

Gregory P. Braun  
Milda A. Castner  
Scott M. Edmunds  
William J. Gallitto, III  
Britton R. Garon  
Julia Keenan  
Michael W. Macleod-Ball  
Thomas R. Miscio



April 7, 2022

Sarah B. Neault  
Durward W. Parkinson  
Erin E. Sherman  
*Of Counsel*  
Barbara I. Belik  
*Retired*  
Christian L. Barner  
*In Memoriam*  
Wayne T. Adams

VIA FEDEX HAND DELIVERY

David Murch, Chair  
Town of Raymond Zoning Board of Appeals  
401 Webbs Mill Road  
Raymond, ME 04071

RE: Administrative Appeal of Big Lake Marine, LLC  
March 10, 2022 Notice of Violation  
18 Fernwood Road

Chairman Murch & Zoning Board of Appeals Members:

On behalf of Big Lake Marine, LLC, and in response to the Notice of Violation issued by the Raymond Code Enforcement Officer dated March 10, 2022, please find enclosed application fee payment in the amount of \$431.00 as well as eight (8) copies of the following:

1. Authorization for Bergen Parkinson, LLC, to represent Big Lake Marine, LLC;
2. Big Lake Marine, LLC, Zoning Board of Appeals completed application form;
3. Sketch plan of the property located at 18 Fernwood Road; and
4. Brief explanation of the basis for the appeal.

I hope this finds you well and I thank you for your attention to this matter.

Very truly yours,

  
Gregory P. Braun, Esq.

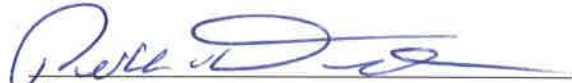
Enclosure(s)

Cc: Alex Sirois, CEO  
Sandy Fredericks, Administrative Assistant to ZBA  
client

**AUTHORIZATION**

Big Lake Marine, LLC, hereby authorizes Gregory P. Braun, Esq. and Bergen Parkinson, LLC, to represent its interests in the administrative appeal of a Notice of Violation issued it by the Town of Raymond Code Enforcement Officer dated March 10, 2022, related to property located at 18 Fernwood Road, Town of Raymond, State of Maine.

Dated at Casco this the 29th day of March, 2022.



Robert Durant, Member & Manager  
Big Lake Marine, LLC

**State of Maine**  
**County of Cumberland**

The foregoing instrument was signed and sworn before me this 29<sup>th</sup> day of March, 2022, by Robert Durant, in his capacity as Member & Manager of Big Lake Marine, LLC, on behalf of said company.



Gregory P. Braun, Esq. #004636



**TOWN OF RAYMOND  
APPLICATION TO THE  
ZONING BOARD OF APPEALS**

Staff Use Only:		Received Date
Application Fee	\$ 75.00	
Notice Fee \$8.00/abutter	\$ 56.00	
Publishing Fee	\$ 300.00	
Escrow-if required		
TOTAL	431.00	

Name of Applicant Gregory P. Braun, Esq., c/o Bergen Parkinson, LLC  
Mailing Address 62 Portland Road, Kennebunk ME 04043  
Primary Phone 207-985-7000 C  H  W  email gbraun@bergenparkinson.com  
Date property acquired: (month and year) April 2019

Name of Owner (if different than applicant) Big Lake Marine, LLC / Robert Durant, Member & Manager  
Mailing Address P.O. Box 741  
Town: Windham State Maine Zip Code 04062  
Primary Phone 207-595-0073 C  H  W  email durantexcavating11@yahoo.com  
Property Address (street number and name): 18 Fernwood Road, Raymond ME  
Town of Raymond Map 001 Lot 022 Zone LRR2  
Deed Reference Book 35622 Page 143

**The undersigned applies for the following:**

1. ADMINISTRATIVE APPEAL. Applicant requests relief from the decision, or lack of decision, of the Code Enforcement Officer. The undersigned believes that (check one)  
 An error was made in the denial of the permit  
 Denial of the permit was based on the misinterpretation of the ordinance  
 The permit was not approved or denied within a reasonable period of time  
 Other: Appeal from Notice of Violation dated March 10, 2022 (see attached)
2. VARIANCE (the information listed on page 3 must be submitted)
3. CONDITIONAL USE PERMIT For \_\_\_\_\_ (use) in \_\_\_\_\_ Zone
4. VARIANCE PROVISION(S) FOR NON-CONFORMING Lot  Structure  Use
5. SETBACK REDUCTION (do not complete Page 3)

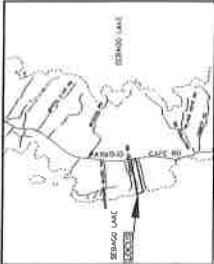
I have read, understand and agree to the above instructions and conditions. I also authorize any Board Member or other Town Officials to enter onto the site. I certify that the information contained in this application and its supplement is true and correct.

