October 23, 2008

Mr. Nathan Poore, Town Manager
Falmouth Town Hall
271 Falmouth Road
Falmouth, ME 04105

RE: Ordinance Introduction – Mislocated Dwellings

Dear Nathan:

I am pleased to introduce, in accordance with Article II, Section 213 of the Town Charter, language relative to proposed amendments to Chapter 601, Section 8 of the Zoning and Site Plan Review Ordinance and Section 1-14 of the Town of Falmouth Code of Ordinances.

The purpose of the zoning amendment is to provide property owners with single-family dwellings that are in violation of a setback requirement to seek relief through the Zoning Board of Appeals. The appeal, if granted would allow the Council to consider a Consent Agreement.

Section 1-14 of the Code of Ordinances authorizes the Council to enter into a Consent Agreement. This is a binding document from the town recognizing the "mislocated dwelling" as nonconforming and therefore considered in conformance with the ordinance. Final granting of an agreement and the imposition of an appropriate penalty is at the discretion of the Council.

Also included in this amendment package is a house keeping change to allow the Code Enforcement Officer to pursue fines and penalties to the maximum amount allowable by state statute for other violations and appropriate changes to the Fee Schedule to charge fees for a Consent Agreement.

The language attached includes the existing and proposed language with language to be removed shown "struck out" and new language shown as "**bold underlined**."

I hereby ask that you place this item on the next available meeting for a Public Hearing and that you properly post notices and advertise for a public hearing as required by the Charter.

Sincerely yours,

Dave Libby
Falmouth Town Councilor