

ADMINISTRATIVE CONSENT AGREEMENT

Made this 8th day of August 2006 by and between David Fogg of Vinalhaven Maine, and the Town of Vinalhaven Maine, by and through its Town Manager and Board of Selectmen.

Whereas, David Fogg has been found to have committed violations of the Vinalhaven Land Use Ordinance, and

Whereas, the Town of Vinalhaven and David Fogg wish to enter into an agreement for the purposes of enforcing and/or resolving said violations as are hereinafter more accurately set forth,

It is agreed, therefore:

1. On or about July 6, 2006 the Code Enforcement Officer for Vinalhaven, William Murphy, discovered that David Fogg had at some previous time placed or constructed a gazebo structure on the dock on his property at 43 Fogg Rd., tax map 11 lot 14.;
2. The Town of Vinalhaven Land Use Ordinance, in Section 18.B.1, requires that a permit be obtained for any new construction or for the placement of any structure;
3. At no time did David Fogg either apply for nor obtain a permit for the aforementioned gazebo. This constituted a violation of the Ordinance;
4. The Town of Vinalhaven Land Use Ordinance, in Section 16.T.(7) prohibits the construction or placement of any structure on a dock. By constructing or placing the aforementioned gazebo on his dock David Fogg committed a second violation of the Land Use Ordinance.

In consideration of a release by the Town of Vinalhaven for the causes of action it has against David Fogg resulting from the violations described in this agreement, David Fogg agrees to:

- a. Pay to the Town of Vinalhaven the sum of \$ 5,000.00 as a penalty for the violations noted above; and
- b. Remove the gazebo structure from the dock by no later than August 31, 2006. If the gazebo structure is not removed from the dock by that date David Fogg agrees to pay an additional \$ 500.00 per day for each day the gazebo is on the dock after August 31, 2006.

In consideration for and upon the completion of the undertaking set forth in the preceding article, the Town releases the causes of action which it has against David Fogg from the violations and activities described in this agreement. In the event that all aspects of this agreement are complied with by David Fogg, the Town of Vinalhaven will take no further enforcement action against David Fogg for the cause of this action.

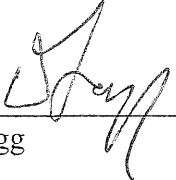
ORDER


Based on the above agreement, the Code Enforcement Officer for the Town of Vinalhaven orders David Fogg to comply with this agreement as outlined.

Dated at Vinalhaven, Maine this 8th day of August, 2006.

David Fogg

FOR TOWN OF VINALHAVEN

By: 
David Fogg

By: 
Marjorie Stratton
Town Manager
For the Board of Selectmen

Made this 22 day of May 2006 by and between Norman Young of Vinalhaven Maine, and the Town of Vinalhaven Maine, by and through its Town Manager and Board of Selectmen.

Whereas, Norman Young has been found to have committed violations of the Vinalhaven Land Use Ordinance, and

Whereas, the Town of Vinalhaven and Norman Young wish to enter into an agreement for the purposes of enforcing and/or resolving said violations as are hereinafter more accurately set forth,

It is agreed, therefore:

1. On September 11th of 1997 Norman Young submitted an application for a building permit to the Vinalhaven Planning Board for the construction of a 32' x 40' house at his property at 439 Calderwood Neck Rd.
2. On September 18th of 1997 the Vinalhaven Planning Board issued a building permit under the Vinalhaven Land Use Ordinance to Norman Young for the construction of a 32' x 40' house at 439 Calderwood Neck Rd.
3. On April 5th of 2006 the Vinalhaven Code Enforcement Officer, William Murphy, was alerted to the fact that at the time of construction of the house at 439 Calderwood Neck Rd. an attached deck was also constructed on the house.
4. A search of the Town records found that no permit for the attached deck had ever been applied for and issued.
5. A survey of Norman Young's property found that the attached deck was not constructed in accordance with the property line setback requirements of the Town of Vinalhaven Land Use Ordinance.
6. Having constructed the attached deck without a valid permit and not in accordance with the setback requirements of the Ordinance constituted two violations of the Vinalhaven Land Use Ordinance.

In consideration of a release by the Town of Vinalhaven for the causes of action it has against Norman Young resulting from the violations described in this agreement, Norman Young agrees to:

- a. Not commence any work which requires a permit in the future at this or any location in the Town of Vinalhaven without first obtaining any required permits, and to comply with all restrictions and requirements of said permits;
- b. Comply with all local, state or federal regulations when conducting activities in the Town of Vinalhaven;
- c. Pay to the Town of Vinalhaven the sum of \$ 2,500.00 as a penalty for the violations noted above.

In consideration for and upon the completion of the undertaking set forth in the preceding article, the Town releases the causes of action which it has against Norman Young from the violations and activities described in this agreement. In the event that all aspects of this agreement are complied with by Norman Young, the Town of Vinalhaven will take no further enforcement action against Norman Young for the cause of this action and will consider the property of Norman Young at 439 Calderwood Neck Road to be in compliance.

ORDER

Based on the above agreement, the Code Enforcement Officer for the Town of Vinalhaven orders Norman Young to comply with this agreement as outlined.

Dated at Vinalhaven, Maine this 22 day of May, 2006.

KNOX 557 RECEIVED
Aug 30, 2006
at 11:13:29A
ATTEST: LISA J SIMMONS
REGISTER OF DEEDS

Norman Young

FOR TOWN OF VINALHAVEN

By: Norman Young Barbara E. Philbrook, Notary Public: Marjorie E. Stratton
Norman Young State of Maine Marjorie Stratton
My Commission Expires 7/10/2011 Its Town Manager

I hereby swear the above Marjorie E Stratton (as approved by Board of Selectmen 5/22/06)
to be personally know to me.
Barbara E. Philbrook, Notary
SEAL

CONSENT AGREEMENT AND COMPLIANCE ORDER

This document constitutes an agreement between Mr. Alan Farago, owner of property shown as Map 8/Lot 41A on the Town of Vinalhaven's tax maps (hereinafter referred to as Mr. Farago or Mr. Farago's property) and the Town of Vinalhaven, Maine (hereinafter referred to as the "Town") for the purpose of enforcing and resolving violations of the Town's Land Use ordinance.

Both Mr. Farago and the Town agree as follows:

1. Mr. Alan Farago owns property known as Map 8/Lot 41A on the Town's tax maps. The property is part of Long Cove Subdivision, which is recorded at the Knox County Registry of Deeds, Cabinet 10-Sheet 108.
2. Mr. Norman Reidy, acting as Mr. Farago's authorized agent, applied for and received a building permit to construct a "bunkhouse". This permit is known as Vinalhaven Planning Permit 01-80, issued November 14, 2001. The application stated that the structure would be located 150 feet from the High Water Line.
3. Mr. Farago constructed the permitted building less than 90 feet from the High Water Line.
4. The Town's Land Use ordinance and map (as revised) were adopted October 25, 1993. The zoning map shows that the structure is located in the RM3 District. Section 15 *Dimensional Requirements* of the ordinance states that a structure must be located a minimum of 125 feet from the Coastal Wetlands. Section 18.D.9 *Permit Application* of the ordinance states that there shall be no construction above the foundation of any structure until such time as the CEO inspects and approves the foundation for conformance with the provisions of the ordinance and appropriate building permits.
5. Mr. Farago constructed a structure on the northeastern side and at the head of Long Cove in violation of the terms of Permit 01-80 and Section 15 of the Town's Land Use Ordinance, and constructed the building without first allowing the Code Enforcement Officer to inspect and approve the foundation in violation Section 18.D.9 of the ordinance.
6. The Town's Alternate Code Enforcement officer provided proper notice of these violations to Mr. Farago. Notice of the violation included a right to appeal to Superior Court. No appeal of the Code Enforcement Officer's order to correct the violation was filed.

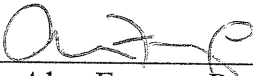
7. In consideration for the release by the Town of the causes of action which the Town has against Mr. Farago resulting from the violations enumerated in this agreement, Mr. Farago agrees to:


A. Pay to the Town a sum of \$5,000.00.

8. In consideration for and upon the completion of the undertaking set forth in the preceding paragraph, the Town releases the causes of action that it has against Mr. Alan Farago arising from the violations and activities described in this agreement. In the event that Mr. Farago complies with all aspects of this agreement, the Town will take no further enforcement action against Mr. Farago for this cause of action.

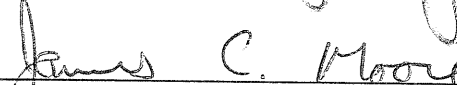
ORDER

Based on the above agreement, the Town of Vinalhaven orders Mr. Alan Farago to comply with this agreement as outlined.

Dated: 1/6/2003 /s/ 
Mr. Alan Farago, Property Owner

Dated: Jan. 3, 2003 /s/ _____
Chair, Vinalhaven Board of Selectmen

Member, Vinalhaven Board of Selectmen


Member, Vinalhaven Board of Selectmen


Member, Vinalhaven Board of Selectmen

Member, Vinalhaven Board of Selectmen