

# September 5, 2024, Albion Planning Board Minutes

**Members Present:** J. Cucci, D. Mckeen, B.Mcphearson, J.Keay, B.Gatti

**Others attending:** J.Dow, M.Avery, S.Avery, J.Ally, K.Ally, M.Cucci, P.Morency

**CEO:** C.Abbot Present

**Secretary:** B.Nowell Present

**J.Cucci convened the meeting at 6:34p.m.**

**Approval of August 1, 2024 Minutes:** J.Cucci stated minutes are complete. B.Gatti motioned to accept minutes as presented with no changes. The motion was seconded by J.Keay and passed unanimously.

**CEO Report:** C.Abbot reported 33 new plumbing permits 16 interior and 1 extension from last year. 1 with fines.

The Planning Board discussed state bridge repairs and trying to work with the state on being reimbursed from redirected traffic.

**P.Morency Permit to Build application:** At the initial time of discussion P.Morency was not present. Discussion on application persisted without his presence. J.Cucci presented P.Morency application for a tiny house to the Planning Board. J.Cucci stated that no record of payment was found. B.Gatti stated that on PG1 #3 was not checked off for the indication of Village, Growth, or Rural. Based on these findings the Planning Board unanimously decided that this in an incomplete application. J.Cucci proceeded to read violations on lots numbered 1,3,5 and 9 N Vigue Rd. At this time (7:01pm) P.Morency entered the meeting.

J.Cucci restarted the application discussion from the beginning. P.Morency clarified that he did pay for the application the first time he submitted it, and he stated that he was informed that he would not need to make payment a second time. J.Cucci confirmed that he had made payment. P.Morency clarified that he is in Rural, J.Cucci amended application to reflect rural standings. J.Cucci called for a new vote that the application was complete and it was unanimously accepted.

J Cucci then read from the Albion Land Use Ordinances which statutes this permit would violate if were called a mobile camping trailer or a mobile home. (These are listed on the NoV)

J Cucci then explained that due to P.Morency changing several culverts on the private roads, the redirected flow of water has increased the amount of water that flows through the Right of Way thereby reclassifying the water in the RoW as a small stream. Due to this change in status to stream, his new building would have to be 75' from the stream. Since this lot is only 80' wide there is no room on the lot for this structure. For these reasons and the others previously read statutes the building would be in violation of ALUO. Therefore the new building cannot be permitted.

J.Cucci called for a vote to deny the permit to build. D.Mckeen motioned to denied application, B.Gatti seconded, motion passed unanimously.

C.Abbot presented P.Morency with a Notice of Violation on the tiny house. Then she presented P. Morency with four more NoV's for his properties. (see all NoV's attached).

J.Cucci moved on to the 5 Notice of Violations. J.Cucci read aloud all violations. J.Cucci stated that the 5<sup>th</sup> violation stipulations need to be voted on before it can be served. J.Cucci read each stipulation one by one. J.Cucci read out loud “#1. You have thirty days from the below date to submit to the Albion Code Enforcement Officer a signed contract with the professional that will satisfy Section 15(S)(1). The contract must include the person and company name, address and phone number that will be used to generate a revegetation plan.” J.Cucci asked the board for a vote, J.Keay motioned to accept, B.Mcphearson seconded. Motion passed unanimously. J.Cucci read out loud second stipulation “#2 The plan must have a starting date and the plan must be approved by the Planning Board.” J.Cucci called for a vote. D.Mckeen motioned to accept, B.Mcphearson seconded, motion passed unanimously. J.Cucci read out loud the third stipulation “#3 Due to the severity of the clear cutting of all growth and berms on these properties Section (S)(4)(f),(5)(e) and (6)(c) are amended to a period of 15 years. Failure to maintain and promote growth will be assessed for fines.” J.Cucci called for a vote. J.Keay motioned to accept, B.Mcphearson seconded, motion passed unanimously. J.Cucci read out loud the fourth stipulation “ #4 This violation and the contract for revegetation must be filed with the Kennebec Registry of Deeds and attached to the deeds of each property.” J.Cucci called for a vote. J.Keay motioned to accept, D.Mckeen seconded, motion passed unanimously.

P.Morency questioned if he would be able to appeal and or resubmit the applications for both garages. J.Cucci explained that he cannot due to already being 2,000 sq ft beyond his footprint on lot #9 and DEP violations. P.Morency asked if he could have more than 30 days due to having tenants in the properties and possible difficulties of evicting them. J.Cucci initially stated possibly, he leaned to C.Abbot for input. C.Abbot said No, he needs to comply with the 30 days because he was not permitted to have tenants in these properties in the first place. The whole Planning Board agreed with C.Abbot. J.Cucci stated to P.Morency that he needs to comply with the 30 days. J.Cucci stated he can come before the Board in 30 days with written documentation that he has tried and has been unsuccessful in the eviction process and will be heard again on the matter at that point. J.Cucci opened up questions to the community, no questions were had and all participants left the meeting.

J.Cucci had a discussion with the Planning Board cautioning that all involved need to be more observant with all future applications that are reviewed, and to be vocal with any question and or concerns any individual has on any further applications. J.Cucci has called for a Training session for the Planning Board members to ensure all members are up to date on proper passing of applications and other key Planning Board Rules and regulations. This Training Session for the Planning Board will be held on Wednesday September 18<sup>th</sup> at 6:30pm.

**J.Cucci adjourned the meeting at 7:45 PM**

**Brittany Nowell,**

**Planning Board Secretary**



**CODE ENFORCEMENT OFFICE OF  
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**NOTICE OF VIOLATIONS  
AND  
ORDER FOR CORRECTIVE ACTION**

**Property Owner:** Morency Properties, LLC  
**Mailing Address:** 3427 Pinewood Drive  
Orlando, FL 32822

**Property Address:** 1 North Vigue Road      **Map & Lot:** Map 16 Lot 33A

**You are hereby notified by the Code Enforcement Officer for the Town of Albion that you are in violation of the following sections of the Albion Shoreland Zoning Ordinance:**

You must bring your property at 1 North Vigue Road into compliance with the requirements of the Shoreland Zoning Ordinance.

**Date of violation(s) observed:** July 16, 2024

**Description of Violations:**

At first this structure was termed as a mobile camping trailer. Pursuant to Section 15(E)(1, 2, 3, 4, & 7) of the Shoreland Zoning Ordinance, I am required to enforce violations of the Shoreland Zoning Ordinance.

Presently the structure is being termed as a "tiny house, seasonal only."  
Section 12(E)(3)(a) Each lot contains at least 100' of shore frontage and at least 20,000sf of lot area. This lot has 80' +/- shore frontage and 13,503.6sf of lot area. An additional dwelling cannot be added to a lot that is below minimum requirements.

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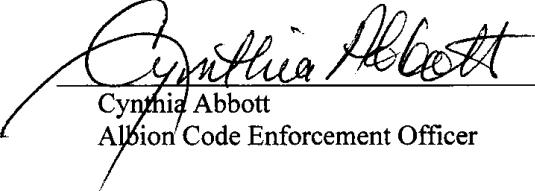
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**You are hereby ordered to take the following corrective action within thirty (30) days from the date of this notice:**

Persuent to either code relative to the term used to identify this structure, the structure is in violation of the code and the structure must be removed from the property.

You may be requested by the Code Enforcement Officer to sign a consent agreement and to pay a fine. Title 30-A M.R.S.A § 4452 establishes a fine of \$100 to \$2,500 for each violation of the Ordinance. A separate fine will be assessed for each day a violation continues. If you refuse to enter into a consent agreement and to pay the requested fine, **OR IF THE CODE ENFORCEMENT OFFICER BELIEVES A COURT ACTION IS WARRANTED, COURT ACTION MAY BE BROUGHT AGAINST YOU.** The Town may seek an order for corrective action, a substantial fine, plus its attorneys' fees and costs in such an action. Please contact the Code Enforcement Officer if you have any questions concerning this violation. You must notify Code Enforcement Officer when corrective action is taken.

**Date – Sept. 5, 2024**

  
Cynthia Abbott  
Albion Code Enforcement Officer



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**NOTICE OF VIOLATIONS  
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**Property Owner:** Paul Morency  
**Mailing Address:** 3427 Pinewood Drive  
Orlando, FL 32822

**Property Address:** 5 North Vigue Road      **Map & Lot:** Map 16 Lot 32

**You are hereby notified by the Code Enforcement Officer for the Town of Albion that you are in violation of the following sections of the Albion Shoreland Zoning Ordinance:**

You must bring your property at 5 North Vigue Road into compliance with the requirements of the Shoreland Zoning Ordinance. Pursuant to Section 12(E)(3)(a) of the Shoreland Zoning Ordinance, I am required to enforce violations of the Shoreland Zoning Ordinance.

**Date of violation(s) observed:** July 16, 2024

**Description of Violations:**

On 7/1/19 a building permit application was submitted for a new one-story garage. On the application was a lot plan showing the existing camp, two sheds, and the proposed site of the new 20'x24' garage. As stated on this attachment the two sheds totaling 199sf were going to be torn down.

On 7/8/19 the permit #114-SLZ-19 was approved with the condition that a flood plan permit was approved. And it was.

There is no Change of Use on file permitting the garage to be used as a dwelling to live in.

There is no Plumbing permit on file for this building.

The minimum lot size according to Section 12(E)(3)(a): Each lot contains at least 100' of shore frontage and at least 20,000sf of lot area.

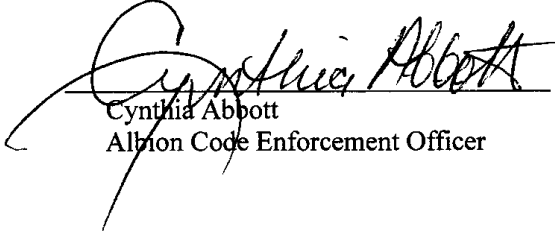
This lot has 76' of shore frontage and 12,632.4sf of lot area. An additional dwelling cannot be added to a lot that is below minimum requirements.

**You are hereby ordered to take the following corrective action within thirty (30) days from the date of this notice:**

Persuent to the code violations the structure that is being used as a dwelling must be converted back to the intended and permitted use as a garage.

You may be requested by the Code Enforcement Officer to sign a consent agreement and to pay a fine. Title 30-A M.R.S.A § 4452 establishes a fine of \$100 to \$2,500 for each violation of the Ordinance. A separate fine will be assessed for each day a violation continues. If you refuse to enter into a consent agreement and to pay the requested fine, **OR IF THE CODE ENFORCEMENT OFFICER BELIEVES A COURT ACTION IS WARRANTED, COURT ACTION MAY BE BROUGHT AGAINST YOU.** The Town may seek an order for corrective action, a substantial fine, plus its attorneys' fees and costs in such an action. Please contact the Code Enforcement Officer if you have any questions concerning this violation. You must notify Code Enforcement Officer when corrective action is taken.

**Date** – Sept. 5, 2024

  
Cynthia Abbott  
Albion Code Enforcement Officer



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**NOTICE OF VIOLATIONS  
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**Property Owner:** Morency Reality  
**Mailing Address:** 3427 Pinewood Drive  
Orlando, FL 32822

**Property Address:** 9 North Vigue Road      **Map & Lot:** Map 16 Lot 31

**You are hereby notified by the Code Enforcement Officer for the Town of Albion that you are in violation of the following sections of the Albion Shoreland Zoning Ordinance:**

You must bring your property at 9 North Vigue Road into compliance with the requirements of the Shoreland Zoning Ordinance. Pursuant to Section 12(E)(3)(a) of the Shoreland Zoning Ordinance, I am required to enforce violations of the Shoreland Zoning Ordinance.

**Date of violation(s) observed:** July 16, 2024

**Description of Violations:**

On 7/1/19 a building permit application was submitted for a new one story garage. On the application was a lot plan showing the existing camp, two sheds, and the proposed site of the new 20'x30' garage. As stated on this attachment the two sheds were going to be torn down. On the application is attached a work sheet stating the sheds totaled 459sf.

On 7/8/19 the permit #113-SLZ-19 was approved on 7/8/19. On 1/12/19 C. Round issued the permit.

There is no Change of Use permit on file permitting the garage to be used as a dwelling to live in.

There is no Plumbing permit on file for this building.

The minimum lot size according to Section 12(E)(3)(a): Each lot contains at least 100' of shore frontage and at least 20,000sf of lot area.

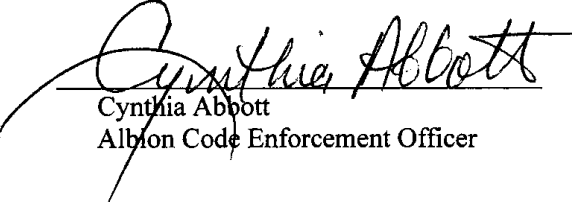
This lot has 81' of shore frontage and 9,147.6sf of lot area. This lot is below minimum requirements and an additional dwelling cannot be added to a lot that is below minimum requirements.

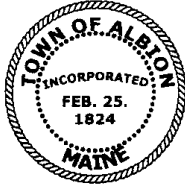
**You are hereby Ordered to take the following corrective action within thirty (30) days from the date of this notice:**

Persuent to the code violations the structure that is being used as a dwelling must be converted back to the intended and permitted use as a garage.

You may be requested by the Code Enforcement Officer to sign a consent agreement and to pay a fine. Title 30-A M.R.S.A § 4452 establishes a fine of \$100 to \$2,500 for each violation of the Ordinance. A separate fine will be assessed for each day a violation continues. If you refuse to enter into a consent agreement and to pay the requested fine, **OR IF THE CODE ENFORCEMENT OFFICER BELIEVES A COURT ACTION IS WARRANTED, COURT ACTION MAY BE BROUGHT AGAINST YOU.** The Town may seek an order for corrective action, a substantial fine, plus its attorneys' fees and costs in such an action. Please contact the Code Enforcement Officer if you have any questions concerning this violation. You must notify Code Enforcement Officer when corrective action is taken.

**Date** – Sept. 5, 2024

  
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Albion Code Enforcement Officer



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**NOTICE OF VIOLATIONS  
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ORDER FOR CORRECTIVE ACTION**

**Property Owner:** Morency Reality  
**Mailing Address:** 3427 Pinewood Drive  
Orlando, FL 32822

**Property Address:** 9 North Vigue Road      **Map & Lot:** Map 16 Lot 31

**You are hereby notified by the Code Enforcement Officer for the Town of Albion that you are in violation of the following sections of the Albion Shoreland Zoning Ordinance:**

You must bring your property at 9 North Vigue Road into compliance with the requirements of the Shoreland Zoning Ordinance.

**Date of violation(s) observed:** July 16, 2024

**Description of Violations:**

A new shed has been built without a building permit.

On 7/1/19 a building permit application was submitted for a new one-story garage. On the application was a lot plan showing the existing camp, two sheds, and the proposed site of the new 20'x30' garage. As stated on this attachment the two sheds were going to be torn down. On the application is attached a work sheet stating the sheds totaled 459sf. The maximum 20% lot coverage at the time was in excess of 2,436sf. Tearing down the existing sheds was used in an attempt to build the garage to offset the increase of lot size coverage.

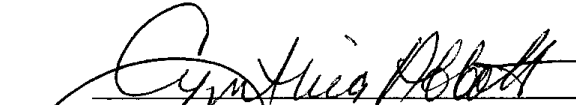
Therefore, no new shed or any other structure whatsoever can ever be added to this property that will exceed the 20% limit.

**You are hereby Ordered to take the following corrective action within thirty (30) days from the date of this notice:**

The shed must be removed from the property. The shed may not be placed on 1 N. Vigue Shore Rd., 3 N. Vigue Shore Rd. or 5 N. Vigue Shore Rd.

You may be requested by the Code Enforcement Officer to sign a consent agreement and to pay a fine. Title 30-A M.R.S.A § 4452 establishes a fine of \$100 to \$2,500 for each violation of the Ordinance. A separate fine will be assessed for each day a violation continues. If you refuse to enter into a consent agreement and to pay the requested fine, **OR IF THE CODE ENFORCEMENT OFFICER BELIEVES A COURT ACTION IS WARRANTED, COURT ACTION MAY BE BROUGHT AGAINST YOU.** The Town may seek an order for corrective action, a substantial fine, plus its attorneys' fees and costs in such an action. Please contact the Code Enforcement Officer if you have any questions concerning this violation. You must notify Code Enforcement Officer when corrective action is taken.

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**NOTICE OF VIOLATIONS  
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ORDER FOR CORRECTIVE ACTION**

**Property Owner:** Morency Properties, LLC  
**Mailing Address:** 3427 Pinewood Drive  
Orlando, FL 32822

**Property Address:** 1 & 3 North Vigue Road      **Map & Lot:** Map 16 Lot 33A, 33B

**You are hereby notified by the Code Enforcement Officer for the Town of Albion that you are in violation of the following sections of the Albion Shoreland Zoning Ordinance:**

You must bring your property at 1 North Vigue Road into compliance with the requirements of the Shoreland Zoning Ordinance.

**Date of violation(s) observed:** July 16, 2024

**Description of Violations:**

**Tree and natural growth removed**

These actions violated the Albion SLZ Ordinance Section 15, O.

Revegetation is required according to and in compliance of Section 15, R.

The following is quoted from an email after DEP Colin Clark inspected all of the properties; “The biggest NRPA issues I observed were soil disturbance inside 75ft and some inside 25ft and fill immediately adjacent to the resource and some in the resource. The soil disturbance included taking out a berm...” “All of [the bark mulch and all of the erosion control mulch in front of the structure to the resource]

material needs to be removed and the area revegetated with ground cover, shrubs and trees.”

**You are hereby Ordered to take the following corrective action within thirty (30) days from the date of this notice:**

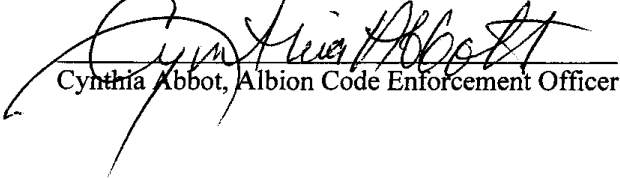
Attached is the DEP Guidelines for restoration plan for shoreland clearing violations and the code statutes as submitted by Colin Clark.

According to Section 15(S)(1) “The property owner must submit a revegetation plan prepared with and signed by a qualified professional, that describes revegetation activities and maintenance.”

1. You have thirty days from the date below to submit to the Albion Code Enforcement Officer a signed contract with the professional that will satisfy Section 15(S)(1). The contract must include the person and company name, address and phone number that will be used to generate a revegetation plan.
2. The plan must have a starting date and the plan must be approved by the planning Board
3. Due to the severity of the clear cutting of all growth and berms on these properties Section 15(S)(4)(f), (5)(e) and (6)(c) are amended to a period of 15 years. Failure to maintain and promote growth will be assessed for fines.
4. This violation and the contract for revegetation must be filed with the Kennebec Registry of Deeds and attached to the deeds of each property.

You may be requested by the Code Enforcement Officer to sign a consent agreement and to pay a fine. Title 30-A M.R.S.A § 4452 establishes a fine of \$100 to \$2,500 for each violation of the Ordinance. A separate fine will be assessed for each day a violation continues. If you refuse to enter into a consent agreement and to pay the requested fine, **OR IF THE CODE ENFORCEMENT OFFICER BELIEVES A COURT ACTION IS WARRANTED, COURT ACTION MAY BE BROUGHT AGAINST YOU.** The Town may seek an order for corrective action, a substantial fine, plus its attorneys’ fees and costs in such an action. Please contact the Code Enforcement Officer if you have any questions concerning this violation. You must notify Code Enforcement Officer when corrective action is taken.

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Cynthia Abbot, Albion Code Enforcement Officer