Herluf Madsen
44 Evans Ridge Road Windham, Me. 04062
Michael Manning
11 Whitney Way Raymond, Me. 04071

December 12, 2013

Board of Selectman
TOWN OF RAYMOND
401 Webbs Mills Road
Raymond, Maine 04071

Re: Map 11 lot 43D (Lot 3 on plan) Autumn Lane

Dear Selectmen:

Ten years ago Elwin Plummer intended to Gift his Brother-in-law lot 3, sell two lots 4 & 2, and sell his exempt homestead on Lot 1. The deeds were somehow recorded in the wrong order. Four months later (April 2004) Elwin signed corrective deeds which were recorded in Cumberland County Registry of Deeds book 21141 page 126,130,133,and 138, the correct intended order.

In an effort to resolve this in a reasonable manner, a draft consent agreement is attached paying the Town of Raymond a substantial amount of money. We ask that in addition to this offered -amount, would you also please consider the $10,000 in property taxes paid in the last ten years, and the $4000.00 in legal fees?

History of Private Road Approval (Autumn Lane):

February 19, 2004. The Code Officer wrote to advise that the "division and sale" of four lots by Elwin Plummer created ordinance violations.

March 23, 2004. Application for review of Private road by the Town to correct the problems.

April 14, 2004 Deeds. Elwin Plummer signed and recorded corrective deeds in the Registry of Deeds in Book 21141, pages 126, 130, 133 and 138 to address the problems raised by the Town.

May 22, 2004 Memo. In this memo the Planner notes that a road and four lots were created and if approved the road will bring closure to an enforcement action taken by CEO.

June 9, 2004 Planning Board Minutes. The Planning Board had a pre-application conference to review my request for approval of a private road. It requested additional engineering information consisting of a drainage study, a phosphorus study, erosion control plans, boundary monuments and site distances, a road maintenance agreement as well as corrections to the draft plans.

July 26, 2004 Memo. We submitted the additional engineering studies and materials, which had been reviewed by the Planner. The memo to the Planning Board evidences his approval and the Planner states "**the applicant is not creating a subdivision**. . . "

August 11, 2004 Planning Board Minutes. The Planning Board approves Elwins Way as a private road (now called Autumn Lane).

The CEO, Planning Board, and Planner reviewed the plan and approved Elwins Way that serve four lots on the plan.

The intent of this project was for Elwin Plummer to have a fresh start with his new wife and in some way keep part of his land close in the family.

A lesser amount then stated in the draft consent would be a welcome relief, if at all possible. Please consider what is fair in the opinion of each of you.

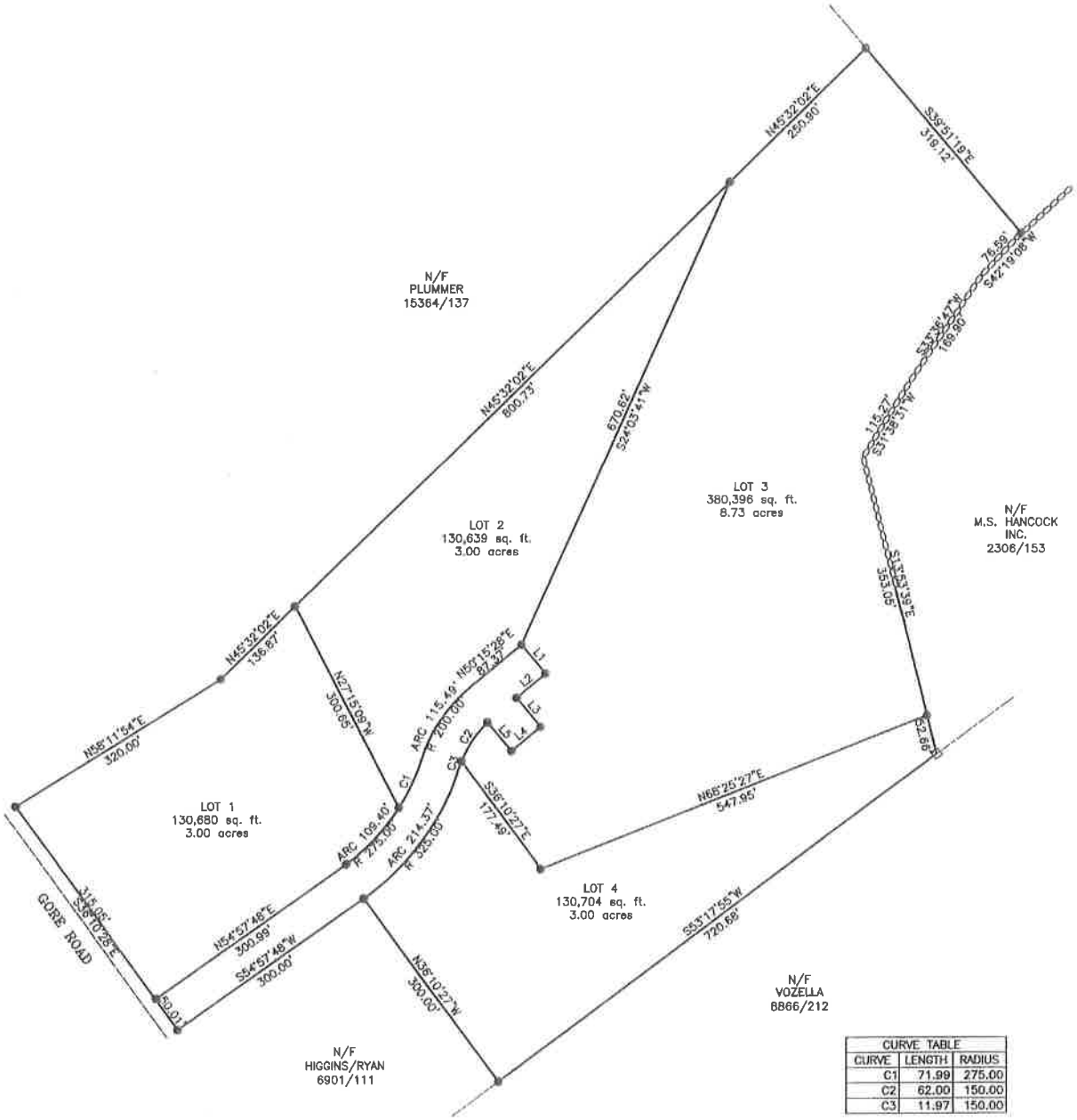
Thank you for your consideration

Sincerely,

Herluf Madsen

Michael Manning

Enclosure



CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	71.99	275.00
C2	62.00	150.00
C3	11.97	150.00

LINE TABLE		
LINE	LENGTH	BEARING
L1	50.00	N39°44'32"W
L2	50.00	N50°15'28"E
L3	50.00	N39°44'32"W
L4	50.00	N50°15'28"E
L5	49.47	S39°44'32"E

State of Maine, Cumberland SS.
Registry of Deeds
Received Apr. 1, 20 05
at 2 h 51 m P M and recorded in
Plan Book 205 Page 200
Attest: John B. [illegible]

100 0 50 100 200
GRAPHIC SCALE
1"=100'

February 19, 2004

Elwin H. Plummer
P.O.Box 342
Raymond, Maine 04071

Notice of Violation

Re: 30 Gore Road, Raymond – Map 11 Lot 43

Deed transferred from Plummer to Michael Manning – Book 20783 pg.138
Plummer to Anne Manning – Book 20783 pg. 141
Plummer to MGM Builders – Book 20783 pg. 144
Plummer to Madsen – Book 20783 pg. 146

Dear Mr. Plummer,

You are hereby being notified that the division and sale of the above listed property is in violation of the Town of Raymond Land Use Ordinance , section U,Lots (adopted 5/18/02) and the Raymond Street Ordinance, section 5, Street Design Standards. You have 30 days in which to correct the violation by submitting to the Planning Board an application and plans which adhere to the Land Use and Street Ordinances.

Please feel free to contact me if I can be of any help.

