

APPLICATION FOR VARIANCE OR
APPEAL TO ZONING BOARD OF APPEALS

Date Rec'd _____

Name of Applicant: Pachamama Sanctuary

Map 3 Lot 9 Book 41604 Page 120
(Assessor Maps) (Cumberland County)

Mailing Address: 50 Rabbit Run Lane, Casco

Telephone Numbers: Home _____ Office 558-0102
(Please provide at least 2) Cell 841-4092

Email address: c/o tfederle@archipelagona.com

Name of Property Owner: Wingrove Scott Holdings, LLC

Owner(s) Address: 1608 Eaglewood Court, Pittsburgh, PA 15237

SECRETARY WILL PREPARE THE LIST OF ABUTTERS WITHIN 500' OF
THE PROPERTY REQUESTING VARIANCE OR APPEAL.

APPLICANT WILL NOTIFY THE ABUTTERS BY CERTIFIED MAIL,
RETURN RECEIPT REQUESTED NO LATER THAN 10 DAYS BEFORE THE
DATE OF THE MEETING.

The undersigned requests that the Board of Appeals consider
the following: (check appropriate request)

- 1. Administrative Appeal
- 2. Dimensional Variance Appeal
- 3. General Variance

DESCRIBE THE SPECIFIC REQUEST:

Please See Attached

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 AND EXPLAIN IN DETAIL:

X 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 (explain) *Unlawful Stop Work / Cense & Desist Order.*

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

APPLICANT SIGNATURE *[Signature]*
Defek Januszewski (Jun 7, 2026 15:33:34 EDT)

DATE 06/04/2026

Submit Form






2026.06.04 Appeal Signature Page

Final Audit Report

2026-06-07

Created:	2026-06-04
By:	Elias Young (eyoung@archipelagona.com)
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-  Document created by Elias Young (eyoung@archipelagona.com)
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Thomas B. Federle
Principal
tfederle@archipelagona.com

1 Dana Street, 4th floor
Portland, Maine 04101
(207) 558-0102

June 9, 2026

VIA APPLICATION SUBMISSION

Zoning Board of Appeals
Town of Casco
635 Meadow Road
Casco, ME 04015

Re: Appeal to Zoning Board of Appeals Request Description.

Dear Town of Casco Zoning Board of Appeals,

Pachamama Sanctuary continues to work with the Town regarding proper land use permitting for its religious sanctuary. For the past year, the Town has urged Pachamama to apply for and obtain a home occupation permit for the facility. Pachamama promptly applied for a home occupation permit. Just last month, the Town indicated that it was changing course and requiring Pachamama to apply not for a home occupation permit but for a conditional use permit. Pachamama promptly applied for a conditional use permit and is currently on the July agenda before the Planning Board.

On May 11, 2026, the Casco Code Enforcement Officer denied the home occupation permit. Pachamama is appealing that permit denial. In the same communication, the Code Officer issued a stop work/cease and desist order. Pachamama is appealing that action also.

The home at 50 Rabbit Run is the only home of Derek Januszewski, the Pastor of Pachamama Sanctuary. He resides in the home full time. Two to three times per month Pachamama hosts religious retreats that run from Friday at 6 PM to Sunday at 11 AM. The retreats are staffed by volunteers. Pachamama employs no one other than its Pastor and Deacon. The operation of the sanctuary is incidental and accessory to the principal use of the property as a primary residence.

50 Rabbit Run is an ideal location for the sanctuary. It is secluded on 42 acres of land. There are no incompatibilities with surrounding properties. There have been no incidences or problems at the property. This is because of the care that is taken by Pachamama, and because the property is very well suited to Pachamama's use of the land.

The Pachamama property was intentionally developed as a retreat facility by the prior owner of the property. That enterprise was permitted by the Town of Casco as a home occupation. That permit had no limit on the number of events and authorized events hosting up to 249 people

Town of Casco Zoning Board of Appeals

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and contemplated even larger events with a special permit. No one resided on the property during the years of weddings and other events on the property, but the Town deemed the event activities as incidental to, and accessory to, residential use. There were no limits imposed by the Town regarding the percentage of the home that was available to wedding or other guests. **See Attached Home Occupation Permit.**

The Town of Casco, in denying a home occupation permit for Pachamama Sanctuary, is discriminating between non-religious and religious use of the very same property. Where the Town found a much more intensive, secular enterprise with no residential use qualified as a home occupation, it is now finding that a much less intensive religious use on the same property does not qualify. This is a clear violation of the equal terms provision of the Religious Land Use and Institutionalized Persons Act, 42 USCS §§ 2000cc, et seq. (RLUIPA). That federal statute prohibits governments from imposing or implementing land use regulations in a manner that treats religious assemblies on less than equal terms with nonreligious assemblies.

Notwithstanding the Town's RLUIPA violation, Pachamama has been striving to comply with sometimes conflicting directives from the Town. Pachamama, for example, has completed installation of a new septic system on the property. Such an undertaking was very expensive and Pachamama did this even though this same requirement was not made of the secular retreat owner. Pachamama is also working with the State Fire Marshall's Office and is using a fire watch while Pachamama designs and builds a permanent fire suppression system in the home. None of this was required of the prior owner.

Again, Pachamama is before the Planning Board in an effort to obtain approval from the Town and has made requested improvements to the property to that end. To preserve its rights pending Planning Board review and approval, Pachamama hereby files this appeal. Rather than argue before this Board and litigate its RLUIPA claims, Pachamama prefers to work with the Planning Board on an approval.

