toward the FR 50,000 square foot minimum lot size.

However, you cannot count the entire 100,339 square foot Lot area toward the new dwelling's minimum lot size -- the existing dwelling requires 40,000 square feet of the Lot's 100,339 square foot area. Moreover, it is difficult to know that a lot or buildable portion thereof complies with zoning district requirements if that portion is not located entirely within the one relevant zoning district. Under § 185-15 A.(1)(b) of the SZO, in the case of multiple buildings,

If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure or use.

Thus, placing another residential dwelling in the LR portion of the Lot would require another 40,000 square feet, except that the remaining Lot area within the LR is only 37,846 square feet (total Lot area of 100,339 square feet less LR area of 22,493 square feet, less 40,000 square feet for existing dwelling). Further, placing the new dwelling in the LR would require an additional 200 feet of shore frontage, which the Lot does not have (the Initial and Revised Plans show the Lot has 275 feet of shore frontage). The Appellants instead propose to build the new dwelling in the FR portion of the Lot, where there is only 22,493 square feet within the FR, while the minimum lot area for the FR is 50,000 square feet.

In short, in either location, the lot area is insufficient to meet the minimum lot area for the zoning district in which the dwelling would be located. There is a provision of the LUO, § 120-404, that addresses lots divided by zoning districts; this could provide relief, but is beyond the authority of the CEO to employ. It provides:

Where a land use district boundary line divides a lot or parcel of land of the same ownership, the following standards shall apply: The regulations applicable to the less restricted portion of the lot may not be extended more than 50 feet into the more restricted portion of the lot; however, extension of the regulations applicable to the less restricted portion of the lot may be extended more than 50 feet subject to approval by the Board of Appeals. The Board of Appeals shall use the standards for a variance in § 120-1106 in making its decision.

Application of this provision would permit the extension of the FR District standards (which are less stringent than the Shoreland Zone LR District standards) for no more than 50 feet into the LR, but this likely would not be sufficient to make up the difference between the 22,493 square feet of the Lot that is in LR and the 50,000 square foot FR minimum lot size. For this, the Board of Appeals would have to grant relief to extend the FR into the LR for more than 50 feet, applying the variance standards in § 120-1106. Of those standards, only the undue hardship standard is applicable, since this is not a disability variance matter and the practical difficulty standard is not

available where the property is located in whole or in part within shoreland areas (as this Lot is). However, there is a question whether the Maine Department of Environmental Protection would object, because this essentially moves the FR District into the shoreland area, and does so by means of a Board of Appeals action that is analogous to granting a zoning variance. The SZO requires the filing of variance applications with DEP at least 20 days in advance of Board of Appeals action. If the Board of Appeals were to use this Section to extend the FR, it would be prudent to first provide the DEP with at least 20 days' prior notice of the request before acting upon the extension.

2. Minimum Lot Frontage.

The FR District requires minimum lot frontage of 150 feet. § 120-407 E(3)(a). Section 120-301 of the LUO defines "frontage" to mean "The length of the front lot line measured at the street right of way." The "front lot line" (or "lot line, front") is defined in § 120-301 to mean "The lot line separating a lot from a street right-of-way or the portion of a lot that abuts a street right-of-way." It defines "street" as:

Public or private roads or ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

It defines "driveway" to mean "A route that provides access to no more than two lots from either a public or private right-of-way. A driveway shall not be used to provide frontage."

The Revised Plan depicts a way that provides access from the Lot to Trails End Road, which is a private road. That way is a driveway -- it fails to meet the LUO Appendix B Street Design and Construction Standards' 18-foot width requirement for a "minor private road," and as a driveway, it "shall not be used to provide frontage."

Appellants argue that the driveway is of sufficient length to provide at least 150' of frontage, and in the alternative, that it and the turnaround shown on the Revised Plan meet the "backlot" provision of § 120-533. However, under the LUO definition of driveway, it cannot be used to provide frontage, and if it were considered a backlot access, § 120-533 B(1)(a)[1] requires it to have a minimum width of 50 feet along its entire length. The driveway shown on the Revised Plan is not 50 feet in width for its entire length to Trails End Road.

Therefore, there is insufficient frontage to permit another dwelling to be placed upon the Lot, and the way providing access to the Lot is not of sufficient width to satisfy the backlot requirements.

3. Equitable Estoppel and Due Process.

Finally, Appellants argue that once they have gained vested rights in the permit, it cannot be revoked without notice and opportunity to be heard, and that the doctrine of equitable estoppel prevents the Town from enforcing the LUO and SZO to revoke the building permit. Both of these arguments are addressed to reviewing courts and are beyond the authority of the Board of Appeals to address; Appellants are raising these arguments here to preserve them for appellate review.

However, to briefly respond, the Maine Supreme Judicial Court established in *Sahl v. Town of York*, 2000 ME 180, 760 A.2d 266 when rights will vest in an ordinance when there is a change in ordinance. In order for rights to vest under an existing ordinance, there must be 1) actual physical commencement of "significant and visible construction," 2) the commencement must be undertaken in good faith, and 3) the commencement must be pursuant to a validly issued building permit. 2000 ME 180 ¶12, 760 A.2d 266 at 269-270. In *Sahl*, property owners not only had acquired permits from the town and phased the project with the town's encouragement, they also completed construction of the first phase before the town amended the applicable ordinance, and so the Law Court affirmed the board of appeals decision that the property owners' right to complete their hotel in accordance with the permits had vested. *Id.* at 270. However, as the Law Court also noted in *Sahl*, issuance of a building permit and incurring preliminary expenses are insufficient to establish vested rights. *Id.*, citing *Thomas v. Zoning Bd. Of Appeals of City of Bangor*, 381 A.2d 643, 647 (Me. 1978). Here, there has been no change in ordinance, and the CEO understands that only preparatory site work and excavation has occurred, such that there is no substantial commencement of construction in reliance upon the building permit. Under these circumstances, the doctrine of vested rights is inapplicable to the matters that gave rise to this appeal.

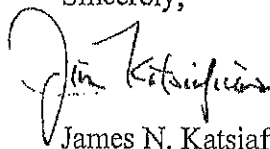
As to equitable estoppel, this doctrine generally applies where a person has made a substantial change in position, such as a major expenditure, in reasonable reliance and to its detriment upon the representations of another person. However, in Maine, the doctrine of equitable estoppel rarely is applied against municipalities and their employees, and in the one instance in which it has been applied, it was where there was reliance upon a legislative act of amending an ordinance, not upon the administrative act of issuing a permit. *City of Auburn v. Desgrosseilliers*, 578 A.2d 712, 715 (Me. 1990). This appeal concerns the building permit issued by a CEO, not a legislative act.

