

CONSENT AGREEMENT

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March 16, 2023

**VIA EMAIL ONLY**

Peter Joseph, Town Manager  
Town of Freeport  
30 Main Street  
Freeport, Maine 04032  
pjoseph@freeportmaine.com

Re: **Administrative Consent Agreement Addressing Notice of Violation**  
Owners: Cleveland Kapala, Lucia Kittredge  
Location: 28 Cunningham Road, Freeport, Maine

Dear Mr. Joseph,

As we discussed during our telephone call on March 14, 2023, on behalf of our firm's clients, Cleveland Kapala and Lucia Kittredge, we request that the Freeport Town Council ("Council") consider an Administrative Consent Agreement to address certain violations in the above-referenced Notice of Violation ("NOV"), which was issued June 8, 2022.

Cleveland and Lucia purchased a single-family dwelling at 28 Cunningham Road ("Property") in August 2019 and have made no improvements to the Property since that time. In February 2022, they sought a building permit in order to make some much needed renovations to the dwelling. When the Town inspected the Property in April 2022, code enforcement staff discovered a number of alterations to the Property for which no permits could be located in the Town's files. This led to the issuance of the NOV, which cites 13 different violations relating primarily to the unpermitted expansion of the residence and associated deck and the installation of a stone patio, walkway, and wharf at the Property, all of which are located in the Town's Shoreland Zone.

Notably, all conditions described in the NOV existed prior to Cleveland's and Lucia's purchase of the property in August 2019. As evidence of this, enclosed are listing photographs of the Property from 2019 that depict the same conditions cited in the NOV. Before their purchase, Cleveland and Lucia diligently investigated the condition of the Property, asked pointed questions of the sellers, and checked for permits at Town Hall, and neither found nor received any notice of any violations. Upon further investigation since the NOV was issued, Cleveland and Lucia have confirmed with previous owners of the Property and their surviving family members that the home's last major renovations were over 25 years ago and the wharf on the Property has been used in the same place since the Property was sold to previous owners in 2003.

Some of the conditions alleged in the NOV can be remedied through after-the-fact permits. The

float has been removed and an application for an after-the-fact permit for the wharf has been submitted to the Maine DEP. Cleveland and Lucia have hired contractors to inspect the interior of the dwelling so they can obtain building permits from the Town for the existing interior conditions. However, according to current ordinances, the Town cannot issue permits for the remaining conditions, and remediating those conditions (e.g. removal of a wood deck that serves an exterior exit on the dwelling) would not only be costly, but unfair considering Cleveland and Lucia had no role in causing the violations.

In light of these unique circumstances, we request that the Town Council consider an Administrative Consent Agreement allowing the unpermitted improvements that cannot be remedied by after-the-fact permitting to remain as-is on the Property. Specifically, these improvements would include the existing stone walkway and patio, deck, building footprint within the shoreland setback, and non-vegetated lot percentage. We understand that this matter has been placed on the Town Council's agenda for Tuesday, March 21, 2023, and would be happy to answer any questions the Council may have at that time.

We thank you for your time and consideration.

Sincerely,



Joseph C. Siviski, Esq.



John E. Belisle, Esq.

Copy (by email): clients; Christine Wolfe, Town Clerk (cwolfe@yarmouthmaine.com)

Enclosures: 2019 Listing Photographs of Property















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