



TOWN OF CASCO
635 MEADOW ROAD
CASCO, MAINE 04015

5/20/2024

Dear Selectboard Members,

I am writing this letter to explain the confusion and error at 752 Quaker Ridge Road. The recently built house @ 752 Quaker Ridge by Lou Emery is under contract, a mortgage loan inspection was being performed and the surveyor found an error in the front setback. The Road is stated to be a 4 Rod Road which is 66 feet wide. It was not clear if the property pins were placed correctly or worse yet even moved due to multiple pins found along the roadside of the property. According to our ordinance when roadways cannot be determined you would measure from the centerline of that road. Unfortunately, Quaker Ridge was not placed in the center of the road line/right of way therefore the measurement from the centerline of the road was off roughly 2' +/- feet, putting the building within the 50' road line setback. I feel that the town's ordinance is partially responsible because I advise them according to our ordinance on how to determine the proper front setback. A family was expecting to move in next week and cannot because of this issue and Lou Emery is very sick. Hopefully, the selectboard can resolve this issue.

Sincerely,

John Wiesemann
Code Enforcement Officer
Town of Casco, Maine

CONSENT AGREEMENT

This Consent Agreement is entered into on the _____ day of _____, 2024 by and between Corey Emery who own property located at 752 Quaker Ridge Road, Casco, Maine ("Emery") and the TOWN OF CASCO, a municipal corporation located in the County of Cumberland and State of Maine (the "Town").

WHEREAS, the Town of Casco (the "Town") is a municipal corporation duly organized under the laws of the State of Maine; and

WHEREAS, John Wiesemann is the duly authorized Code Enforcement Officer of the Town (the "CEO") of the Town authorized under state law to administer and enforce provisions of the Zoning Ordinance of the Town of Casco (the "Zoning Ordinance"); and

WHEREAS, since June 29, 2023, Emery has been the owner of real property located at 752 Quaker Ridge Road, Casco, Maine, described in a deed from Adam O. Grant, recorded at the Cumberland County Registry of Deeds in Book 40214 Page 319, and currently shown on Assessors Map 002 Lot 0029-5 (the "Premises"); and

WHEREAS, on or about _____, Emery constructed or contracted to be constructed the currently existing single-family home (the "Improvements"). The Premises is located on approximately 3.67 acres of land and includes a single-family residence; and

WHEREAS, a Class D survey prepared by Livingston Hughes Surveyors and dated May 13, 2024 reveals an apparent encroachment by the house of the setback requirement as the house is located within the 50 foot front setback from the boundary line. Attached as Exhibit A is a copy of the Class D survey showing the aforementioned encroachment; and

WHEREAS, due to misunderstanding and uncertainty concerning the boundaries of the Premises, the Improvements were constructed partially within the applicable building setback; and

WHEREAS, the CEO has investigated this case and has determined that the current location of the Improvements does not result in any significant health, safety or welfare problems; and those portions of the Improvements that may be encroaching into the setback are so integral to the Premises that removal of the Improvements, without harming the integrity of the remaining Improvements, is not feasible; and

Emery and the Town agree as follows:

1. The Town will grant a two-foot (2) setback variance for the front setback as shown on the attached survey;
2. The Improvements shall be allowed to remain, and be repaired and replaced, in their current locations, but those portions of the Improvements that encroach into any setback shall not be expanded in height, length or width from the now-current configuration.

3. All future improvements to the Premises must be in compliance with the setback requirements of the Town of Casco, and all other applicable requirements of the Zoning Ordinance.

4. The Town agrees to relinquish its rights to prosecute Emery, their successors in real property interest, assigns and heirs, for any alleged violation arising from the setback or building permit disputes arising from the construction or location of the Improvements.

5. This Consent Agreement shall be binding upon Emery, his successors in real property interest, assigns and heirs and it shall be duly recorded by Emery in the Cumberland County Registry of Deeds within thirty (30) days, with a copy of the recorded instrument to be provided to the CEO.

6. At a meeting of the Select Board on _____, 2024, the Town approved this resolution of the alleged zoning violation based upon the terms and conditions set forth in this Agreement and authorizes the CEO to sign this Consent Agreement on behalf of the Town.

IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date appearing beside their names below.

Date: _____

Corey Emery

TOWN OF CASCO

Date: _____

By: _____
John Wiesemann, Its Duly Authorized
Code Enforcement Officer

STATE OF _____,
COUNTY OF _____, 2024

Then personally appeared before me the above-named Corey Emery and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Attorney at Law/Notary
Public Print Name:

STATE OF _____,
COUNTY OF _____, 2024

Then personally appeared before me the above-named John Wiesemann, CODE ENFORCEMENT OFFICER OF THE TOWN OF CASCO, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Casco.

