

# CONSENT DECREE

This Agreement is made this 10<sup>th</sup> day of May, 2016 between Tracy I. Mains and Dana H. Mains, Sr. of the state of Maine "property owner" and the inhabitants of the Town of Standish, a municipal corporation located in Cumberland County, Maine (the "TOWN")

WHEREAS, property owner of real property located at:

1310 Richville Road  
Standish, Maine

further identified on Town Assessors' Map as MAP 16 LOT 35 B (the "PREMISES") and:

WHEREAS, the Town Building Inspector has determined that violations of the dimensional requirements of the Standish Zoning Ordinance exists on the Premises, as follows:

Less than required setback from property line:

*Shed 10' from sideline – 15 violation*  
*In ground pool 19' from sideline – 6' violation*

WHEREAS, the Town Building Inspector has determined that building permits were not found for the shed or the in-ground pool, and

WHEREAS, the Standish Council at its meeting held on May 10, 2016 has determined that no useful purpose would be served by requiring the removal or alteration of the structure(s) which are in violation, and that the public health, safety and welfare would not be adversely affected by allowing the structure to continue in existence and has therefore authorized the execution of this Agreement; and

WHEREAS, both the property owner and the Town wish to avoid litigation over a zoning violation,

NOW THEREFORE; in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. The property owner acknowledges that the circumstances of the zoning violation do not warrant the granting of a variance under the variance criteria of the Zoning Ordinance and therefore waives the right to apply to the Zoning Board of Appeals for a variance.
2. The property owner agrees to pay to the town a penalty in lieu of legal action in the amount of \$ 75-.
3. By accepting said penalty, receipt of which is hereby acknowledged, the Town agrees to waive its rights under the Standish Zoning Ordinance to seek judicial relief against the particular zoning violation described above as it exists the date of this agreement.
4. Both parties agree that this Agreement shall be recorded in the Cumberland County Registry of Deeds as evidence that the zoning violation set forth above is deemed cured, and that the resulting nonconformity shall hereafter be deemed a lawful conformity, which is allowed to continue under the Standish Zoning Ordinance.

DATED: May 10, 2016

## MUNICIPAL OFFICERS OF THE TOWN OF STANDISH

BY: *Lynn Olson*, CHAIRMAN

Lynn Olson

*Michael Blanck*  
Michael Blanck*Isabel M. Higgins*  
Isabel Higgins*Steven Nesbitt*  
Steven Nesbitt*Lester Ordway*  
Lester Ordway*Kimberly Pomerleau*  
Kimberly Pomerleau*John Sargent*  
John Sargent

## PROPERTY OWNERS:

*Tracey I. Mains*  
Tracey I. Mains  
State of Maine, County of Cumberland*Dana H. Mains, Sr.*  
Dana H. Mains, Sr.  
Date: 5.10.16Then personally appeared the above name *Tracey I. Mains & Dana H. Mains*  
acknowledged the foregoing instrument to be their free act and deed.

(Notary Public)

Before me, *Mary E. Chapman*

My Commission Expires:

MARY E. CHAPMAN  
Notary Public, Maine  
My Commission Expires August 2, 2018

State of Maine, County of Cumberland

Date: 5.10.16

Then personally appeared the above name Town Councilor's acknowledged the foregoing instrument to be their free act and deed.

Before me, *Mary E. Chapman*

(Notary Public)

My Commission Expires:

MARY E. CHAPMAN  
Notary Public, Maine  
My Commission Expires August 2, 2018