

Gregory P. Braun
Milda A. Castner
Scott M. