

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 16, 2015
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman Donovan called the regular meeting of the Scarborough Town Council to order at 7:12 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager was also present.

Shawn A. Babine, Vice-Chair	Katherine A. St. Clair
Robert W. Rowan	Peter F. Hayes
Jean-Marie Caterina	Christopher J. Caiazzo
William J. Donovan, Chairman	

Item 4. General Public Comments. None at this time.

Item 5. Minutes: December 2, 2015 – Regular Meeting. Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the minutes of the December 2, 2015, regular Town Council meeting.

Vote: 7 Yeas

Item 6. Adjustment to the Agenda. None at this time.

Item 7. Items to be signed: a. Treasurer's Warrants. Treasurer's Warrants were signed during the meeting.

Order No. 15-097, 7:00 p.m. Public hearing and act to determine whether the residential structure located on land owned by Douglas S. Brown at 9 Partridge Lane, Scarborough, Maine and identified as Map U008, Lot 087 of the current Scarborough Tax Map is dangerous or a nuisance within the meaning of Title 17, M.R.S.A. §2851 and order any appropriate corrective action. Thomas J. Hall, Town Manager, introduced the Zoning Administrator, Brian Longstaff to report on this matter.

Prior to Mr. Longstaff giving his report, Chairman Donovan disclosed that the Health Officer for Scarborough is Dr. Stephen Kirsch and Dr. Kirsch is married to his step-daughter.

Mr. Longstaff referenced his materials that had been handed out [Exhibit Packet attached hereto]. He then noted that Officer McNeice from the police department and the property owner, Mr. Brown were also present and would give testimony. Mr. Longstaff then recapped what had occurred over the past few months. After all proper notices were given the Town was able to access the property. He then referenced Dr. Kirsch's report and responded to questions from Chairman Donovan, noting that the amount of trash within the home had the potential of causing a fire. The first step would be to rehab the home, but if not feasible then the home should be removed. Under state statutes, the town was authorize to have turn the power off and it could be turned back on when necessary.

Officer McNeice reported that he arrived at 9 Partridge Lane to a potential unattended death. Upon entering the home on July 7, 2015, he observed that house was rotting and an order coming from the home. There had been attempts to contact the owner, which was to no avail. The fire department had to enter the home with respirators. Inside there were 30 one gallon jugs that appeared to be filled with

urine and as well as other containers. The source of the flies were due to the freezer door being open and rotting meat. There were weapons and ammunition also found.

Mr. Douglas Brown, owner of the property noted that this house was used as a warehouse. He would like the opportunity to make the place right. He had not been aware of the attempts that had been made to contact him. He did agree with the comments of the Zoning Administrator. In response to questions from the Town Council, Mr. Brown noted that he stays in Freeport and using the home in Scarborough as a warehouse. He bought the property 18 years ago. He usually visits the property four or so nights a week, but only once since mid-July and he had not been aware of the notices that had been posted.

Chairman Donovan noted that Mr. Brown wanted the opportunity to make the property better and to bring the house up to code and would be willing to work with the Planning Department. The clean up inside can be done but the physical repairs may take to the spring. The concerns are that Mr. Brown is currently busy with work and what if something happens, the town does not want to be responsible and there needs a real plan.

There was Council discussion around having monthly benchmarks and whether the work be done by professionals or done on his own. Mr. Longstaff felt that the inside could be a reasonable for him to complete this task, but overall it would be a tremendous undertaking and was it worth it. The cost could be upwards to \$50,000 or to tear it down - up to \$15,000. He would agree with benchmarks and milestones. Accountability is his biggest concern. This is an issue that needs to be resolved. What would it take to make it habitable – weather tight, trash removed, working heating, running water and electricity.

There being no further comments from the public, Chairman Donovan closed the public hearing at 7:52 p.m.

At this point the town attorney, Mr. Saucier came forward and gave a brief overview on a letter that he had sent regarding this issue. If the Council does find that this is a dangerous building, it can be demolished and the cost can be reclaimed. The Council needs to deliberate and make its findings. The motion would be that you find it dangerous and then make the recommendation as to what to do with the property; Mr. Brown could have 60 to 120 days to complete the project and if not done in the timeframe allotted then the town manager would have the authority to step in to have the building taken down. Any liability would be to the property owner. There could be periodic check-ins with the Zoning Administrator. Include a cutoff date that conditions have been satisfied.

Council discussion ensued. The clearing out of waste and other items could be done in 30 days and securing the property. Mr. Longstaff recommended the immediate securing of the property and then 30 days to clear out all debris. Then a cut-off date to have the property habitable. The Council can consider these in two pieces. The Council could act on this, this evening and then the Findings can come back for final approval at the next Town Council meeting on Wednesday, January 6, 2015.

To assist the Town Council with motions, the Town Attorney had prepared wording for the Town Council to review - Chairman Donovan handed this information out.

Motion by Councilor Rowan, seconded by Councilor Babine, to move approval that based on the evidence and testimony in the record, the building located at 9 Partridge Lane in Scarborough is a dangerous and a nuisance since it is unsafe, unsanitary, constitutes a fire hazard, is unsuitable or improper for the use or occupancy to which it is put, constitutes a hazard to health and safety because of inadequate maintenance, dilapidation and abandonment.

Vote: 7 Yeas.

Mr. Saucier noted for the record all interested parties and the Mortgage Holder did receive notice of the proceedings. There is a mortgage and no foreclosure.

Motion by Councilor Caterina, seconded by Councilor Rowan, to move approval that the property owner of the property be ordered to secure the property within 48 hours and further ordered to either demolish or rehabilitate the building to a habitable, sanitary and secure condition and the yard areas returned to and maintained in an acceptable manner to the code enforcement officer by 120 days, and if the owner fails to comply with this order within that period of time the Town Manager is authorized and directed to ask for bids for the demolition and abatement of such conditions and recover expenses as allowed by statute.

Motion by Councilor Rowan, seconded by Councilor Caterina, to move approval to amend the main motion to have property owner to remove all unsalvageable refuse and dangerous materials within 30 days

Vote on amendment: 7 Yeas.

Motion by Councilor Hayes, seconded by Councilor Caterina, to move approval to amend the main motion as amended to replace language “with that period of time” with “any designated period of time herein....”

Vote on amendment: 7 Yeas.

Motion by Councilor St. Clair, seconded by Councilor Rowan, to move approval to amend the main motion as amended to have said property secured with 24 hours.

Vote on amendment: 7 Yeas.

Main Motion as Amended:

Move approval that the property owner of the property be ordered to secure the property within 24 hours and further ordered to either demolish or rehabilitate the building to a habitable, sanitary and secure condition and the yard areas returned to and maintained in an acceptable manner to the code enforcement officer by 120 days, and if the owner fails to comply with this order within any designated period of time the Town Manager is authorized and directed to ask for bids for the demolition and abatement of such conditions and recover expenses as allowed by statute.

Vote: 7 Yeas.

Order No. 15-098, 7:00 p.m. Public hearing and action on the following applicants who have applied for renewal of their Manufactured Housing Communities License:

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Donna Alexander	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses	126 U.S. Route One
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

Chairman Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:32 p.m.

Motion by Councilor Caterina, seconded by Councilor St. Clair, to move approval of the applicants who have applied for renewal of their Manufactured Housing Communities License with a conditions on Crystal springs Manufactured Housing Community as recommended by the Zoning Administrator:

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Donna Alexander	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses	126 U.S. Route One
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

Vote: 7 Yeas.

Order No. 15-099, 7:00 p.m. Public hearing and action on the new request for a Food Handlers License from Suzie Snowflake’s Edibles, d/b/a Beal’s Old Fashioned Ice Cream, located at 29 Gorham Road. Chairman Donovan opened the public hearing. The following individual spoke on this item: Suzanne Foley-Ferguson of Black Point Road – noted that she would be the new owner of the Scarborough location and in January they would be serving Kamasutra Soups with a roll.

As there being no further comments, Chairman Donovan closed the public hearing at 8:36 p.m.

Motion by Councilor St. Clair, seconded by Councilor Babine, to move approval on the new request for a Food Handlers License from Suzie Snowflake’s Edibles, d/b/a Beal’s Old Fashioned Ice Cream, located at 29 Gorham Road.

Vote: 7 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 15-100. First reading and refer to the Planning Board for a public hearing, the proposed amendments to Chapter 405 – the Zoning Ordinance, Section IX. Performance Standards. Subsection O. Solar Energy Systems. Dan Bacon, Town Planner, gave a brief overview on the proposed amendments to the Zoning Ordinance relating to Solar Energy Systems. These recommendations are brought forth by the Long Range Planning Committee.

Motion by Councilor Babine, seconded by Councilor St. Clair, to move approval of the first reading and refer to the Planning Board for a public hearing, the proposed amendments to Chapter 405 – the Zoning Ordinance, Section IX. Performance Standards. Subsection O. Solar Energy Systems and schedule a public hearing once the recommendations from the Planning Board have been filed, as follows:

Proposed Amendment to the Zoning Ordinance

Regarding Solar Energy Systems in Common Open Space

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

Amend SECTION IX. PERFORMANCE STANDARDS subsection O. as follows (additions are underlined; deletions are struck through):

O. PERFORMANCE STANDARDS – SOLAR ENERGY SYSTEMS

Solar energy systems are considered accessory uses and structures in all residential, mixed use, commercial and industrial districts in the Town of Scarborough. The Code Enforcement Officer may issue a building permit for the installation of a solar energy system provided the following performance standards are met. Solar energy systems include photovoltaic, solar hot water, and solar space heating.

1. Roof and Building Mounted Solar Energy Systems -

- a. Roof mounted solar energy systems shall conform to the maximum building height restrictions within the district in which it is located;
- b. The solar energy systems shall be designed, sized and installed to only generate electricity, hot water, or heat for the building(s) located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the power grid.
- c. Electrical, plumbing and/or building permits from Code Enforcement shall be required.

2. Ground Mounted Solar Energy Systems (Solar Arrays) -

- a. The maximum height of a ground mounted solar energy systems shall be a twenty (20) feet. The height of a ground mounted solar energy system shall be measured from the ground level at the base of the solar energy system to ~~the its~~ highest point, ~~of the solar energy system or including~~ the system's pedestal.
- b. Ground mounted solar energy systems shall conform to the yard requirements of the applicable zoning district or be setback a distance equal to the total height of the system, whichever is greater.
- c. Electrical wiring and connections from the solar energy system to the building(s) they serve shall be underground.
- d. The solar energy systems shall be designed, sized and installed to only generate electricity, hot water or heat for the building(s) located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the power grid.
- e. Electrical, plumbing, and/or building permits from Code Enforcement shall be required.

3. Solar Energy Systems within Common Open Space – To the extent permitted by applicable state and/or federal laws, solar energy systems may be allowed by the Planning Board within the common open space of a residential subdivision subject to the following requirements:

- a. The solar energy systems within common open space shall comply with the performance standards 2.a., 2.c., and 2.e. of the subsection above.
- b. If proposed within a conservation subdivision required under Section VII.A. of this Ordinance, the installation of solar energy systems, and any necessary associated improvements, shall avoid impacting wetlands within the subdivision open space areas.
- c. The location and number of solar energy systems shall be determined by the Planning Board and shall be based on the forecasted energy consumption of the dwellings and uses within the subdivision as well as the site's ability to accommodate these systems without impacting the other purposes of the common open space.

Amend SECTION VIIA. CONSERVATION SUBDIVISION DESIGN subsection F.7.as follows (additions are underlined; deletions are struck through):

- 7. Open space lands, required pursuant to Section VIIA(B)(1), may be designed to conserve wetlands and other natural resources, while also accommodating agricultural or recreational uses and activities

or solar or wind energy systems as allowed for under Section IX. The Planning Board shall have the flexibility to allow a combination of open space functions so long as these functions and uses are in conformance with all of the above performance standards in Section VIIA(F)(1) through (6).

Amend SECTION VII, subsection B.10.as follows (additions are underlined; deletions are struck through):

10. Residual open space accumulated by modifying space and bulk requirements within the allowable density limits shall be usable for active or passive recreation, neighborhood gathering places, or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wildlife cover. In addition, open space can be used for solar or wind energy systems as allowed for under Section IX. The use of any open space may be further limited or controlled at the time of final plat approval where necessary to protect adjacent properties or uses.

Amend SECTION XVC, subsection B.6.as follows (additions are underlined; deletions are struck through):

6. At least 10% of the net residential acreage of a development shall be allocated as village green space for active and passive recreation. This village green space may consist of neighborhood parks, community greens, commons, linear greenways, courtyards, landscaped boulevards and the like. The village green space shall be integral to the development and shall be sited in a central location available and desirable for use by the residents of the development. In addition, green space or common land can be used for solar or wind energy systems as allowed for under Section IX.