Conclusion

For the above reasons, the CEO asserts that the Appellants have failed to demonstrate that the CEO erred in issuing his Notice of Violation, Revocation of Permit #24-000582, and Stop Work Order on June 3, 2024, and respectfully requests the Board of Appeals to dismiss this appeal.

Thank you for your consideration.

Sincerely,



James N. Katsiaficas

cc: Cameron A. Ferrante, Esq, Preti Flaherty
Kristin M. Collins, Preti Flaherty
Jon Rioux, Code Enforcement Officer, Town of Windham

119 TRAILS END RD UNIT #1

Location 119 TRAILS END RD UNIT #1

Mblu 73/ 4/ 1/ 1

Acct# R4571R

Owner REQUIA ANTHONY &

Assessment \$1,478,400

PID 14756

Building Count 1

Zone FR/LD

Current Value

Assessment

Valuation Year	Improvements	Land	Total
2023	\$464,700	\$1,013,700	\$1,478,400

Owner of Record

Owner REQUIA ANTHONY &
 Co-Owner MCNUTT DANIEL
 Address 285 MIDDLE ROAD
 FALMOUTH, ME 04105

Sale Price \$0
 Certificate
 Book & Page 40379/212
 Sale Date 09/22/2023
 Instrument TC

Ownership History

Ownership History

Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
REQUIA ANTHONY &	\$0		40379/212	TC	09/22/2023
REQUIA ANTHONY &	\$0		40379/210	TC	09/22/2023

Building Information

Building 1 : Section 1

Year Built: 1955
 Living Area: 1,371
 Replacement Cost: \$492,797
 Building Percent Good: 88
 Replacement Cost
 Less Depreciation: \$433,700

Building Photo

Building Photo (https://images.vgsi.com/photos/WindhamMEPhotos//0027/119%20Trails%20End-2021-10-25_27936.jpg)

Building Attributes

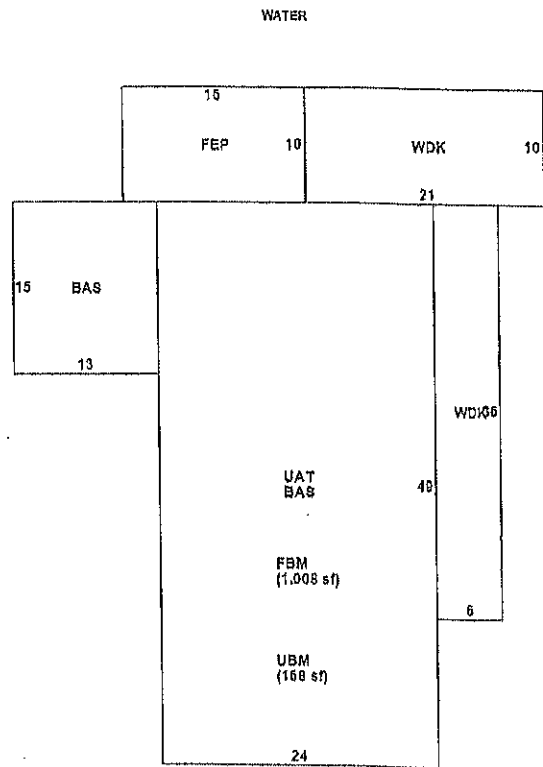
Field	Description
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Vision Government Solutions

Style: Condominium

Model	Res Condo
Stories:	1
Grade	Superior
Occupancy	1
Interior Wall 1:	K PINE/A WD
Interior Wall 2:	Drywall/Sheet
Interior Floor 1	Hardwood
Interior Floor 2	
Heat Fuel:	Electric
Heat Type:	Heat Pump
AC Type:	None
Ttl Bedrms:	3 Bedrooms
Ttl Bathrms:	2 Full
Ttl Half Bths:	1
Xtra Fixtres	2
Total Rooms:	5
Bath Style:	Modern
Kitchen Style:	Good
Kitchen Type	
Kitchen Func	
Primary Bldg Use	
Hwtlr Type	
Atypical	
Park Type	
Park Own	
Park Tandem	0
Fireplaces	
Num Parl Bedrm	
Base Flr Pm	
Num Park	
Pct Low Ceiling	
Unit Locn	
Grade	Average
Stories:	1
Residential Units:	2
Exterior Wall 1:	Average
Exterior Wall 2:	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Comrd Units:	0

<https://gis.vgsi.com/WindhamME/Parcel.aspx?pid=14756>
Building Layout



(ParcelSketch.aspx?pid=14756&bld=23289)

Building Sub-Areas (sq ft)

Legend

Code	Description	Gross Area	Living Area
BAS	First Floor	1,371	1,371
FBM	Basement, Finished	1,008	0
FEP	Porch, Enclosed, Finished	160	0
UAT	Attic, Unfinished	1,176	0
UBM	Basement, Unfinished	168	0
WDK	Deck, Wood	426	0
		4,309	1,371

Section #:
Parking Spaces
Section Style:
Foundation
Security:
Cmplx Cnd
Xtra Field 1:
Remodel Ext:
Super
Grade

Extra Features**Extra Features**Legend

Code	Description	Size	Value	Bldg #
HRT	HEARTH	1.00 UNITS	\$600	1

Land**Land Use**

Use Code 1020
 Description CONDO
 Neighborhood 1840
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 1.15
 Frontage
 Depth
 Assessed Value \$1,013,700
 bldIndfront

Outbuildings**Outbuildings**Legend

Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE			576.00 S.F.	\$14,300	1
SHD1	SHED FRAME			440.00 S.F.	\$5,600	1
SHD3	SHED POOR			384.00 S.F.	\$2,600	1
SPL2	VINYL/PLASTIC			512.00 S.F.	\$7,900	1

Valuation History**Assessment**

Valuation Year	Improvements	Land	Total
2024	\$464,700	\$1,013,700	\$1,478,400

119 TRAILS END RD UNIT #2

Location 119 TRAILS END RD UNIT #2

Mblu 73/ 4/ 2/ 1

Acct# R4538R

Owner REQUIA ANTHONY &

Assessment \$287,300

PID 14724

Building Count 1

Zone FR

Current Value**Assessment**

Valuation Year	Improvements	Land	Total
2023	\$0	\$287,300	\$287,300

Owner of Record

Owner REQUIA ANTHONY &

Sale Price \$0

Co-Owner MCNUTT DANIEL

Certificate

Address 285 MIDDLE ROAD

Book & Page 40379/212

FALMOUTH, ME 04105

Sale Date 09/22/2023

Instrument TC

Ownership History**Ownership History**

Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
REQUIA ANTHONY &	\$0		40379/212	TC	09/22/2023
REQUIA ANTHONY &	\$0		40379/210	TC	09/22/2023
REQUIA ANTHONY &	\$0		39492/342	SP	06/10/2022

Building Information**Building 1 : Section 1**

Year Built:

Living Area: 0

Replacement Cost: \$0

Building Percent Good:

Replacement Cost

Less Depreciation: \$0

Building Photo

Building Photo (https://images.vgsi.com/photos/WindhamMEPhotos//0028/IMG_1728_28892.jpg)

Building Layout

([Parcel Sketch.aspx?pid=14724&hid=22478](#))

No Data for Building Sub-Areas

Field	Description
Style:	Vacant Land
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Flxtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Num Kitchens	
Cndtn	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

Extra Features

Extra Features

Legend

No Data for Extra Features

Land

Land Use

Land Line Valuation

Use Code 1300

Size (Acres) 1.15

Vision Government Solutions
Neighborhood 1049
Alt Land Appr No
Category

Depth <https://gis.vgsi.com/WindhamME/Parcel.aspx?pid=14724>
Assessed Value \$287,300
blindfront

Outbuildings

Outbuildings

Legend

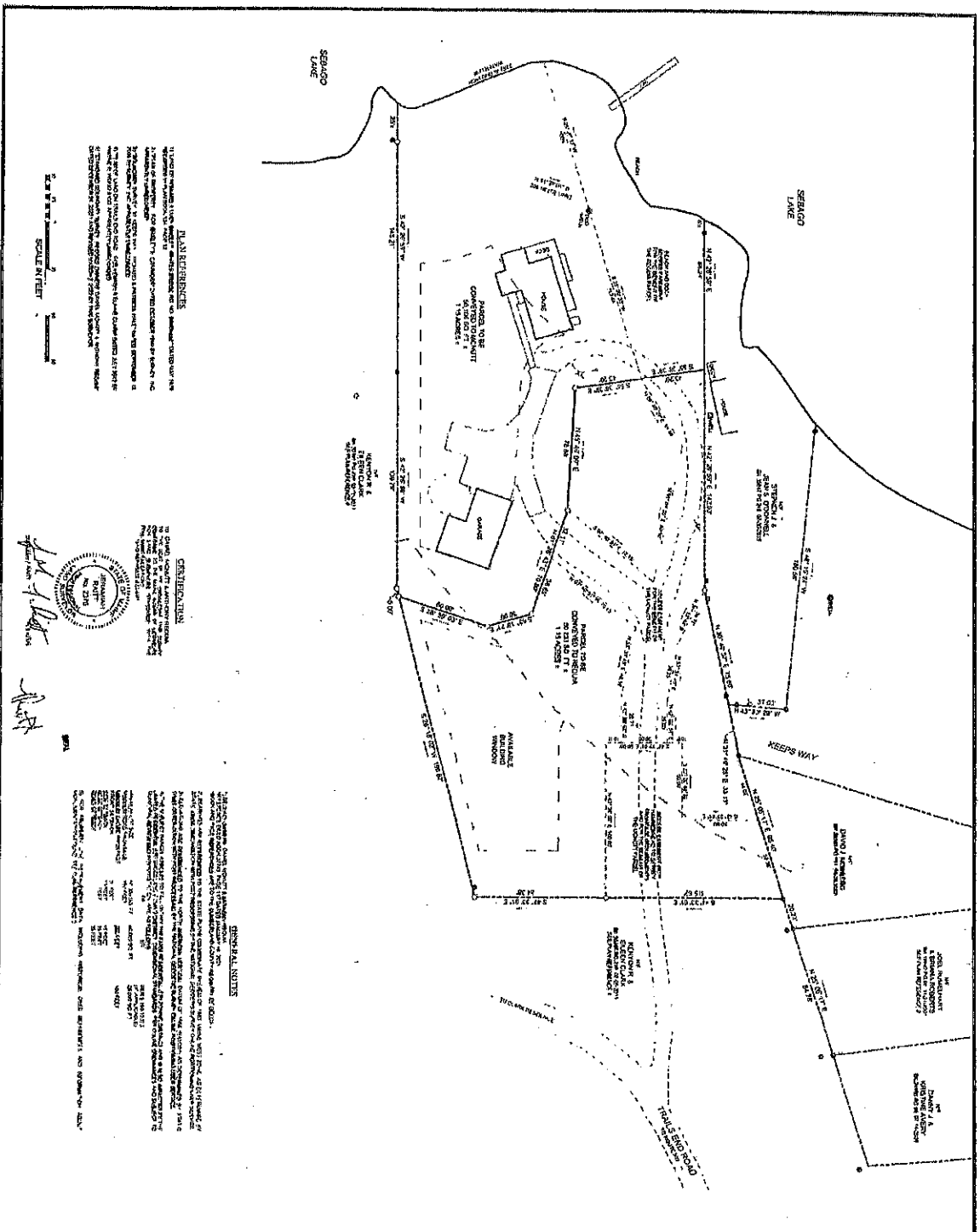
No Data for Outbuildings

Valuation History

Assessment

Valuation Year	Improvements	Land	Total
2024	\$0	\$287,300	\$287,300
2023	\$0	\$224,500	\$224,500

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PROPOSED DIVISION OF PROPERTY

RECORD: DANIEL MCQUITT & ANTHONY PERQUIA

OWNER: 285 MIDDLE ROAD, FAIRBANKS, ME 04740

119 TRAILS END ROAD

WINNHAM, MAINE

DATE: JUNE 10, 2022

RECORD: JUNE 10, 2022

SCALE: 1" = 30'

PREPARED BY: LITTLE RIVER LAND SURVEYING, INC.

NO BORROWING OF MATERIALS

CONDUCTED BY: J.M.

LEGEND

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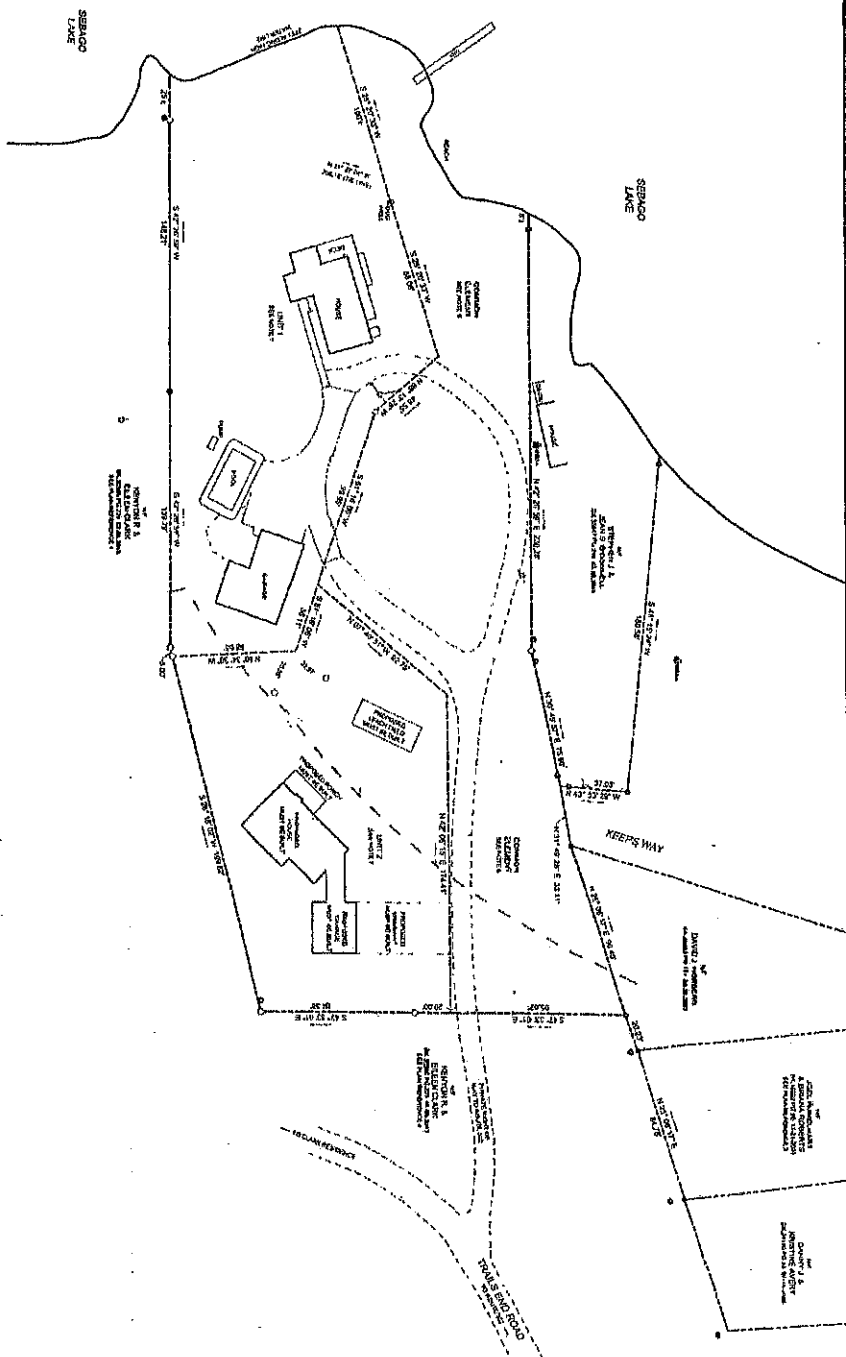
96 BOUNDARY

97 BOUNDARY

98 BOUNDARY

99 BOUNDARY

100 BOUNDARY

[illegible]

PLAY EXPERIENCE

CERTIFICATION

СЕКРЕТЪ

[Handwritten signature]

GENERAL NOTES

Table 1. The effect of the concentration of the *in vitro* culture medium on the growth of *Y. enterocolitica* strains. The results are expressed as the number of bacteria per ml of culture medium after 24 h of incubation at 37°C. The data are the mean values of three independent experiments. The standard deviation is given in parentheses

Strain	Medium	Concentration of medium (g/l)	Number of bacteria per ml of culture medium after 24 h of incubation at 37°C
Y. enterocolitica 480/82	Y1	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y2	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y3	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y4	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y5	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y6	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y7	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y8	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y9	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y10	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y11	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y12	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y13	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y14	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y15	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y16	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y17	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y18	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y19	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y20	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y21	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y22	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y23	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		30	1.0 × 10 ⁸ (1.0 × 10 ⁸)
Y. enterocolitica 480/82	Y24	10	1.0 × 10 ⁸ (1.0 × 10 ⁸)
		20	1.0 × 10 ⁸ (1.0 ×

SUNSET POINT CONDOMINIUMS

DANIEL MCNUFFY & ANTHONY REQUIA
385 NORTON STREET, WASHINGTON, DC 20005

119 TRAILS END ROAD

WINDSHIELD MAIN

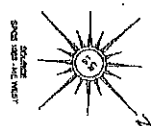
LITTLE RIVER

LAND SURVEYING, INC.

2077, 261-003

371E 2P APT 1E
CHATELAIN, A. RESIDENT OF BEDDIN
APPROX. March 12, 2021
At 10:25 AM. At the
Place of first shot. 227. 78
John W. Dunning
Author

PROPERTY UNIT
APARTMENT, 1400 E. 14TH AVE.
COR. CHAMBERLAIN ST.
UNIVERSITY CITY, MINN.
FURNISHED
BATHROOM
COVERS
STUFFY ROSE AND JACOB



Town of Windham

Code Enforcement Department
8 School Road
Windham, ME 04062

Voice (207) 894-5960 Ext. 1

Fax (207) 892-1916

6/3/2024

Sent via Email, Regular and Certified Mail # 70192280000065740502

Anthony Requia and Daniel McNutt
284 Middle Road
Falmouth ME 04105

Map/Lot: 73/4/2
Located at: 119 Trails End Rd., Unit # 2

Re: Notice of Violation/ Revocation of Permit # 24-000582/ Stop Work Order

Anthony Requia:

Your permit # 24-000582 for a new single-family dwelling located at 119 Trails End Road is hereby revoked, pursuant to Section R105.7 of the IRC, 2015 (MUBEC) and Section 120-1002 of the Town of Windham Code of Ordinances (the "Code"). Specifically, Permit # 24-000582 issued on 4/23/2024 is revoked for the reason or reasons listed below:

- 1) Section R105.7 of the IRC, 2015 (MUBEC). Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provision of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.
- 2) The proposed detached single-family dwelling, which is located the Farm Residential District (the "FR"), requires a minimum lot size of 50,000 square feet. Your surveyor indicated only 22,493 square feet in the FR, in violation of Section 120-407 E (1) (a) of the Code, and
- 3) The proposed detached single-family dwelling does not comply with the 150 feet minimum frontage requirement for the FR, in violation of Section 120-407 E (3) (a).