Date: 3/29/2022

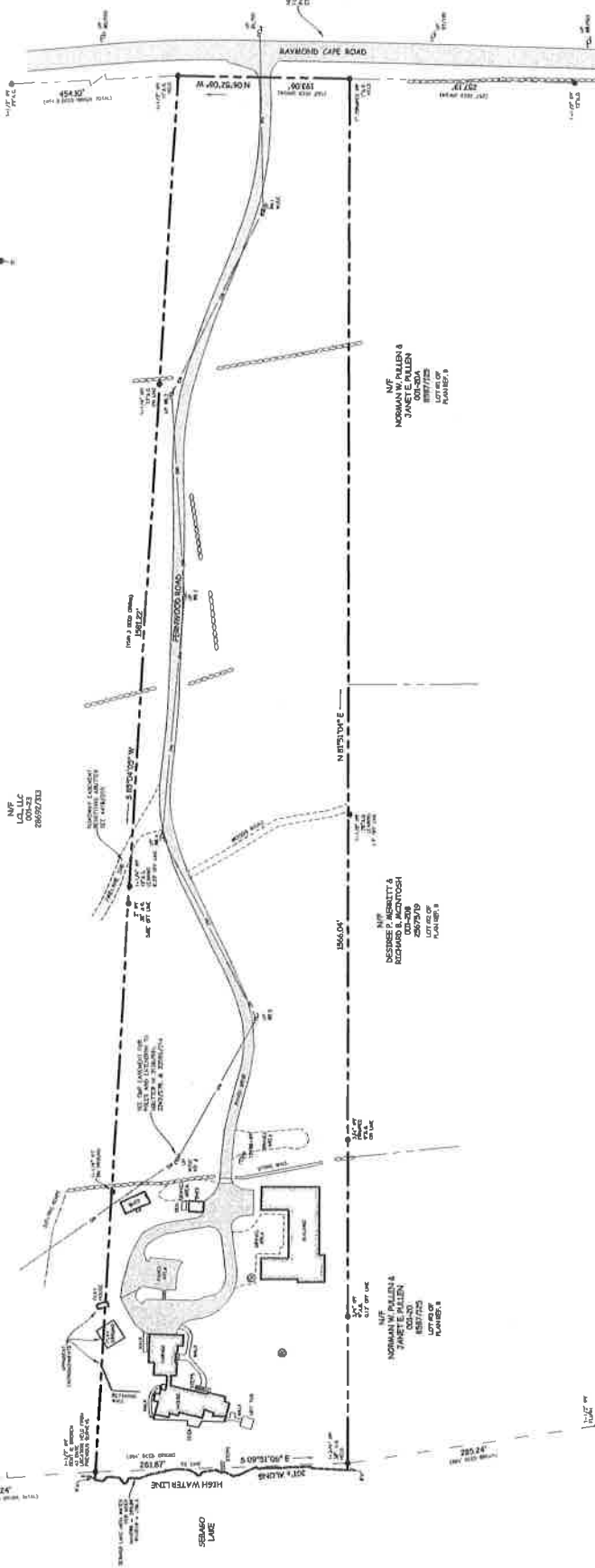
Appellant:

Date: 3/25/2022

Property Owner:



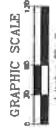
LOCATION PLAN



REV.	DATE	DESCRIPTION
1		

**PLAN OF LAND OF**  
**18 FERNWOD ROAD**  
 RAYMOND, MAINE  
 PREPARED FOR:  
 MANAGEMENT CONTROLS, LLC  
 101 MERROW RD  
 AUBURN, MAINE

PREPARED BY:  
**JONES ASSOCIATES INC.**  
 101 STATE ST  
 SEASBORO, MAINE 04972  
 PHONE: 603-885-1100  
 FAX: 603-885-1101  
 E-MAIL: JONES@JONESASSOCIATES.COM



**CERTIFICATION:**  
 I, Michael A. Hartman, am a duly licensed Professional Engineer in the State of Maine, and I hereby certify that I am the author of this plan. I am a duly licensed Professional Engineer in the State of Maine, and I hereby certify that I am the author of this plan.