Sincerely,

Paul J. White
Code Enforcement Officer

CC: Planning Board
Robert Faunce – Town Planner
Amanda Simpson – Assessor
Michael Manning
Herluf U. Madsen

MEMORANDUM

To:	Planning Dept.	**Subject:**	Private Road
From:	Paul Lawrence	**Project:**	Manning
Date:	3/23/04	**Project ID:**	200412

The attached application and plan are being submitted to provide sufficient information to the Planning Board to support the initial considerations for the review of a private road to be installed to serve four lots off Gore Road.

The owner intends to install a road that meets the full requirements found in the Town's Street Standards table, at least 18' width traveled way with 3' shoulders and cross section as described.

We have secured topographic control and will complete other engineering details in compliance with direction received at the Planning Board meeting.

Regards,

Paul W. Lawrence

Paul W. Lawrence

PRIVATE ROAD
RAYMOND, MAINE

GENERAL PROJECT NARRATIVE

MGM Builders, Inc. proposes to construct a private road off Gore Road in Raymond, Maine. The proposed roadway would be approximately 678 feet in length and be located in a 50 foot private right of way. It will extend from Gore Road to provide access to 3 new lots created under the Homestead Act. The roadway will consist of an 18 foot gravel travelway with 2 foot gravel shoulders.

Existing drainage patterns are maintained by the proposed project. Roadside swales will be utilized to convey runoff where appropriate and level lip spreaders will be used to dissipate swale runoff into sheet flow for discharge. Permanent and temporary erosion control measures will be provided to stabilize the site and avoid downstream impacts.

Memorandum

To: Raymond Planning Board

Fm: Robert F. Faunce

Dt: May 22, 2004

Re: **Private Road – Gore Road**

Paul Lawrence has submitted preliminary information on a private road proposed by MGM Builders off Gore Road. If approved, the road will bring closure to an enforcement action taken by CEO Jack Cooper earlier this year.

The applicant and the previous owner created a road and four lots (two of which were exempt gifts). Section IX.U of the Land Use Ordinance requires property owners to demonstrate to the CEO that, prior to the creation of a lot, such lot satisfies the standards for non-subdivision lots. In addition, all new roads require review and approval by the Planning Board. As it turned out, neither the road nor the lots would have complied with the applicable standards had they been submitted for review. The applicant has since reconfigured the lots to the satisfaction of the CEO and he is now in the process of preparing an application for review and approval of a reconfigured road.

The preliminary road plan appears to conform to town requirements for a private way. The applicant's drainage plan appears to consist of level lip spreaders. I believe the road is in the drainageshed of a great pond so it is likely that the level lip spreaders will not be sufficient. In any event, the applicant will need to submit a drainage study and design, phosphorus impact plan, written and graphic erosion control plans, sight distance at Gore Road, road monumentation and provisions for road maintenance.

Following the Planning Board's review at the upcoming meeting, the applicant can submit a full application. If it is complete and it satisfies all the requirements of the Street Ordinance, the road could be approved at a single additional meeting. The Board will need to decide whether a public hearing will be required.

J9907B41.4E1

Town of Raymond
Planning Board Minutes

Wednesday, June 9, 2004
7:00 p.m. at the Town Hall

Members present: Chairman William Haskell; Ginger Wallace; Patrick Clark; Debi Davis, Travis Sullivan and Nelson Henry.
Erika Frank was absent.
Staff present: Town Planner, Robert Faunce; and Karen Strout, Recording Secretary.

Others in attendance: Chairman of the Board of Selectmen, Betty McDermott.

Call to order: At 7:06 p.m. Chairman Haskell opened the meeting and called the roll. A quorum was declared. After reading the agenda, the applicants and public were informed of the meeting protocol.

Welcome new member:
Chairman Haskell welcomed the Board's newly appointed member, Nelson Henry.

A MOTION was made by Travis Sullivan and seconded by Ginger Wallace to approve the Planning Board minutes from April 14, 2004. Motion carried 5 in favor/ 1 abstention.

A MOTION was made by Travis Sullivan and seconded by Debi Davis to approve the Planning Board minutes from May 12, 2004, as amended. Motion carried 5 in favor/ 1 abstention.

A MOTION was made by Travis Sullivan and seconded by Debi Davis to approve the Planning Board Site Walk minutes from May 17, 2004, as amended. Motion carried 5 in favor/ 1 abstention.

Election of Officers:

MOTION by Travis Sullivan and seconded by Ginger Wallace to nominate Will Haskell for the position of Chairman.
Vote 5 in favor/1 abstention
The position was accepted.

MOTION by Travis Sullivan and second by Debi Davis to nominate Erika Frank for the position of Vice-Chairman pending her acceptance.
Vote 6/0.

Pre-application conference:

Map 11, Lot 43
Michael Manning
Gore Road
Private Road off from Gore Road

Paul Lawrence represented the applicant and gave a brief overview of the project. He reminded the Planning Board that they were reviewing the road only and that the lots were being developed under the homestead provision.

Background from the Planner's note include the following information: The applicant, Michael Manning of MGM Builders, submitted preliminary information for a proposed private way off from the Gore Road to serve four lots. The applicant and the previous owner had created a road and four lots which would have proved to be out of compliance with the Land Use Ordinance had they been submitted for review. A Notice of Violation was sent with instructions to correct the violation by submitting to the Planning Board an application and plans, which adhere to the Land Use and Street Ordinances.

Comments by Bob Faunce, Town Planner:
Preliminary road plan appears to conform to town requirements. Applicant needs to submit drainage study, phosphorus impact plan, written and graphic erosion plans, sight distance at Gore Rd, road monumentation, and provision for road maintenance.

Comments by the board members:
P. Clark had two comments. He would like the applicant to revise the road detail information. He expressed concern about adequate buffering and placement of level lip spreaders.

P. Lawrence commented that they would look again at addressing the issues.

P. Lawrence asked the board if a public hearing would be needed for this project. The Board agreed that it would not be necessary.

Planner Faunce instructed the applicant that another meeting would be required, and the following information would need to be submitted by June 22 for the July 14th meeting:

1. drainage study
2. phosphorus impact plan
3. written and graphic erosion control plans
4. site distance at Gore Rd
5. road monumentation
6. road maintenance agreement
7. corrections to road detail

Other business: Planner Faunce discussed the Lincoln Court Decision with the board.

Adjournment:

Meeting adjourned at 7:50 pm.

Karen Strout

Recording Secretary

Town of
RAYMOND
Home of the Landlocked Salmon
INCORPORATED 1803

PLANNING BOARD

Notice of Action

Map 11, Lot 43
Michael Manning
Gore Road
Private Road off from Gore Road

I, Karen G. Strout, being the duly appointed secretary of the Planning Board for the Town of Raymond, Cumberland County and State of Maine, hereby certify that on the 9th day of June, 2004 a pre-application conference was held and that no action was taken. The following information needs to be submitted by June 22, 2004 to be included on the July agenda.

1. Drainage study
2. Phosphorus impact plan
3. Written and graphic erosion control plans
4. Site distance at Gore Rd
5. Road monumentation
6. Road maintenance agreement
7. Corrections to road detail

Respectfully,

Karen G. Strout
Secretary
Raymond Planning Board

S:\Planning Board\2004\6.09.04pb\PB NOA 11, 43 6-9-04.doc

Memorandum

To: Raymond Planning Board

Fm: Robert F. Faunce

Dt: July 26, 2004

Re: **MGM Builders – Elwins Way**

Engineering Ventures has submitted design plans for Elwins Way, a proposed private road off Gore Road. The Planning Board reviewed preliminary information on the private road at its June 9 meeting.

The road will serve four proposed lots. The applicant is not creating a subdivision so the Board does not have jurisdiction over the lots but they will be reviewed by the CEO under the lot standards of section IX.U of the Land Use Ordinance.

The plan appears to comply with the provisions of the Raymond Street Ordinance with regard to grades, cross-section, turnaround, drainage, erosion control, monumentation and phosphorus control. The applicant has also submitted a satisfactory maintenance agreement. I recommend final approval.

J9907B41.4G2

Town of
RAYMOND
Home of the Landlocked Salmon
INCORPORATED 1803

PLANNING BOARD

August 11, 2004

Notice of Action

Map 11, Lot 43 LRR1
MGM Builders
Michael Manning
Elwins Way
Private Road off from Gore Road

I, Karen G. Strout, being the duly appointed secretary of the Planning Board for the Town of Raymond, Cumberland County and State of Maine, hereby certify that on the 11th day of August, 2004 an application for a Private Road, Elwins Way, was presented and approved with the following condition:

The applicant needs to resubmit drainage numbers for the project before a building permit can be issued.

Respectfully,

Karen G. Strout
Secretary
Raymond Planning Board

A site walk was scheduled for Monday August 23rd at 7:00 pm

After a brief recess, Cayer stated that the applicant would like to take this request for a net density reduction to the Board of Appeals. Cayer asked the Planning Board for a vote of support to take with them to the Appeals Board in order to gain the 7th lot under the Open Concept Plan. After polling the Board members, the Planning Board agreed that they would not offer an opinion to the Board of Appeals for the applicant.

Map 16, Lot 98 & 99, R
Chase Custom Homes
John Chase
Valley Road
Pre-application conference for 25 unit subdivision

Tom Greer of Pinkham and Greer introduced the project explaining that this was a pretty conventional subdivision with a condominium project attatched. The applicant is proposing a subdivision off from Valley Road in two parts. The first would include 13 single-family house lots on 3-acre lots. The second would be developed on lot 14 into 12 units for elderly housing. The age-restricted project would have homes of various styles.

Planner Faunce requested that the applicant check lot size to be certain they were three acres in size. He also encouraged the applicant to look at the Open Space ordinance and for their staff to give him a call after they had done this.

Another comment made by Faunce was about the condition of Valley Road. Road improvements would be anticipated, and a traffic analysis would need to be submitted.

Vice Chairman Erika Frank relayed the following comments from an email memo from absent Chairman Will Haskell:

"If the build out justifies the two entrances, then I am ok with that. I would prefer an internal loop with one curb cut. There also may be some sight distance issues with at least one of the proposed entrances. I am not sure if the site abuts a deer wintering area, but I know there is one in the vicinity."

Member Clark questioned the length to width ratio of several of the lots (specifically lots 3 and 4).
Other comments from members centered on wetland issues, road length, means of access, fire protection, the general condition of Valley Road and the need for traffic study. Vice-chairman Frank commented that the project looked "generally doable". We would need covenants, road association, and homeowner's agreements submitted.

The applicant commented that they plan to address all of the Planning Board's concerns with the forthcoming complete application.

No action was taken.
Site walk was scheduled for Monday, August 23rd at 6:00 pm.

Map 11, Lot 43, R
MGM Builders
Michael Manning
Private Road off from Gore Road

The applicant has submitted designs for Elwin's Way, a proposed private way off from the Gore Road to serve four lots. The applicant last appeared on June 9th for a preliminary review. Town Planner Bob Faunce stated that application appears to comply with the provisions of the Raymond Street Ordinance with regard to grades, cross-section,

turnaround, drainage, erosion control, monumentation and phosphorus control. The applicant has submitted a satisfactory maintenance agreement, and he (planner) recommended approval.

The applicant's representative Paul Lawrence of Paul Lawrence Consulting summarized the project's application discussing the revisions and changes they had made in response to the Planning Board's request. Jeffrey T. Aceto of Engineering Ventures Inc. gave further details referencing the plan set previously submitted to the board.

Comments from PB:
Ginger Wallace asked for clarification of plan note c2.
Patrick Clark questioned the drainage study summary table. The applicant admitted that there were some typos and that they would correct the drainage study.

A MOTION by Travis Sullivan, seconded by Patrick Clark was made to grant final approval of the plan presented with the condition that the applicant resubmits the drainage numbers before being issued a building permit. Vote carried 4/0.