Accordingly, all activities (construction, demolition, and clearing of vegetation) at the property must stop immediately and may not resume until the above-referenced violations are cured. This is a Stop Work Order pursuant to Section R114.1 of the IRC, 2015 (MUBEC).

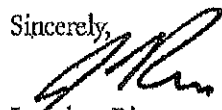
A re-evaluation of the entire site will occur on 06/24/2024. You must maintain your erosion and sedimentation control measures in compliance with Town Code and all violation and conditions listed above must be remediated by that time. If you choose not to comply with the inspection or do not remedy the violations by dates outlined above, we will refer this matter to the Town Attorney for enforcement action. The Town may be entitled to an order to correct the violations, civil penalties in the minimum of \$100.00 per violation per day, cost and fees, and other relief, under Chapter 120-1004 of the Town Code and 30-A.M.R.S. Section 4452.

This letter constitutes a decision from which you may appeal to the Windham Board of Appeals, consistent with Chapter 120, Article 11 of the Code. You must file such an appeal within thirty (30) days of the date of

this Notice. If you fail to file an appeal within that period of time, you may forfeit the right to challenge this Notice of Violation in any future proceedings.

If you have any questions or concerns, please feel free to contact me at 894-5900.

Sincerely,



Jonathan Rioux,
Code Enforcement Director

cc: Chuck Daigle, Code Enforcement Deputy Director
James N. Katsiaticas, Attorney for the Town of Windham

Cameron A. Ferrante
cferrante@preti.com
207.791.3274

July 2, 2024

Zoning Board of Appeals
Town of Windham
8 School Road
Windham, ME 04062

RE: Anthony Requia Appeal Application

Chair Cobb and Members of the Board:

In connection with the above-captioned matter, please find enclosed the following:

1. Administrative Appeal Application;
2. ZBA Application Checklist;
3. Site Plan; and
4. A check payable to the Town of Windham for the administrative appeal filing fee.

Thank you for your attention to this appeal filing. Feel free to reach out with any questions or concerns you may have.

Sincerely,



Cameron A. Ferrante

CAF/nc

Enclosure

cc: Jon Rioux, Code Enforcement Officer

**APPLICATION FOR APPEAL
TO WINDHAM ZONING BOARD OF APPEALS
LAND USE APPLICATION**

APPLICANT

NAME: Anthony Requia

ADDRESS: 285 Middle Road, Falmouth, ME 04105

TELEPHONE: _____

OWNER

NAME: Anthony Requia & Daniel McNutt

ADDRESS: Same as Applicant

TELEPHONE: Same as Applicant

ADDRESS OF PROPERTY OR LOCATION 119 Trails End Rd., Unit #2

MAP # 73 LOT # 4-2 PROPERTY IS ZONED LR/FR

LOT WIDTH: _____ LOT DEPTH: _____ LOT AREA: _____ sq. ft.

EXISTING USE OF PROPERTY: Vacant

TYPE OF APPLICATION

_____	Variance from Ordinance
_____	Conditional Use
<u>X</u>	Appeal from decision of Code Enforcement Officer
_____	Home Occupation 2

PROPOSED USE: Please describe in detail what you wish to do and what the use of any proposed structures will be. (Attach a letter of explanation if necessary :)

See attached letter.

Why is Board of Appeals approval required?

See attached letter.

Amount of variance required, if any: N/A ft.

TYPE OF SEWAGE DISPOSAL SYSTEM: Present _____ Proposed _____

STRUCTURAL DIMENSIONS: (Exterior length and width)

Existing: _____ ft. By _____ ft. Number of Stories _____

Proposed: 46 ft. By 33 ft. Number of Stories 1

NUMBER OF ROOMS IN PROPOSED STRUCTURE: TBD

IS ADDITIONAL PLUMBING CONTEMPLATED? Yes _____ No X

If yes, please describe: _____

IF REQUIRED, HAS PLANNING BOARD APPROVAL BEEN OBTAINED?

Yes _____ No _____ Not Required X

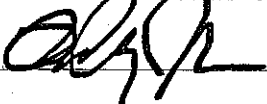
A location map and a scaled site plan must accompany this application. The site plan must show dimensions of the property, location of all buildings, yards, parking spaces and septic systems, and all existing and proposed setbacks.

An application fee of \$400.00 for residential appeals as well as for non-residential or multi-family is required upon application submission. *If the Code Enforcement Office determines that ordinary and customary expenses associated with review of the development are higher than the \$400.00 fee, then the applicant shall be billed and shall pay to the Town prior to the final approval said expenses, including, but not limited to cost associated with notification of abutters, advertising of public meetings, and all the time dedicated to review of the development.*

NOTE: Applicant or his/her representatives must attend board meetings. If a request is needed to be tabled, the applicant or his/her representative must attend meeting to ask to be tabled. (11/21/91).

The right of any variance from the terms of this chapter granted by the Board of Appeals shall expire if the work or change permitted under the variance is not begun within six (6) months or substantially completed within one (1) year of the date of the vote by the Board.

I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND IN ITS SUPPLEMENTS IS TRUE AND CORRECT.

Applicant's Signature  Date 7/1/2024

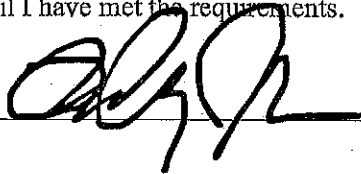
Statement to Town of Windham Board of Appeals

I acknowledge submitting my application to the Board of Appeals and signing this statement that I the undersigned:

State the proposed plan is to scale and reflects the true representation of the proposal requested.

I further understand that if the Board finds that it does not, then the Board has the right to table my application until I have met the requirements.

*Applicants
Signature*



Date

7/1/2024

Kristin M. Collins
kcollins@preti.com
207.791.3292

July 2, 2024

VIA EMAIL AND FEDEX

Zoning Board of Appeals
Town of Windham
8 School Road
Windham, ME 04062

RE: Administrative Appeal Application
Applicant: Anthony Requia
Property: 119 Trails End Rd., Unit #2 (Map 73, Lot 4, Sublot 2)

Chair Cobb and Members of the Board:

On behalf of Anthony Requia, please accept this letter with the enclosed application for an administrative appeal relating to the Town's issuance of a Notice of Violation and Stop Work Order (the "NOV") in relation to 119 Trails End Rd., Unit #2 (the "Property"). The NOV erroneously revoked building permit #24-000582 (the "Permit"), issued to Mr. Requia and Daniel McNutt, the co-owner of the Property, for the construction of an additional single-family condominium unit on the Property and should be overturned for the reasons set forth in more detail below.

I. Background

The Property consists of approximately 100,000 square feet¹ and is located within the Town's Limited Residential and Farm Residential Districts, as shown on the Town's Official Zoning Map. Mr. Requia and Mr. McNutt purchased the Property in September 2023. At the time of their purchase, the Property included an existing single-family home, served by a driveway connecting it to Trails End Road. The Property had also been included within an illegal subdivision created by a prior owner. In purchasing the Property, Mr. Requia and Mr. McNutt corrected the prior illegal subdivision of the Property.

Since purchasing the Property, Mr. Requia and Mr. McNutt have worked closely with the Town's Code Enforcement Officer ("CEO") and other Town officials for the purpose of constructing an additional single-family home on the Property. Based on communications with the CEO and other Town officials, Mr. Requia and Mr. McNutt invested significant resources into the Property, including recombining the Property to remedy the illegal subdivision, creating and declaring a condominium, and obtaining surveys and other site design work necessary to

¹ The Town's property records indicate that the Property is 1.15 acres in size; however, this appears to be an error resulting from a misidentification of the normal high-water mark of Sebago Lake adjacent to the Property. Boundary line surveys performed by Little River Land Surveying, Inc. confirm that the Property consists of 100,300 square feet, or roughly 2.3 acres.

July 2, 2024

Page 2

secure the Permit. Throughout this process, the CEO and the Town understood that the ultimate goal was the creation of a two-unit condominium on the Property.

On June 3, 2024, the CEO sent the NOV to Mr. Requia and Mr. McNutt. The NOV alleges two bases for revoking the Permit: First, that the Property does not comply with the minimum lot size required for the Farm Residential District under Section 120-407(E)(1)(a) of the Town's Land Use Ordinance (the "LUO"); and, second, that the Property does not have the necessary street frontage for the Farm Residential District under LUO Section 120-407(E)(3)(a).

II. Argument

a. The Property satisfies the LUO's minimum lot size requirement.

The NOV incorrectly claims that the Property does not meet the minimum lot size requirement for the Farm Residential District because less than 50,000 square feet of the Property is included within that district. As previously mentioned, the Property consists of approximately 100,000 square feet and is divided between the Limited Residential District and Farm Residential District. The proposed condominium unit will be constructed within the portion of the Property within the Farm Residential District. The NOV alleges that the Property only has 22,493 square feet within the Farm Residential District and therefore does not meet the minimum lot size requirement for the Farm Residential District. This allegation misapplies the LUO and should be vacated.

Within the Farm Residential District, the minimum lot size is 50,000 square feet.² The LUO defines a "Lot" as "a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon."³ The LUO does not define a lot based on the district in which it lies. Nor does the LUO suggest that minimum lot size is to be measured based on the lot area within a particular district, as opposed to the lot area in the aggregate. Under the plain wording of the LUO, minimum lot size must be calculated based on the size of the lot—being the entire unified parcel of land.

The interpretation of the minimum lot size requirement in the NOV is not supported by any provision within the LUO⁴ for the simple fact that it leads to absurd results. Take for example a shorefront property with 40,000 square feet located within the Limited Residential District. That property satisfies the minimum lot size requirement of the Town's Shoreland

² Town of Windham, ME, Land Use Ordinance ("LUO"), §120-407(E)(1)(a).

³ LUO, §120-301.

⁴ Where a property is divided between two or more districts, the LUO provides only that the less restrictive standards may be extended up to 50 feet into the more restrictive district and that the Zoning Board of Appeals may approve a further extension of those standards. LUO §120-404 ("Division of lots by districts – Where a land use district boundary line divides a lot or parcel of land of the same ownership, the following standards shall apply: The regulations applicable to the less restricted portion of the lot may not be extended more than 50 feet into the more restricted portion of the lot; however, extension of the regulations applicable to the less restricted portion of the lot may be extended more than 50 feet subject to approval by the Board of Appeals. The Board of Appeals shall use the standards for a variance in § 120-1106 in making its decision.")

July 2, 2024

Page 3

Zoning Ordinance⁵ and would therefore be buildable. However, were the owner of that property to purchase an adjacent 5,000 square feet within the Farm Residential District, that same property would consist of only 45,000 square feet and, applying the CEO's interpretation, would no longer be buildable. An interpretation that finds a lot fails to comply with minimum lot size requirements by becoming *larger* than what is required is untenable; however, that is exactly what the NOV asserts.

The Property, as a unified lot, contains approximately 100,000 square feet, which is more than double the required minimum lot size for the Farm Residential District.⁶ Because the LUO does not define or require minimum lot size to be calculated by zoning district, there is no legal justification for the CEO's determination that the Property does not satisfy the minimum lot size requirement. The NOV should be vacated.

b. The Property satisfies the LUO's minimum frontage requirement.

The NOV also incorrectly applies the LUO's requirements for minimum frontage. Within the Farm Residential District, properties are required to have at least 150 feet of frontage.⁷ Frontage is defined as being "the length of the front lot line measured at the street right-of-way."⁸ The "front lot line" of a property is the lot line "separating a lot from a street right-of-way or the portion of a lot that abuts a street right-of-way."⁹ A "street" is defined as any "public or private roads or ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways."¹⁰

Based upon these definitions, the "front lot line" of the Property, for purposes of measuring frontage is the northeastern property line, which is approximately 200 feet in length.¹¹ The front lot line of the Property is bisected by an existing right-of-way leading from Route 302, over Trails End Road to the existing single-family home.¹² This right-of-way runs approximately 174 feet into the Property, not including the existing cul de sac. Where a front lot line is bisected by a right-of-way, the LUO is reasonably susceptible of two interpretations: first, that frontage is measured by the length of the bisected front lot line; and, second, that frontage is

⁵ Town of Windham, ME, Shoreland Zoning Ordinance, §185-15(A)(1)(a).

⁶ The LUO's net residential density requirement similarly does not support the NOV. Section 120-407(E)(2) of the LUO provides a minimum residential density of 40,000 square feet per dwelling unit. The Property is proposed to contain two dwelling units and would therefore be required to contain at least 80,000 square feet. The Property consists of 100,000 square feet and therefore satisfies this standard. To the extent the CEO intended to assert a violation of the net residential requirement, that too would be in error.

⁷ LUO §120-407(E)(3)(a).

⁸ LUO §120-301.

⁹ *Id.*

¹⁰ *Id.*

¹¹ See Plan of Sunset Point Condominiums prepared for Daniel McNutt & Anthony Requia by Little River Land Surveying, Inc., revised Dec. 5, 2023 and recorded in the Cumberland County Registry of Deeds at Plan Book 224, Page 78 ("Condo Plan") (enclosed herewith).

¹² See Condo Plan.

July 2, 2024

Page 4

measured by the distance the right-of-way travels into the property. In either case, the Property satisfies the minimum frontage requirement because the front lot line is 200 feet long and the “portion of the lot” abutting the right-of-way is well in excess of 150 feet.

The NOV does not explain why the frontage requirement is allegedly not met, but appears to assert that the frontage of the Property should be measured by the width of the right-of-way at the point where it intersects with the front lot line. This interpretation is not supported by the LUO’s definitions or any LUO provision, and conflicts with the purpose and intent of frontage requirements. A requirement that front lot lines touch 150 feet of a right-of-way conflicts with the LUO’s second definition of “front lot line” as the “portion of the lot that *abuts* a street right-of-way.”¹³ (Emphasis added). If the LUO were interpreted to require the front lot line of a property to touch or run along 150 feet of a right-of-way, this second definition would be duplicative of the first—a result clearly prohibited by longstanding tenets of statutory interpretation.¹⁴ Furthermore, while frontage requirements are intended to protect against the creation of spaghetti lots and ensure adequate access to buildable lots, those goals may be accomplished through alternative means. This is demonstrated by the LUO’s provisions governing the frontage requirements for back lots and dead-end private roads, which do not state that lots must have 150 feet of their front lot line in contact with a right-of-way but, rather, simply require hammerhead turnarounds of a particular size and rights-of-way of particular widths to ensure properties are accessible.¹⁵ Here, the front lot line and portion of the Property abutting the right-of-way exceed 150 feet and the Property includes separate driveways and a cul de sac turnaround sufficient to provide additional frontage and adequate access to each condominium unit.

For these reasons, the Property satisfies the LUO’s frontage requirements and there is no legal or factual basis for the NOV’s allegation that the Property lacks the necessary frontage under the LUO. This alleged violation should be vacated.

III. Equitable Estoppel and Lack of Due Process

The NOV was issued pursuant Chapter 120, Article 11, which allows for revocation of a permit that was issued in error. However, an ordinance provision cannot avoid the constitutional requirement that once a permit holder has gained vested rights in a permit, that permit cannot be revoked without notice and opportunity to be heard. These due process rights have not been afforded to Mr. Requia. Further, the principle of equitable estoppel prevents this NOV from being enforceable. Equitable estoppel applies where a person was induced to spend money and time on a project based upon written guidance from the town. Mr. Requia has invested over \$150,000 in the proposed development in reliance on the CEO’s written approval of the project

¹³ LUO, §120-301.

¹⁴ See *Zappia v. Town of Old Orchard Beach*, 2022 ME 15, ¶10, 271 A.3d 753 (“All words in an ordinance are to be given meaning, and none are to be treated as surplusage if they can be reasonably construed.”) (quoting *Cobb v. Bd. of Counseling Pros. Licensure*, 2006 ME 48, ¶11, 896 A.2d 271).

¹⁵ See LUO, §120-533(1)(b) (providing frontage standards for back lots); §120-555(C)(8)(f) (providing standards for dead-end private roads).

PRETI FLAHERTY

July 2, 2024

Page 5

and issuance of the Permit. He would not have incurred these expenses if not for the CEO's written approval and direction that the project would comply with the Town's ordinances. Even if the permit was issued in error, Mr. Requia cannot be held responsible for the costs of the Town's alleged misguidance.

IV. Conclusion

The Property satisfied all of the LUO's requirements for development at the time the Permit was issued and continues to satisfy those requirements. The Property consists of 100,000 square feet, approximately twice what is required within the Farm Residential District, and has a front lot line and portion of the property abutting a right-of-way that are each well in excess of the 150 feet of frontage required by the LUO. In short, there is no legal or factual basis for the violations alleged in the NOV and it should be vacated and the Permit reinstated.

Thank you for your consideration of this application. We look forward to having the opportunity to present these and other arguments to the Board.

Sincerely,



Kristin M. Collins



Cameron A. Ferrante

KMC:caf

Enclosure

cc: Jon Rioux, Code Enforcement Officer



100 feet Abutters List Report

Windham, ME
July 16, 2024

Subject Properties:

Parcel Number: 073004000000
CAMA Number: 073-004-000-000
Property Address: 119 TRAILS END RD

Mailing Address: REQUIIA ANTHONY & MCNUTT DANIEL
285 MIDDLE ROAD
FALMOUTH, ME 04105

Parcel Number: 073004000000
CAMA Number: 073-004-001-000
Property Address: 119 TRAILS END RD UNIT #1

Mailing Address: REQUIA ANTHONY & MCNUTT DANIEL
285 MIDDLE ROAD
FALMOUTH, ME 04105

Parcel Number: 073004000000
CAMA Number: 073-004-002-000
Property Address: 119 TRAILS END RD UNIT #2

Mailing Address: REQUIA ANTHONY & MCNUTT DANIEL
285 MIDDLE ROAD
FALMOUTH, ME 04105

Abutters:

Parcel Number: 073003000000
CAMA Number: 073-003-000-000
Property Address: 135 TRAILS END RD

Mailing Address: CLARK KENYON R & CLARK EILEEN
135 TRAILS END RD
WINDHAM, ME 04062

Parcel Number: 073005000000
CAMA Number: 073-005-000-000
Property Address: 91 KEEPS WAY

Mailing Address: O'DONNELL JAMES P & STEPHEN J &
O'DONNELL STEPHEN J & JEAN S
2235 CHESTERBROOK CT APT 104
NAPLES, FL 34109-1444

Parcel Number: 073006000000
CAMA Number: 073-006-000-000
Property Address: 87 KEEPS WAY

Mailing Address: DAVIS GLENN E TRYNOR-DAVIS
CATHERINE B
PO BOX 985
WINDHAM, ME 04062



www.cai-tech.com

7/16/2024

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Page 1 of 1



Abutter's Map 119 Trails End

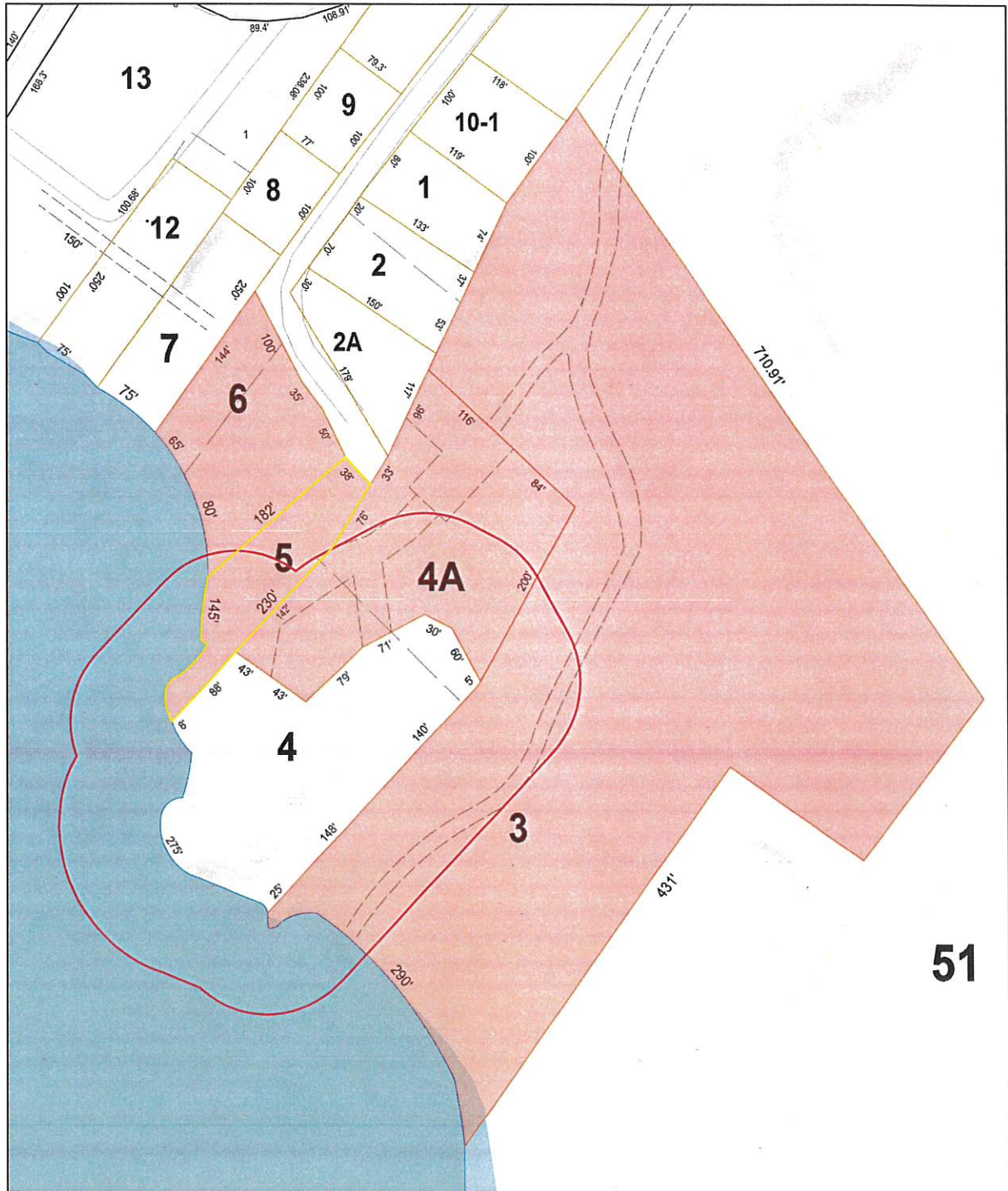
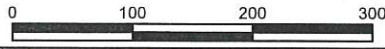
Town of Windham, ME



July 16, 2024

1 inch = 100 Feet

www.cai-tech.com



- PWater
- Property Line
- Public Road
- - - Right of Way
- Tract Line
- - - Right of Ways
- Water-poly

PAYMENT RECEIPT

Receipt ID 24-001206



RECEIVED FROM

Anthony Requia
Owner
285 Middle Rd
Falmouth, ME 04105

RECEIVED BY

Town of Windham, ME
Jonathan Rioux
8 School Road
Windham, ME 04062

FEE NAME	INVOICE ID	ACCOUNT NO.	AMOUNT
Board of Appeals Fee	24-001220	100032410	\$ 400.00
Project Name: Board of Appeals - Administrative Appeal Project ID: 24-001422 Department: Permits and Inspections Project Address: 119 Trails End Rd., #2, Windham, ME 04062			\$ 400.00
TOTAL PAID			\$ 400.00

Paid Date

August 22, 2024

Payment Method

Check
271270

Description

ZBA Payment

Portland Press Herald
EST. 1862
Maine Sunday Telegram
pressherald.com

Classified Advertising Proof

Linda Morrell
Windham, Town Of
8 School Rd

Windham
ME
04062
+1 (207) 892-2511
accountspayable@windhammaine.us

Thank you for placing your advertisement with us.

Your order information and a preview of your advertisement are attached below for your review. If there are changes or questions, please contact the classified department at (207) 791-6100

Thank you

(207) 791-6100

jjensen@mainetoday.com

Monday – Friday 8:00 am – 5pm

Order Number	0514834	Order Price	\$239.64
Sales Rep.	Joan Jensen	PO No.	Notice of Public Hearing / Mabel Darby
Account	9842	Payment Type	Invoice
Publication	Portland Press Herald	Number of dates	2
First Run Date	08/28/2024	Last Run Date	09/03/2024
Publication	Online Upsell PPH	Number of dates	2
First Run Date	08/28/2024	Last Run Date	08/29/2024

Public Notice

**Town of Windham, ME
Board of Appeals
Thursday -
September 5, 2024
Windham Town
Office -Council
Chambers
6:30 P.M.
Notice of
Public Hearing**

**24-001: Anthony
Requia's**

Administrative Appeal
for the Notice of
Violation and Stop
Work Issued to 119 Trails
End Rd, Unit # 2, Map 73
Lot 4/2 (Zone FR/ LD)

A site walk will be
conducted Wednesday
September 4, 2024, at
7:00 AM at 119 Trails
End Rd.

**PLEASE INFORM US
OF ANY SPECIAL
REQUIREMENTS YOU
MAY HAVE DUE TO A
DISABILITY**