Amend SECTION XVB, subsection B.5.as follows (additions are underlined; deletions are struck through):

5. Between 10 - 20% of the net residential area of a subdivision shall be allocated as designated open space accessible to all residential units. The open space shall consist of both village green space and surrounding open space for conservation. The village green space may consist of neighborhood parks, community greens, commons, linear greenways, courtyards, landscaped boulevards and the like. The surrounding open space shall be connected and contiguous where feasible, and shall be restricted for conservation and recreation in perpetuity. This open space may contain recreation areas, ball fields, recreation trails, and the like. It shall function as protection for natural resources, buffers to adjacent incompatible uses, forested, natural distinctions between this zoning district and adjacent less dense zoning districts, and linkages to neighboring green spaces or recreational amenities. In addition, this common green space or open paze can be used for solar or wind energy systems as allowed for under Section IX. The final open space percentage within the 10 - 20% range shall be determined by the Planning Board.

Vote: 7 Yeas.

Order No. 15-101. Act on the request from the Shellfish Commission to approve the Allocations of Shellfish Licenses for 2016. Thomas J. Hall, Town Manager, gave a brief overview on this Order. The following individuals spoke on this order:

- Robert Willette, Chairman of the Shelfish Conservatio Commision gave a brief overview as to the process that the Commission followed to reach the decision to keep the numbers the same as 2015.
- David Green member of the Shellfish Commission, but was not speaking as a member, but as a resident, also spoke on the process. There was a discussion as to whether to increase or decrease the numbers and there were four reasons why: 1. we have an invasive species of green crab; 2. we

have a milky ribbon worm that have invaded the flats; 3. the Ocean acidification and 4. the diggers themselves - we are the biggest predators. He felt there were too many licenses, but as a committee we voted to keep the numbers the same. However, the numbers should be reduced through attrition.

Motion by Councilor Rowan, seconded by Councilor St. Clair, to move approval on the request from the Shellfish Commission to approve the Allocations of Shellfish Licenses for 2016, as follows:

	<u>2016</u> <u>Proposed Allocations</u>	<u>2015</u> <u>Allocations</u>
• Resident Commercial License:	30	30
• Non – Resident Commercial Licenses:	3	3
• Over 60 Commercial Bushel Licenses:	1	1
• Resident Student Commercial License:	10	10
• Non- Resident Student Commercial License:	1	1
• Resident Recreational Licenses:	200	200
• Non- Resident Recreational License:	20	20
• Day Permits:	10 per day	10 per day

Vote: 7 Yeas.

Order No. 15-102. Act on the request from the Deputy Tax Collector for a waiver of foreclosure on the following properties: 4 David Drive – Map T003/Lot 004, 20 Crystal Lane – Map T003/Lot 020, and 332 Garnet Drive – Map T002/Lot 332, 29 Matthews Way – Map T003/Lot 029 and authorize the Town Manager to sign the necessary documentation. Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Babine, seconded by Councilor St. Clair, to move approval on the request from the Deputy Tax Collector for a waiver of foreclosure on the following properties: 4 David Drive – Map T003/Lot 004, 20 Crystal Lane – Map T003/Lot 020, and 332 Garnet Drive – Map T002/Lot 332, 29 Matthews Way – Map T003/Lot 029 and authorize the Town Manager to sign the necessary documentation.

Vote: 7 Yeas.

Order No. 15-103. Act on the request to accept the following donations: to the Police Department in the amount of \$17,750.00 and to the Fire Department in the amount of \$15,000.00. Thomas J. Hall, Town Manager, gave a brief overview on this Order. He then introduced the Police Chief and the Fire Chief.

Fire Chief Thurlow gave a quick overview on this donation. These individuals have been very generous to the department. He then gave a description of the equipment that would be purchased. He thanked the donors for their generosity.

Police Chief Moulton gave a quick overview on this donation. He then reviewed the items that would be purchased with this donation. He too thanked the donors for their generosity.

Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval on the request to accept the following donations: to the Police Department in the amount of \$17,750.00 and to the Fire Department in the amount of \$15,000.00.

Vote: 7 Yeas.

Item 8. Non Action Items. None at this time.

Item 9. Standing and Special Committee Reports and Liaison Reports.

- Councilor Babine gave an update on the SEDCO Meeting; ecomaine would be meeting on Thursday, December 16th; the Finance Committee would be meeting with the School's Finance Committee and the Superintendent; and the Town's Finance Committee would be the second and third Wednesdays of every month. He went on to update Library Board of Trustees.
- Councilor Rowan would be attending his first meeting with SEDCO, the Senior Advisory Committee and the Housing Alliance. He then noted that the Historic Preservation Implementation Committee would be meeting on private cemeteries and added that the arch from the Danish village had been moved to Memorial Park.
- Councilor Caterina gave updates on broadband internet; the Conservation Commission and added that she was Firearms Liaison. The Ordinance Committee would be meeting in the coming year on the third Tuesday of month at 4:00 p.m. She would be attending the Long Range Planning Committee and the Chamber of Commerce meeting
- Councilor St. Clair noted that the Appointments Committee had met earlier and would like to post the following names:

Board of Assessment Review:

Kathy Fuente and Matthew Chamberlain – full voting members, terms to expire in 2018.

Coastal Waters & Harbor Advisory Board:

Timothy Downs and Robert Willette – full voting members, terms to expire in 2018.

Community Services & Recreation Advisory Board:

Richard Murphy – full voting member, term to expire in 2018; move Roger Chabot from 1st Alternate to a full voting member, term to expire in 2016 and move Liam Somers from 2nd Alternate to 1st, term to expire in 2016 and appoint Donnamarie Collins as 2nd Alternate for three years, term to expire in 2018.

Conservation Commission:

J. Anton Bodor and Rachel Hendrickson – full voting members, terms to expire in 2018.

Employee Incentive Committee:

Edward Blaise – full voting member, term to expire in 2018.

Energy Committee:

Rick Meinking David Kirstein and Ronald Allen – full voting members, terms to expire in 2018.

Housing Alliance:

Suzanne Foley-Ferguson and Robert Porter – full voting members, terms to expire in 2018.

Parks and Conservation Land Board:

Paul Austin and Rachel Hendrickson – full voting members, terms to expire in 2018.

Personnel Appeals Board:

J. Anton Bodor and Sandra Ahlquist – full voting members, terms to expire in 2018.

Planning Board:

Corey Fellows – full voting member, term to expire in 2018; move Susan Auglis from 1st Alternate to a full voting member, term to expire in 2016 and move Roger Beeley from 2nd Alternate to 1st Alternate and Robyn Saunders as 2nd Alternate, term to expire in 2018.

Pest Management Advisory Board:

Tim Lindsay and Marla Zando – full voting members, terms to expire in 2018.

Senior Advisory Board:

Troy Hendrickson and Penny Boles – full voting member, term to expire in 2018.

Zoning Board of Appeals:

Leroy Crockett – full voting member, term to expire in 2018; move James Herbert to full voting member, term to expire in 2016 and Ed Blaise to 1st Alternate, term to expire in 2018.

- Councilor Hayes gave an update on the Shellfish Commission and the Transportation Committee.
- Councilor Caiazzo noted that Dr. Entwistle would be retiring at the end of the school year. Energy Committee would be presenting the Trash Management Report to the Town Council in the very near future.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- Update on the Goals process adding the Senior staff had also been working strategic planning and communications.
- Notice Prouts Neck Association would be closing Black Rock Road temporarily due to road work that needs to be done.
- There would be 20 staff members that would be working with Habitat for Humanity in January February.
- He noted that currently every Wednesday the Town Hall is open until 6:30 p.m. and there could be a possibility that it could change to only on the nights that there is a Town Council meeting.
- The Town Hall would be closing at 2:00 p.m. on Thursday, December 24th and all day on Friday, December 25th.

Item 11. Council Member Comments.

- Councilor Caiazzo thanked fellow councilors for the participation in the workshop. Spoke on the United Way and wished everyone Happy Holidays.
- Councilor Hayes wished everyone Happy Holidays.
- Councilor St. Clair – Merry Christmas
- Councilor Caterina spoke on Operation Hope; reminded everyone of the fuel assistance program and that donations could be made through the Town Hall or Project G.R.A.C.E. She wished everyone Happy Holiday and Merry Christmas.
- Councilor Rowan said a thank you for the donation to the Fire and Police Department. HE spoke on Project Lifesaver; the public could sign-up for a email newsletter on the town's website. He had the opportunity to meet with the IT Department. He wished everyone a Happy Holiday and a safe and happy new year.
- Councilor Babine wished everyone Happy Holidays and Merry Christmas. He canceled Wednesday's Finance Committee meeting. Project Hope – positive note. Thanks for the Council workshops and beginning the dialogue.
- Chairman Donovan also spoke on the Goals Workshop – dialogue had been good – very pleased with the way it has started. Congrats to Dr. Entwistle on his retirement

Item 12. Adjournment. Motion by Councilor Babine, seconded by Councilor Rowan, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas.

Meeting adjourned at 9:51 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk

Town of Scarborough, Maine

Planning and Code Enforcement

Exhibits for Public Hearing

The Council Packet that you received earlier contained 6 documents. They included:

- a Memo to Council;
- a copy of MRS Title 17 §2851;
- a one-page administrative inspection warrant return;
- a one-page photo sheet;
- a Condemnation Notice – 8/21/2015; and,
- a Notice of Hearing Return- 11/23/2015 to Douglas Brown.

In addition to those 6 documents, the following exhibits are being provided for your reference.

- A.** Notice of Violation/Order for Corrective Action, March 18, 2015
- B.** Notice of Violation/Order for Corrective Action, April 14, 2015
- C.** Notice of Violation/Order for Corrective Action, June 3, 2015
- D.** Affidavit of Non-Service, CC Sheriff's Department, July 9, 2015
- E.** Local Health Officer Report, August 16, 2015
- F.** Inspection Report, Planning & Code Enforcement, August 17, 2015
- G.** Complete Return of Administrative Inspection Warrant, 08/21/2105

Town of Scarborough, Maine
Planning and Code Enforcement

VIA FIRST CLASS AND CERTIFIED MAIL

March 18, 2015

Mr. Douglas Brown
C/O L.L. Bean
Double L Building
LL Street
Freeport, ME 04033

Subject: Notice of Violation, Parcel Map U0080087, 9 Partridge Lane

Dear Mr. Brown,

This letter is to inform you that your dwelling at 9 Partridge Lane is deemed unsafe pursuant to Section 115 of the International Existing Building Code 2009 (IEBC) due to the extent of dilapidation and neglect. This department has made several attempts to contact you to discuss what your intentions are toward the repair, reconstruction or removal of the unsafe building, but unfortunately you have been unresponsive. We are increasingly concerned about the ongoing hazards to public health and safety this building presents, and continue to receive complaints from residents of Partridge Lane, who have even observed raccoons inhabiting the dwelling.

Pursuant to Section 115.2 in the IEBC, I am requiring that you contact this office and arrange for a building inspection and assessment to determine the extent of damage and the most appropriate corrective action. The Town will then serve a Notice with specific corrective actions and stipulated timelines to be met. If you fail to arrange for the inspection, the town will turn the matter over to the municipal attorney for immediate legal action.

To avoid the maximum penalties that may be imposed, please contact me within 48 hours upon receipt of this notice of violation.

I can be reached at 207.730.4050 or by email at blongstaff@ci.scarborough.me.us between the hours of 8:00 AM and 4:00 PM Monday through Friday.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Longstaff", with a stylized, cursive script.

Brian Longstaff
Zoning Administrator

Cc: Phil Saucier, Attorney
Tom Hall, Town Manager
Mike Thurlow, Fire Chief
Robert Moulton, Chief of Police
Dan Bacon, Town Planner

Town of Scarborough, Maine
Planning and Code Enforcement

VIA FIRST CLASS AND CERTIFIED MAIL

April 14, 2015

Mr. Douglas Brown
C/O L.L. Bean
Double L Building
LL Street
Freeport, ME 04033

Subject: Second Notice of Violation, Parcel Map U0080087, 9 Partridge Lane

Dear Mr. Brown,

This is the second Notice of Violation informing you that your dwelling at 9 Partridge Lane is deemed unsafe pursuant to Section 115 of the International Existing Building Code 2009 (IEBC) due to the extent of dilapidation and neglect. You continue to be unresponsive to our concerns about the ongoing hazards to public health and safety this building presents. Meanwhile we continue to receive complaints from residents of Partridge Lane about the poor condition of the dwelling.

Pursuant to Section 115.2 in the IEBC, I am again requiring that you contact this office and arrange for a building inspection and assessment to determine the extent of damage and the most appropriate corrective action. The Town will then serve a Notice with specific corrective actions and stipulated timelines to be met. If you fail to arrange for the inspection, the town will turn the matter over to the municipal attorney for immediate legal action. **THIS IS YOUR SECOND NOTICE OF VIOLATION.**

To avoid the maximum penalties that may be imposed, please contact me within 48 hours upon receipt of this notice of violation. Please do not ignore this request.

I can be reached at 207.730.4050 or by email at blongstaff@ci.scarborough.me.us between the hours of 8:00 AM and 4:00 PM Monday through Friday.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Longstaff", with a stylized flourish at the end.

Brian Longstaff
Zoning Administrator

Cc: Phil Saucier, Attorney
Tom Hall, Town Manager
Mike Thurlow, Fire Chief
Robert Moulton, Chief of Police
Dan Bacon, Town Planner

Town of Scarborough, Maine
Planning and Code Enforcement

VIA FIRST CLASS AND CERTIFIED MAIL

June 3, 2015

Mr. Douglas Brown
C/O L.L. Bean
Double L Building
LL Street
Freeport, ME 04033

Subject: Third Notice of Violation, Parcel Map U0080087, 9 Partridge Lane

Dear Mr. Brown,

This is the Third and Final Notice of Violation informing you that the dwelling at 9 Partridge Lane is believed to be unsafe pursuant to Section 115 of the International Existing Building Code 2009 (IEBC) due to the extent of dilapidation and neglect. You continue to be unresponsive to our concerns about the ongoing hazards to public health and safety this building presents. Meanwhile we continue to receive complaints from residents of Partridge Lane about the poor condition of the dwelling.

Pursuant to Section 115.2 in the IEBC, I am again requiring that you contact this office and arrange for a building inspection and assessment to determine the extent of damage and the most appropriate corrective action. The Town will then file a report identifying the nature and extent of unsafe conditions and serve you with a written notice describing the unsafe conditions with specific corrective actions to be taken and stipulated timelines to be met. If you fail to arrange for the inspection, the Town will seek an administrative inspection warrant from the District Court that will require you to permit the Town to enter and inspect the property. **THIS IS YOUR THIRD AND FINAL NOTICE OF VIOLATION.**

To avoid the maximum penalties that may be imposed, please contact me within 48 hours upon receipt of this notice of violation. Please do not ignore this request.

I can be reached at 207.730.4050 or by email at blongstaff@ci.scarborough.me.us between the hours of 8:00 AM and 4:00 PM Monday through Friday.

Sincerely,



Brian Longstaff
Zoning Administrator

Cc: Phil Saucier, Attorney
Tom Hall, Town Manager
Mike Thurlow, Fire Chief
Robert Moulton, Chief of Police
Dan Bacon, Town Planner

STATE OF MAINE
CUMBERLAND, ss

DISTRICT COURT
LOCATION -
CIVIL ACTION
DOCKET NO.

Town of Scarborough
PLAINTIFF

v.

Douglas Brown
DEFENDANT(S)

AFFIDAVIT OF NON-SERVICE

Steven E Roberts, being duly sworn, deposes and says that affiant is not a party to this action, of over eighteen (18) years of age, resides in the State of Maine and is authorized to serve process for the Cumberland County Sheriff's Department.

That affiant is unable to serve the ^{Notice} ~~Complaint~~ filed in this matter upon Douglas Brown whose last known address is 9 Partridge Lane, Scarborough or 26 Bean, Freeport

UNABLE TO SERVE: Affiant attempted but was unable to serve a true copy of the above documents to the party as follows:

Date	Time	Observations and/ or Contacts to determine whereabouts
7-2-15		made several calls to LL Bean Security trying to reach Mr. Brown. Security officer Nielsen told me he was on vacation or holiday. She also said he should be in on Monday but his computer schedule showed his week blocked.
I was asked to try to serve him at his home		
soon 7-3-15	at 1:25pm	I went there but found no one home and the house appeared vacant.

Further observations and/ or contact as follows:

on 7-6-15 I again contacted LL Bean Security to try to reach Mr. Brown and was told they would forward my request to his supervisor to contact him. LL Bean Policy is that no one may be served at work without their consent.

on 7-7-15 I again called LL Bean to try to confirm if Brown was at work. I was unable to get that information so went back to the Scarborough address.

Diligent Search By:

Deputy Steven E Roberts CWO
DEPUTY SHERIFF

(Print Name:) Steven E Roberts

STATE OF MAINE
COUNTY OF CUMBERLAND

Sworn to and subscribed to before me this

10

day of JULY 2015.

MARCIA LIBBY
NOTARY PUBLIC
State of Maine
My Commission Expires
February 22, 2022

Marcia Libby
NOTARY PUBLIC

On arrival at 2:50pm I noted a strong odor of death, putrefaction, emanating from the structure with many flies on the inside of the windows. I notified Scarborough Police and asked for a check of well being of anyone in the house because it smelled like someone or something was dead inside. Police + Fire personnel responded and concurred with my belief. After futile attempts to raise anyone they forced entry and found that a freezer full of food had the door propped open and it was the rotten meat that was the apparent source of odor + flies. I understand they were eventually able to reach Mr. Brown at LL Bean. As of 7-9-15 Mr. Brown has not called me to arrange service and/or to give me his current living address. LL Bean refuses to give me this information so I am unable to complete the service. See Scarborough PS for report of their findings.



Cumberland County Sheriff's Office

36 County Way
Portland, Maine 04102
Tel. (207) 774-1444

Invoice No 7 532387



Responsible Party
Attorney & Law Firm:

Bernstein Inc
attn Maria Libby
Po Box 972
Portland, ME 04104-5029
228-7346

Telephone Number:

Return Date:	<u>7-9-15</u>	unable to serve at either address
Service Date:	<u>7-7-15 2:50pm</u>	
Docket/Case #		Deputy: <u>Steven E Robert</u>
<u>Town of Scarborough</u> vs. <u>Douglas Brown</u>		
Type of Service:	<u>Notice of application for warrant</u>	Location: <u>44 Street - 44 Bean or 9 Portridge Lane, Scarborough</u>
Code:	<u>4</u>	

Invoice for Services Rendered as Follows:

Service:		Postage:	<u>1.20</u>	FICA:	<u>5.91</u>
Diligent Search:	<u>20.00</u>	Affidavit/Notary:		Admin. Fee:	<u>5.00</u>
Same Day Service:		Telephone:	<u>12.00</u>		
Travel:	<u>57.27</u>	Photo Copies:			
		Postal Inquiry:			
Subtotal:000	<u>77.27</u>	Subtotal:	<u>13.20</u>	Subtotal:	<u>10.91</u>

Please make check payable to:

Cumberland County Sheriff's Office

Please mail payment and canary copy of invoice directly to:

Cumberland County Sheriff's Office

Attn: Civil Division

36 County Way

Portland, ME 04102

Total Invoice Amount: \$101.38

Payment Received: \$

Refund/Total Amount Due: \$101.38

Town of Scarborough, Maine

Planning and Code Enforcement

July 2, 2015

VIA HAND DELIVERY

Mr. Douglas Brown
C/O L.L. Bean
Double L Building
LL Street
Freeport, ME 04033

Subject: NOTICE of Rule 80E Application for Administrative Inspection
Warrant Parcel Map U0080087, 9 Partridge Lane

Dear Mr. Brown,

Following up on the Town's letters to you dated March 18, 2015, April 15, 2015 and June 9, 2015, enclosed herewith, please find the Town's proposed Application for Administrative Inspection Warrant pursuant to M.R. Civ. P. 80E related to your property at 9 Partridge Lane (the "Property"). This application has not been filed yet. As set forth in the attached Application your Property is believed to be unsafe pursuant to the Maine Uniform Building and Energy Code (specifically Section 115 of the International Existing Building Code 2009 (IEBC)) and 17 M.R.S.A. § 2851 et seq. due to the extent of dilapidation and neglect.

As discussed in previous letters, the Town seeks your permission to inspect your Property. I can be reached at 207.730.4050 or by email at blongstaff@ci.scarborough.me.us between the hours of 8:00 AM and 4:00 PM Monday through Friday.

If you do not provide permission to complete an inspection of your Property by noon on Wednesday, July 8, 2015, the attached application will be presented to the Cumberland County District Court at 10 am on Thursday, July 9, 2015.

Thank you for your prompt attention to this matter.

Sincerely,

259 US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE 04070-0360
PHONE: 207-730-4040 FAX: 207-730-4046
WWW.SCARBOROUGH.ME.US

DISTRICT COURT
Location: Portland
Docket No. _____

**APPLICATION FOR
ADMINISTRATIVE INSPECTION
WARRANT PURSUANT TO
M.R. CIV. P. 80E**

1. My name is Brian Longstaff. I am the Zoning Administrator for the Town of Scarborough in the State of Maine. The facts set forth herein are true based upon my personal knowledge.
2. I submit this application pursuant to M.R. Civ. P. 80Eⁱ for an Administrative Inspection Warrant to enter upon and inspect certain property located in the Town of Scarborough, Cumberland County, State of Maine.
3. I am authorized under 30-A M.R.S.A. § 4452 to enter into property at reasonable hours for the purposes of inspecting property for compliance with the Maine Uniform Building and Energy Code (specifically § 115 of the International Existing Building Code 2009 (IEBC)) and 17 M.R.S.A. § 2851 et seq., the dangerous building statute, which it is my duty to enforce.

(a) Who May Secure. An official or employee of the state or of any political subdivision of the state who is authorized by law to conduct inspections of premises may apply to a District Court Judge, in the division and district in which the property to be inspected is located, for a warrant to inspect particularly described premises for particularly described purposes authorized by law.

(b) Contents of Application. The application shall be in the form of a sworn affidavit and shall set forth the following facts:

- (1) The statutory or other authority pursuant to which the applicant claims to be authorized to conduct inspections, the premises to be inspected, and the purpose of the inspection.
- (2) Whether such inspection is sought as part of a general area inspection and if so, the area being inspected and the grounds of probable cause to believe that there is located on the property in said area violations of statutes, ordinances, or regulations the applicant is authorized to enforce.
- (3) If the inspection is not part of a general area inspection, the grounds of probable cause to believe that there is located on the particular premises to be inspected violations of statutes, ordinances, or regulations the applicant is authorized to enforce.
- (4) That the applicant has requested permission from the owner or occupant of the premises to be inspected to conduct such inspection and that such permission has been denied.
- (5) That the applicant has at least 24 hours in advance of the presentation of the application given written notice to the owner or occupant of the premises to be inspected of the time and place at which the applicant intends to present the application to the court.
- (6) The requirements of subdivisions (4) and (5) of this rule may be dispensed with if the application sets forth facts showing probable cause to believe that there are located on the premises to be inspected violations of law which constitute an immediate threat to the health or safety of the public.

(c) Issuance. Upon a finding of probable cause the District Court Judge shall issue a warrant to the applicant, but if the owner or occupant of the premises is present at the time of presentation of the application no warrant shall issue until said owner or occupant has been afforded an opportunity to state any opposition to the issuance of the warrant.

(d) Contents. The warrant shall specify the grounds of probable cause, the premises to be inspected, the purpose of the inspection, and the person authorized to conduct the inspection.

(e) Execution. The person to whom a warrant is issued shall execute the same by conducting the inspection authorized during normal business hours within 10 days after issuance of the warrant. The person executing the warrant shall at the time of execution deliver a copy thereof to the owner or the occupant of the premises inspected or leave a copy on said premises in a conspicuous place.

(f) Return. Not later than 10 days after execution of the warrant the person executing it shall file a return with the court from which the warrant issued setting forth the date and time of the inspection and any violations of law found upon the inspected premises.

11. On or about July 6, 2015, I caused a letter (the "Letter") and a copy of this application to Douglas Brown to be served on Mr. Brown by Sheriff.
12. A copy of the Letter and this application was also hand delivered to the Property on July 6, 2015.
13. A true and accurate copy of the Letter is attached hereto as Exhibit B.
14. As required by M.R. Civ. P. 80E, the Letter gave Mr. Brown at least 24 hours written notice in advance of the Town's presentation of this application to the Court and sets forth the time and place at which the applicant intends to present the application to the court.
15. The Town has presented this application in accordance with the Letter and M.R. Civ. P. 80E.

Dated: July __, 2015

Brian Longstaff
Zoning Administrator
Town of Scarborough

STATE OF MAINE
Cumberland, ss.

July __, 2015

Personally appeared before me the above-named Brian Longstaff, in his capacity as Zoning Administrator for the Town of Scarborough, and made oath that the foregoing statements made by him are true based upon his own knowledge, information, and belief.

Notary Public / Attorney at Law
Print Name:
My Commission Expires:

ⁱ **Maine Rule Of Civil Procedure 80E. Administrative Inspection Warrants**



Exhibit A



Location: 9 Partridge Lane, Scarborough, ME 04074

Inspection of premises performed on August 13, 2015 by Local Health Officer (LHO) Stephen Kirsch M.D.

Other individuals present included Chris Creps (Animal Control), Brian Dobson (Code enforcement), James Butler (Fire Department representative) and Brian Longstaff (Zoning).

Conclusion:

Based on inspection of said premises, Occupancy of these premises is not permitted until conditions dangerous or detrimental to life or health are corrected, specifically, removal of filth, removal of human waste, removal of decomposing trash/rodents and other animal excrement, secure living space from wild animals such as raccoons.

Posting of premises performed on August 13, 2015. Written notice will need to be provide to owner Douglas Brown and the District Court per Court Order.

Health Issues Addressed

LHO identification of findings:

1. **Filth:** The internal environment this two floor residence with attached garage was cluttered with belongings and trash. For example, the kitchen was filled with stacks of pizza boxes, bottles and belongings. The room between the kitchen and the garage was layered in what appeared to be rodent excrement. Please see photographs for details. There was an odor of decomposing trash/rodents in both the kitchen and the room between the kitchen and the garage. Refrigerators in the kitchen and room between the kitchen and the garage were not opened due to the volume of trash piled against the door.
2. **Human waste:** There was evidence of an open 5 gallon container filled with a clear yellow fluid consistent with urine. Additionally the bathroom contained approximately 30 half-gallon containers that contained what appeared to be urine. Of note, water supply was discontinued in 2011. Sewer service is reported to remain in service. Please see photographs for details.
3. **Animal infestation:** There was photographic evidence of raccoons living in the attic during the Winter. Although evidence of living animals was not identified during the inspection, open entry to the attic from the external ridge vents and 2 open internal connections between the attic and the second floor living space were identified. Furthermore, there was evidence of animal destruction of boxes in the second floor living spaces and evidence of animal waste in the downstairs living spaces. Raccoons can potentially carry rabies and exposure to animal excrement may pose a risk of infectious disease. The potential movement of animals, such as raccoons, being the attic and the living spaces creates a threat to health of the inhabitants of

this building. The attic was not inspected for evidence of animal waste and will need to be assessed by the appropriately trained personnel.

Recommendations:

- Currently conditions in this property warrants the removal of filth and human waste based on statute Title 22, MRSA 1561 and Title 22, Chapter 153.
- Property was posted with findings at time of inspection.
- Appropriate abatement of filth and human waste will be required to be put in proper conditions as to cleanliness.
- Owner will need to be notified, in writing, of these findings in addition to any code or fire safety violations identified.
- District Court will need to be notified, in writing, of these findings in addition to any code or fire safety violations identified.
- Appropriate measures will be required to secure living space from potential animals due to exposure to animals poses potential risk to transmit rabies.
- Repeat inspection as per District Court order and/or completion of above ordered abatement.

Notifications:

A copy of this report will be sent to Brian Longstaff

Respectfully submitted,

Stephen Kirsch M.D.

August 16, 2015

Maine Statutes referenced above:

***Title 22, Chapter 153 Local Health Officer**

***Title 22, section 1561**

Town of Scarborough, Maine

Planning and Code Enforcement

INSPECTION REPORT

Re: Dangerous Building/ health Inspection at 9 Partridge Lane, Scarborough, ME
Inspection Team: Health Officer Dr. Stephen Kirsch, Capt. Jim Butler, CEO Brian Dobson, Zoning Administrator Brian Longstaff
Support Personnel: Capt. Marla St. Pierre; ACO Chris Creps; SFD Forcible Entry Personnel
Date of Inspection: August 13, 2015

Team arrived on site at 3:15 PM; prepared to enter residence by putting on Personal Protective Equipment and disposable coveralls.

Longstaff posted the warrant on garage door (Photo DSC1604); SFD personnel made entry through front door of dwelling.

Longstaff entered first and began photographing conditions to identify building code violations. Using Sony Cyber-shot DSC-H10 digital camera, 59 photos were taken starting at # DSC1604 through #DSC1663; 51 were usable; 1 additional shot was taken by B. Dobson on his smart phone of the placard that was posted on the door of the dwelling; Longstaff checked on placards the following day and photographed them (Photos DSC 1668-70); one placard on the garage door was missing.

The inspection identified several structural and health issues with dwelling, including:

1. water damage from leaking roof resulting in bowed ceilings, cracked finishes, peeling paint, and moldy surfaces; [DSC1612, 1618, 1619]
2. failing floor framing adjacent to second story sliding door that was access to the deck that has collapsed in the back of the building; [DSC1656, 1624]
3. sagging rafter ties in garage; [DSC1639]
4. non-functioning plumbing fixtures; [DSC1620-1622, 1646, 1648, 1650]
5. lack of working smoke detectors; [DSC1606]
6. evidence of animal infestation through attic vents, siding, and door panel; [DSC1614, 1625-26 1628-30, 1642, 1654, 1659-60]
7. Insanitary conditions/filth/human waste/rodent waste throughout; [DSC1613, 1620, 1632-38]
8. Dangerous electrical conditions; [DSC1619, 1626, 1631, 1649, 1651, 1657]

Prepared by: 
Brian Longstaff, Zoning Administrator

Date: 08/17/2015

BERNSTEIN SHUR
COUNSELORS AT LAW

207-774-1200 main
207-774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Philip R. Saucier
(207) 228-7160 direct
psaucier@bernsteinshur.com

Via Hand Delivery

August 21, 2015

Sally A. Bourget, Clerk
Maine District Court - Portland
205 Newbury Street
Ground Floor
Portland, Maine 04101

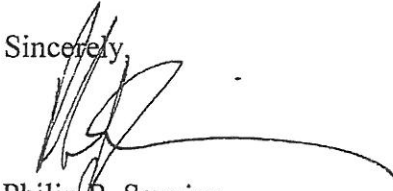
Re: **Town of Scarborough v. Douglas Brown, Maine District Court**
Docket No: CV-15-350

Dear Ms. Bourget:

This firm represents the Town of Scarborough. Pursuant to Rule 80E(f) of the Maine Rules of Civil Procedure, enclosed from the Town for filing please find its Return of Administrative Inspection Warrant along with a copy of the Administrative Inspection Warrant issued in the above-captioned matter on August 5, 2015 by the Maine District Court.

Thank you for your assistance. Please let me know if you have any questions.

Sincerely,



Philip R. Saucier

PRS/rl
Enclosures

cc: Brian Longstaff, Zoning Administrator, Town of Scarborough

STATE OF MAINE
Cumberland, ss.

DISTRICT COURT
Location: Portland
Docket No. CV-15-350

TOWN OF SCARBOROUGH,	)	
Plaintiff,	)	RETURN OF ADMINISTRATIVE
	)	INSPECTION WARRANT
v.	)	
	)	
DOUGLAS BROWN,	)	
Defendant.	)	

Pursuant to M.R. Civ. P. 80E(f) and the Administrative Inspection Warrant issued in the above-captioned matter on August 5, 2015 by the Maine District Court, (9th Div. So. Cumb.), I, Brian Longstaff, Zoning Administrator for the Town of Scarborough, County of Cumberland, in the State of Maine, along with other agents of the Town, executed the above referenced Warrant by leaving a copy of the same in a conspicuous place at the premises known as 9 Partridge Road, Scarborough, Maine (the "Premises"), and following execution and inspection of the premises, found the following violations of 17 M.R.S. § 2851; 22 §§ M.R.S. § 461, 1561 and other related statutes:

- i) Failing floor framing adjacent to second story sliding door;
- ii) Collapsed second story deck;
- iii) Water damaged ceiling in danger of collapse;
- iv) Non-functioning plumbing;
- v) Non-weather tight building shell;
- vi) Filth, insect, rodent, and animal infestation;
- vii) Unsanitary conditions; and
- viii) Stored human waste.

Dated this 18th day of August, 2015.


Brian Longstaff
Zoning Administrator
Town of Scarborough

STATE OF MAINE
Cumberland, ss.

DISTRICT COURT

Location: Portland

Docket No. 11-15-350

TOWN OF SCARBOROUGH,

Plaintiff

v.

DOUGLAS BROWN,

Defendant

ADMINISTRATIVE INSPECTION
WARRANT COMMANDING
ENTRY AND INSPECTION

Pursuant to M.R. Civ. P. 80E, with sworn application having been made before me by Brian Longstaff, Zoning Administrator for the Town of Scarborough (the "Town") in the State of Maine, that on the premises at the property located at 9 Partridge Lane, Scarborough, Maine, identified as Parcel Map U0080087 (the "Property") that he has observed and has reason to believe of violations of the Maine Uniform Building and Energy Code and 17 M.R.S. § 2851 et seq., and, as reflected in affidavits submitted with the Town's application, other agents of the Town have observed other conditions that give rise to significant public health and safety concerns for which they have reason to believe violate ordinances and that the Town is authorized by 30-A M.R.S. § 4452 to inspect and regulate, and as I am satisfied that there is probable cause to believe that such conditions and violations exist on the Property so described,

YOU ARE HEREBY COMMANDED to allow entry and inspection of said premises by the Brian Longstaff of the Town of Scarborough, with entry permitted to other agents of the Town as may be reasonably necessary to determine the state of compliance with the regulations and requirements addressed herein.

Dated:

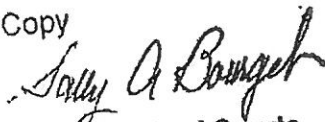
8/5/15



Judge, District Court

A True Copy

Attest.


Clerk of Courts

STATE OF MAINE
Cumberland, ss, Clerk's Office

AUG 04 2015

RECEIVED

STATE OF MAINE
Cumberland, ss.

DISTRICT COURT

Location: Portland

Docket No. CV-15-350

TOWN OF SCARBOROUGH,

Plaintiff

v.

DOUGLAS BROWN,

Defendant

**ORDER GRANTING
REQUEST FOR
ADMINISTRATIVE INSPECTION
WARRANT PURSUANT TO
M.R. CIV. P. 80E**

STATE OF MAINE
Cumberland ss. District Court

AUG 05 2015

RECEIVED

This matter came before the Court upon Application of the Town of Scarborough, made pursuant to the sworn Affidavit of Brian Longstaff, Affidavit of Brian S. McNeice, and Affidavit of Douglas Weed, and supporting Exhibits provided in support thereof (the "Application") requesting an Order seeking the issuance of an Administrative Inspection Warrant pursuant to M.R. Civ. P. 80E. This Court, having reviewed the Application, and finding that probable cause exists that the property located at 9 Partridge Lane, Scarborough, Maine, identified as Parcel Map U0080087 (the "Property") is in violation of statutes, ordinances, and/or regulations, including but not limited to, the Maine Uniform Building and Energy Code and 17 M.R.S. § 2851 and that the Town of Scarborough is authorized to enforce such statutes, ordinances, or regulations under 30-A M.R.S. § 4452, hereby ORDERS, ADJUDGES, and DECREES that the Town of Scarborough's Application is GRANTED.

This Court specifically finds and concludes that probable cause exist to issue the Administrative Inspection Warrant addressed to the Property based on the Longstaff Aff., that probable cause exists that the Property does not comply with the requirements of the Maine Uniform Building and Energy Code and 17 M.R.S.A. § 2851 et seq., because, among other

things, Mr. Longstaff observed at the Property: i) structural decay and disrepair; siding falling off building and beneath windows exposing sheathing/framing to weather; ii) the building envelope not secure, animal infestation has occurred; and iii) a deck has fallen off back of dwelling at the Property. Further, based on the Affidavits of Officer McNeice and Officer Weed, there is probable cause for establish violations of law which constitute an immediate threat to the health or safety, including, but not limited to, large amounts of trash, large amounts of debris, flies, approximately 30 clear plastic gallon jugs of bio-hazard waste, broken or malfunctioning electrical appliances, decaying meat, and other conditions that give rise to significant public health and safety concerns. See McNeice Aff., ¶¶7-10.

Based on the Affidavits and submissions submitted in support of the Application, this Court further finds and concludes that, in compliance with applicable law, the Town has requested permission from the owner or occupant of the Property, Defendant Douglas Brown, to conduct an inspection and that such permission has been denied by the Defendant. The Court finds and concludes that the Town has fulfilled the requirements of M.R. Civ. P. 80E, including providing Defendant at least 24 hours notice prior to the filing of the Application.

Based on the foregoing, the Court further ORDERS, pursuant to M.R. Civ. P. 80E, the Town's Application for an Administrative Inspection Warrant, substantially in the form attached hereto, is approved and issued for the Property located at 9 Partridge Road Scarborough, ME for the purpose of the Town of Scarborough determining whether the Property is in violation of statutes, ordinances, or regulations, including but not limited to the Maine Uniform Building and Energy Code and 17 M.R.S.A. § 2851 and that such inspection shall be conducted by the Town of Scarborough by and through Brian Longstaff, Zoning Administrator.

Date: 8/5/15

The Clerk is specifically directed pursuant to District Court Rule 79 (a) to enter this Order/Judgment in the District Court Docket of the Clerk of the District Court, Cumberland County, Maine, and to incorporate it by reference.

AUG 04 2015
RECEIVED 2

A True Copy

Attest: Sally A. Bonger
Clerk of Courts