Map 11, Lot 23, 42, & P/O 41, R
Tarkiln Hill Rd.
David Fossett
23-lot sub-division
Final Plan Review

Pat Cayer of Land Services Inc., the applicant's representative, commented that the applicant was seeking final approval, but they had not received the final copy of the DEP permit. They had submitted a grading easement from the Lamottes and because of the regrading of the road none would be needed from the Clevelands. Cayer went over the major changes- plan note 18, 19, and a modified note 1.

Planner Faunce recommended that the board grant approval with the condition that no work could begin until the DEP permit is given to the CEO.

Board member Clark commented that the summaries received were usually the most significant three parts of the DEP report.

A MOTION was made by Clark and seconded by Sullivan to grant final approval pending receipt of the DEP approval by the CEO. Vote carried 4/0

Other Business:

The resignation of Debi Davis was accepted.

Adjourment:

A MOTION was made by Wallace and seconded by Sullivan to adjourn at 8:55 pm. Vote was unanimous. 4/0.

Karen Strout

Recording Secretary

CONSENT AGREEMENT

DRAFT

This Agreement is made as of this ___ day of , 2013 by and between the Town of Raymond (the "Town") and the following property owners: Michael Manning, Anne Manning, MGM Builders, Inc., Herluf Madsen and Donna Madsen (collectively the "Owners").

WHEREAS, the Owners acquired lots shown on a plan entitled "Boundary Survey, Gore Road/Raymond for MGM Builders, Inc." by Survey, Inc. dated March 2004 (the "Plan") by conveyances from Elwin Plummer listed below;

Date of Deed	Lot No. on Survey, Inc. Plan	Grantee	Recording Book & Page
12/02/2003	4	Manning Anne	Book 20783, Page 138
12/17/2003	2	Manning MGM	Book 20783, Page 141
12/18/2003	1	Builders, Inc.	Book 20783, Page 144
12/3112003	3	Herluf & Donna Madsen	Book 20783, Page 146

WHEREAS, MGM Builders, Inc. is now seeking further division of the ± 8.73 acre lot shown on the Plan as lot 3; and

WHEREAS, the Town contends that the conveyances of the four lots by Elwin Plummer violated Article X, Sections 2 and 3 of the Town of Raymond Subdivision Regulations and 30-A M.R.S.A. § 4406(1); and

WHEREAS, the Owners deny any violation of the Town of Raymond Subdivision Regulations or the state subdivision statute; and

WHEREAS, the Town and the Owners wish to resolve their dispute without resorting to litigation.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein and without either admitting or denying any of the contentions of any of the parties, the parties hereby agree as follows:

1. Simultaneously with the execution of this Agreement, the Owners will pay a civil penalty to the Town in the amount of $8000.00and will pay the Town the sum of $4000.00 as reimbursement for the attorney's fees, planner fees and other expenses the Town has expended in connection with the investigation and resolution of this matter. The signature of the Town Manager on this Agreement constitutes the acknowledgement of the receipt of those payments.

2. In exchange for said payments, the Town will consider the four lots shown on the Plan to be lawful under the Town of Raymond's Subdivision Regulations and the state subdivision statute and will not take any enforcement action with respect to the creation of said lots.

3. Further, the Town will allow the division of lot 3 into no more than two lots, and will not require review and approval under the Town of Raymond Subdivision Regulations or the state subdivision statute.

4. This Agreement creates conditions running with the land, which will be binding on the Owners and the Owners' heirs, successors and assigns. The Town will record this Agreement in the Cumberland County Registry of Deeds.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

DRAFT

TOWN OF RAYMOND

By: _____

Don Willard, its Town Manager

MGM Builders, Inc.

By: _____

Its:

_____

Michael Manning

_____

Anne Manning

_____

Herluf Madsen

_____

Donna Madsen

STATE OF MAINE

County of Cumberland, ss

Personally appeared the above-named Donald Willard in his capacity as Town Manager of the Town of Raymond, Maine and acknowledges the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Town.

Before me,

_____

Notary Public/Attorney at Law