Thank you for your attention on this matter. Please do not hesitate to reach out with any questions.

Sincerely,

/s/ Thomas Federle

Thomas B. Federle, Esq.

Attorney and Authorized Agent for Pachamama
Sanctuary

PAID

TOWN OF CASCO
HOME OCCUPATION APPLICATION FORM

BP2022 - 0145

APPLICANT:

PERMIT # _____ \$ 25.00

Name James Marshall

Address 50 Rabbit Run Lane, Casco, Me 04015

Email sales@chrislynninserts.com

Telephone Number - Home 207 776 2717

PLEASE PROVIDE AT Office _____

LEAST TWO NUMBERS Cell 207 926 4304

Interest in Property Current owner
(attach documentation) Deed

Interest in abutting property, if any None

Name of Business: Rabbit Run Weddings

Brief Description of Business Small wedding venue operation
up to 150 people.

HOME OWNER:

Name James Marshall

Address 19 Marshall Rd, New Gloucester, Me 04260

PLEASE CHECK THE ADDRESS TO WHICH THE TOWN SHOULD DIRECT ALL CORRESPONDENCE.
Owner or Applicant _____

If Owner different from Applicant attach letter of authorization. _____

Size of Parcel (acres) 4.2 Location of Business 50 Rabbit Run Lane,
Casco

Tax Map 3 Lot 9-2 Deed Registry Book 23490 and Page 101

Zoning District in which the property is located Residential

Is Zoning Board of Appeals Approval required? No Yes

Does the applicant intend to request any waivers of Subdivision or Zoning Ordinance provisions? No Yes Planning Board required No

If yes, list and give reasons why:

DETAILS OF HOME OCCUPATION BUSINESS ACTIVITY:

The following questions are based on some but not all of the Casco Zoning Ordinance Home Occupation Performance Standards Section 5.2.9 and applicable definitions in Article 2.

Describe:

Hours of Operation Noon @ Midnight (any 4 hours between) there
 Lighting Not Applicable - Porch lights only
 Traffic & Delivery Access & Parking Direct driveway access from
 Handling of Waste Materials Septic System @ Port # 302 to Property
 Noise, dust, odor, etc. generated and controls Attended
Property is located secluded & not located near other homes.
 On Site Storage Has Does not Apply
 Signage - According to Town Regulations.

Describe additional local, state, or federal permits required. Please submit for attachment to permit. None

Business Organization (dba., LLC, or Inc., etc.) _____

Doing Business As Rabbit Run Weddings
Submit for attachment any business registrations.

Other or CEO Conditions of Approval if any: _____

None we know of.

See ATTACHED List

Septic System is being inspected for larger Plan (John Bliss) - 10 Bedroom - expansion ATTACHED

FEES:

There is a fee of \$ 25.00 payable to TOWN OF CASCO for the Business Permit.

PLEASE NOTE SIGNS FOR A HOME BASED BUSINESS MAY NOT EXCEED FOUR (4) SQUARE FEET IN SURFACE ON EITHER SIDE. PLEASE SEE PAGES 59-60 OF THE CASCO ZONING ORDINANCE FOR ALL REQUIREMENTS.

The undersigned, being the applicant, owner or legally authorized representative, states that all information contained in this application is true and correct to the best of his/her knowledge and hereby does submit the information for review by the Town and in accordance with applicable ordinances, statutes and regulations of the Town, State, and Federal Government. Applicant agrees to abide by all Local, Federal and State laws applicable to this Home Occupation based business activity.

James P Marshall
SIGNATURE OF APPLICANT or OWNER

7/19/22
Date

[Signature]
Approval of Casco Code Officer

7/25/22
Date

PLEASE SEE the Attached Conditions of Approval

**TOWN OF CASCO
CODE ENFORCEMENT OFFICE**

635 MEADOW ROAD
CASCO, MAINE 04015



DATE: July 25, 2022

TO: Rabbit Run Runnings

LOCATION: 50 Rabbit Run Lane

PARCEL ID: 0003-0009-2

ZONING: Aquifer, Resource Protection, Residential

RE: Conditions of Approval

Dear Mr. & Mrs. Marshall

Please follow these conditions of approval prior to opening of wedding venue.

1. Portable Toilets shall be provided for guest that are not staying on site .
2. Live entertainment shall stop @ 11pm.
3. The driveway shall be kept clear of obstructions for fire/rescue services.
4. If rooms are added to building then the new septic system shall be installed.
5. Groups over 250 must get mass gathering permit through the selectboard.

If you have further question feel free to contact me by phone at (207) 627-4298, or by email at jwiesemann@cascomaine.org.

Sincerely,

John Wiesemann
Code Enforcement Officer
Town of Casco, Maine

A handwritten signature in black ink, appearing to read 'John Wiesemann', is written over the typed name.

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

M. 3
L 9-2

TOWN OF CASCO

BP2022-148

DEPARTMENT OF BUILDING INSPECTION

PERMIT

This is to certify that James Marshall
has permission to Operate 50 Rabbit Run
AS A Small Wedding Venue HOME Occupation
at 50 Rabbit Run -

provided that the person or persons, firm or corporation accepting this permit shall comply with all the provisions of the Statutes of Maine and of the ordinances of the Town of Casco regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Notify Code Officer for required inspections per building permit and final inspection for certificates of approval/occupancy - Casco Town Office 207-627-4515.

Approved _____

Date 7/27/2022

Expires _____


Inspector of Buildings

PENALTY FOR REMOVING THIS CARD