Before me,

Attorney-at-law/Notary Public
Print Name:

THIS IS NOT A BOUNDARY SURVEY

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MORTGAGE INSPECTION OF: DEED BOOK 40214 PAGE 319 COUNTY Cumberland
PLAN BOOK 219 PAGE 416 LOT ---

ADDRESS: 752 Quaker Ridge Road, Casco, Maine

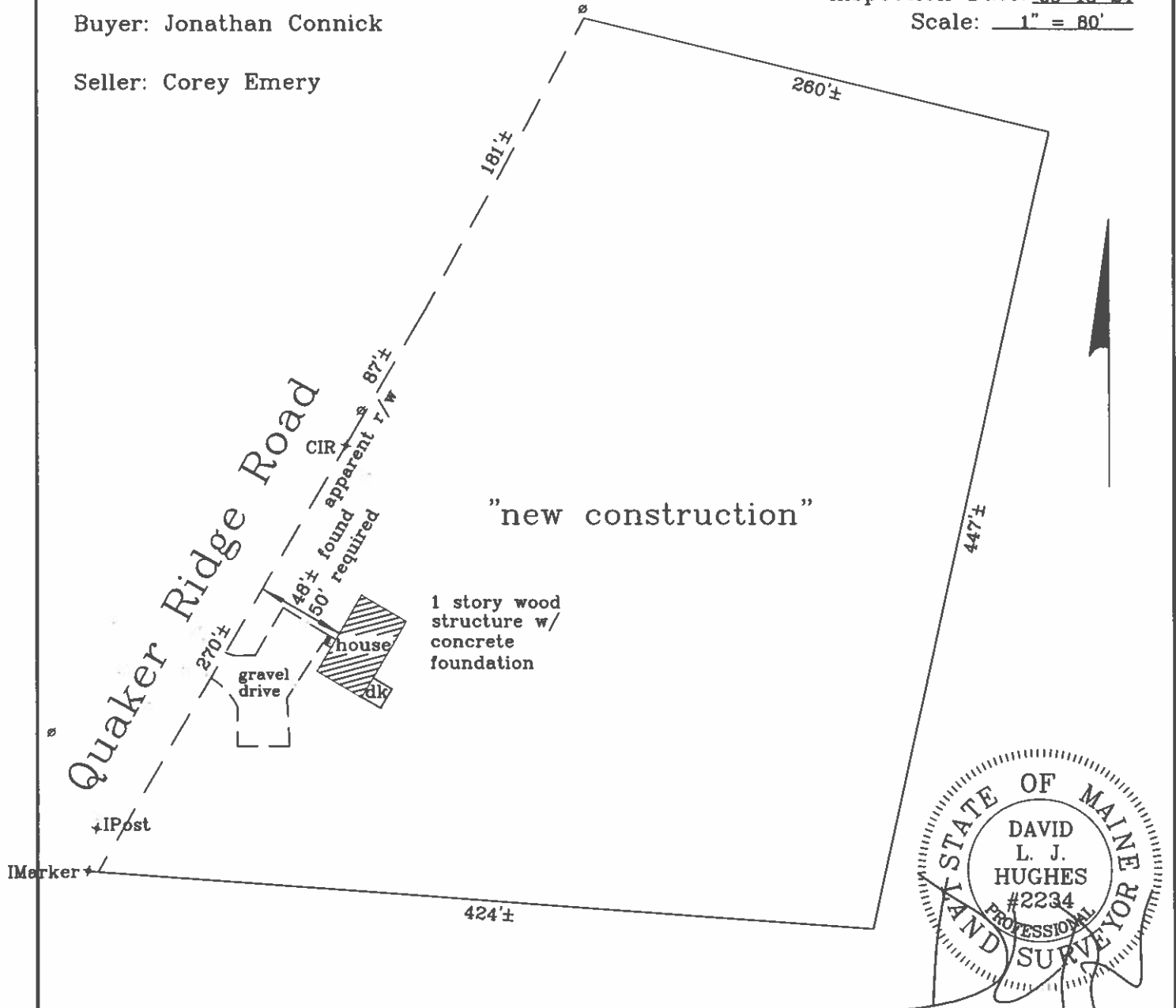
Job Number: 1243-12

Inspection Date: 05-13-24

Scale: 1" = 80'

Buyer: Jonathan Connick

Seller: Corey Emery



I HEREBY CERTIFY TO:

Two Lights Settlement Services, LLC;
United Wholesale Mortgage LLC
and its title insurer.

Monuments found did not conflict with the deed description.

The dwelling setbacks do ~~XXX~~ violate town zoning requirements.

As delineated on the Federal Emergency Management Agency Community Panel 230044-0020 B :

The structure does not fall within the special flood hazard zone.

The land does not fall within the special flood hazard zone.

A wetlands study has not been performed.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

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Livingston-Hughes

Professional Land Surveyors

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207-967-4831 fax

www.livingstonhughes.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY