



Town of Falmouth Community Development Department
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Memorandum

Date: May 5, 2009
To: Nathan A. Poore, Town Manager
From: Amanda L. Stearns, Community Development Director
Cc: Ethan Croce, Senior Planner, Al Farris, CEO
Re: Commentary on Settlement Agreement between the Town of Falmouth and Citicorp Mortgage Company regarding property at HL3 - 018 and HL3 - 022, 105-106 Sunset Road

In addition to the information provided by Al Farris and Anne Gregory, I have compiled the following information from a review of the building files.

- Citicorp Mortgage foreclosed on Mary Leasure who owned both parcels on September 26, 1997.
- At the time of foreclosure the bank discovered that there were zoning violations on both lots. The house lot (029) was in violation of the ordinance due to the incorrect placement of the structure as well as the addition of decks on both the front and the rear of the house. The garage lot (018) was in violation due to the installation of plumbing without a permit, the creation of a seasonal dwelling above the garage and the placement of a deck on the structure.
- The files are silent from the late 70's to the mid 1990s when Citicorp took the property. It appears that this is the time period when the previous owner (Leasure) violated permits or failed to obtain permits.
- In June of 1997 the BZA denied variances for any of the violations to remain on the site.
- As a result of the settlement, the decks were removed from both structures and the dwelling unit above the garage was removed. The house was allowed to remain in its current location through the settlement agreement.
- Mr. McDaniel purchased the property on June 26, 1997. The settlement agreement was executed on June 19, 1997 and is presumed to have been presented to the McDaniels on or before closing.
- The McDaniels applied for and received an abatement on the garage lot (029) for the tax year 1997-1998, lowering the value from 68,700 to 25,000. The purchase price for the two lots combined was \$98,500 and the assessed value with the adjustment for the garage lot was \$116,600.