*Michael A. Hartman*  
 MICHAEL A. HARTMAN, P.E., License No. 1343  
 FOR JONES ASSOCIATES, INC.

**LEGEND**

- SUBJECT BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- ADJACENT TO RIGHT OF WAY LINE
- STONE WALL
- CONCRETE FENCE
- METAL POST RAIL FENCE
- CHAIN LINK FENCE
- 5" X 8" GALV. N/C 4" X 6" X 2"
- 4" X 6" X 2"
- 2" X 4" X 2"
- 3/4" X 6" X 2"
- 1/2" X 6" X 2"
- 3/8" X 6" X 2"
- 1/4" X 6" X 2"
- 1/8" X 6" X 2"
- 1/16" X 6" X 2"

**NOTES:**

1. EXISTING BOUNDARIES: MANAGEMENT CONTROLS, LLC
2. PARCEL BOUNDARY: SEE 1000 FROM BEAN, J. OWNER, TRUSTEE OF THE BEAN 5, WINDY HOLLOW, 10000 ROAD, SEASBORO, MAINE, 04972, DEED 10000-0000, PUBLIC BOOK 3542, PAGE 1-14.
3. ALL BOUNDARY REFERENCE BEARS TO THE CHESBROUGH QUANTITY
4. ALL BOUNDARY REFERENCE BEARS TO THE CHESBROUGH QUANTITY
5. TOTAL AREA OF PARCEL BOUNDS: 10000 SQ. FT.
6. ALL BEARINGS ARE REFERENCED TO GRID NORTH, NAD83 (NAD 83).
7. ELEVATIONS SHOWN ARE REFERENCED TO GRID DATUM.
8. ALL STRUCTURES NOT DETICATED ON THIS DRAWING.
9. PLAN OF LANDS: LOCATED ON RAYMOND CAPE ROAD, MADE FOR HERBERT AND SAID RECORDS OF 10000 FROM BEAN, J. OWNER, TRUSTEE OF THE BEAN 5, WINDY HOLLOW, 10000 ROAD, SEASBORO, MAINE, 04972, DEED 10000-0000, PUBLIC BOOK 3542, PAGE 1-14.
10. PLAN OF BOUNDARY: MADE FOR HERBERT AND SAID RECORDS OF 10000 FROM BEAN, J. OWNER, TRUSTEE OF THE BEAN 5, WINDY HOLLOW, 10000 ROAD, SEASBORO, MAINE, 04972, DEED 10000-0000, PUBLIC BOOK 3542, PAGE 1-14.

THIS MAP IS INTENDED FOR THE INFORMATION OF THE PUBLIC AND IS NOT TO BE USED AS A BASIS FOR ANY LEGAL ACTION. THE TOWN OF RAYMOND ASSUMES NO LIABILITY FOR THE ACCURACY OF THIS MAP AND ACCEPTS NO LIABILITY FOR THE INFORMATION CONTAINED HEREIN.

INFORMATION SOURCES SHOULD BE CONSULTED FOR VERIFICATION OF THE INFORMATION CONTAINED ON THIS MAP. THE TOWN OF RAYMOND AND ITS EMPLOYEES ACCEPT NO LIABILITY FOR THE ACCURACY OF THIS MAP AND ACCEPTS NO LIABILITY FOR THE INFORMATION CONTAINED HEREIN.

# TOWN OF RAYMOND Cumberland County, Maine 2021 Property Map

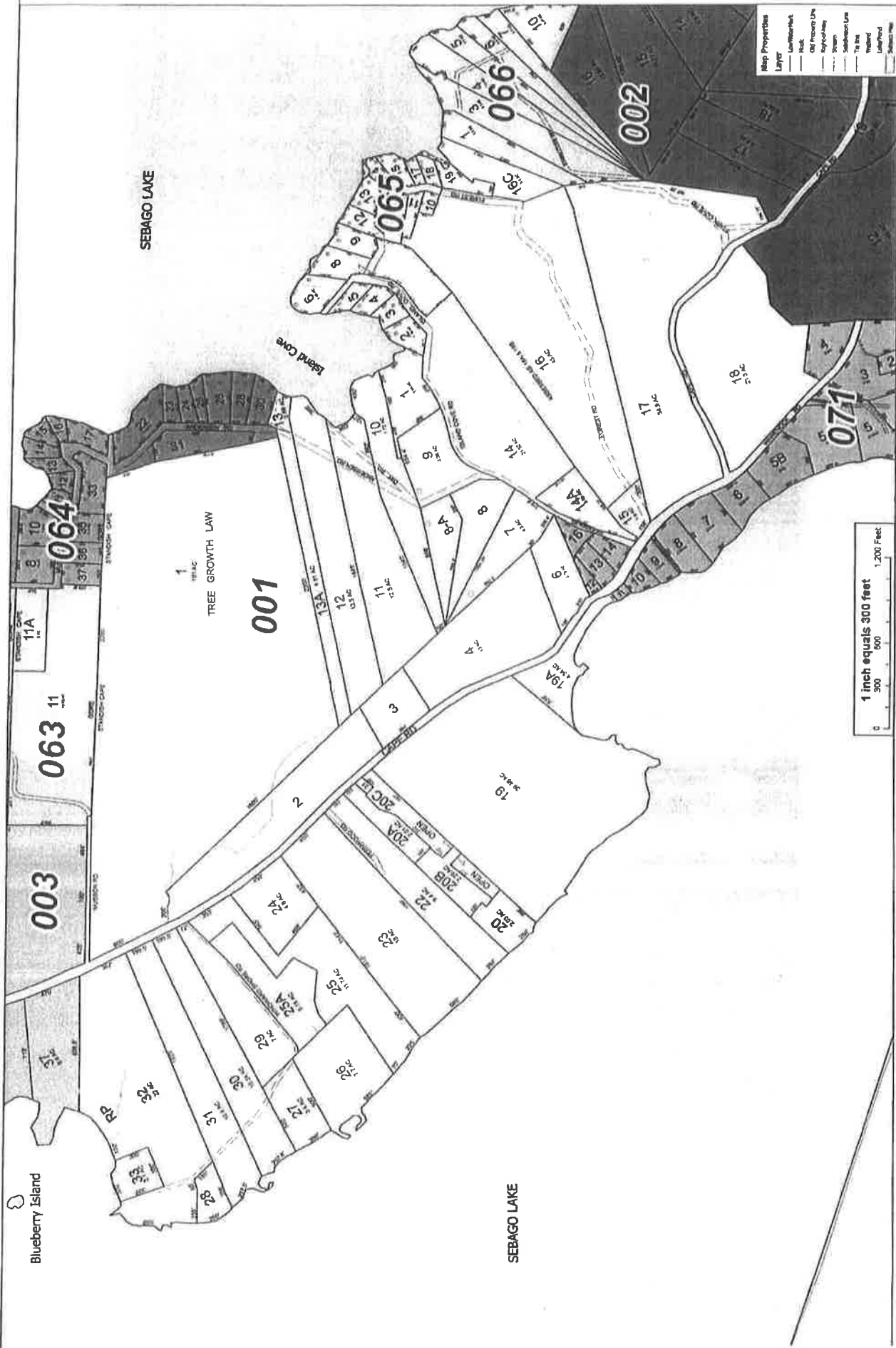


Source:  
Raymond Assessors Database  
Maine Office of GIS  
Prepared by:  
Seiberg Technical, Inc.  
Effective Date: April 1, 2021



Map 01

Map Properties Layer	
Line	Lot/Block
Line	Block
Line	Old Property Line
Line	Right-of-Way
Line	Stream
Line	Subdivision Line
Line	To Be Replaced
Line	Water Pond
Line	Subdivision



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April 7, 2022

VIA ~~FEDEX~~ HAND DELIVERY

David Murch, Chair  
Town of Raymond Zoning Board of Appeals  
401 Webbs Mill Road  
Raymond, ME 04071

RE: Administrative Appeal of Big Lake Marine, LLC  
March 10, 2022 Notice of Violation  
18 Fernwood Road

***BASIS FOR APPEAL***

Chairman Murch & Zoning Board of Appeals Members:

As representative for Big Lake Marine, LLC (“Big Lake”), this brief explanation is submitted in support of Big Lake’s administrative appeal of the Notice of Violation dated March 10, 2022 (“NOV”), issued by the Tow of Raymond Code Enforcement Officer (“CEO”). At the outset, I wish to communicate and express Big Lake’s commitment to resolving this matter in a collaborative and productive manner. To that end, Big Lake has engaged in and continued to pursue resolution of this matter through the submission of permit application(s) and mitigation/remediation plan(s) addressing the CEO’s concerns. Additionally, Big Lake reserves the right to amend and/or supplement this appeal and to provide supporting materials in advance of any hearing which may be conducted concerning same.

Broadly, Big Lake denies the alleged violations and maintains that the project and the work performed by Big Lake in connection with the project met the requirements for Permit-by-Rule (PBR) under Maine Department of Environmental Protection (DEP) Rules, Chapter 305, Section 8 “Shoreline Stabilization”, and the Town of Raymond Shoreland Zoning Provisions.

More specifically, but not exclusively, Big Lake appeals the NOV as follows:

**Violation No. 1:** Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection U1; and, any and all other allegations contained within the violation identified as “1. Filling and Earthmoving of More than 10 Cubic Yards” including but not limited to the allegation that Big Lake conducted activities in a

manner which failed to prevent erosion and sedimentation of surface waters to the maximum extent practical.

**Violation No. 2:** Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 14, No. 30; and, any and all other allegations contained within the violation identified as “2. Filling and Earthmoving of More than 10 Cubic Yards without a Permit”; and, further argues that Violation No. 2 of the NOV is duplicative of Violation No. 1.

**Violation No. 3:** Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection B(8); and, any and all other allegations contained within the violation identified as “3. Illegal Shoreline Access”.

**Violation No. 4:** Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 14, Subsection No. 17B; and, any and all other allegations contained within the violation identified as “4. Piers, docks, wharves, bridges, boat launches, and other structures and uses extending over or below the normal high water line or within a wetland without a permit from the Planning Board – Jetty”.

**Violation No. 5:** Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 14, Subsection No. 17B; and, any and all other allegations contained within the violation identified as “4. Piers, docks, wharves, bridges, boat launches, and other structures and uses extending over or below the normal high water line or within a wetland without a permit from the Planning Board – Shoreline”.

**Violation No. 6:** Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection Q; and, any and all other allegations contained within the violation identified as “6. Construction of a Beach Without a Permit”.

**Violation No. 7:** Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection Q(c); and, any and all other allegations contained within the violation identified as “7. Removal of Vegetation Less than 3’ in Height”; and, more specifically states that Big Lake was not hired to perform the work alleged in said violation and in fact did not commit the alleged conduct.

**Violation No. 8:** Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 14, Subsection 5; and, any and all other allegations contained within the violation identified as “8. Removal of Vegetation Less than 3’ in Height Without a Permit”; and, more specifically states that Big Lake was not hired to perform the work alleged in said violation and in fact did not commit the alleged conduct; and, further argues that Violation No. 8 of the NOV is duplicative of Violation No. 7.

**Violation No. 9:** Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection (C)(12); and, any and all other allegations contained within the violation identified as “9. Unpermitted Shoreland Stabilization – no permit”.

**Violation No. 10:** Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection (C)(12); and, any and all other allegations contained within the violation identified as “10. Unpermitted Shoreland Stabilization – no barge”.

**Violation No. 11:** Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection Q(2); and, any and all other allegations contained within the violation identified as “11. Unpermitted Tree Removal Within 100’ of Sebago Lake”; and, more specifically states that Big Lake was not hired to perform the work alleged in said violation and in fact did not commit the alleged conduct.

Wherefore, Big Lake Marine, LLC, asks that the Notice of Violation dated March 10, 2022, be reversed and overturned and otherwise dismissed and abandoned.

On behalf of Big Lake Marine, LLC:



Gregory P. Braun, Esq.

Enclosure(s)

Cc: Alex Sirois, CEO  
Sandy Fredericks, Administrative Assistant to ZBA  
client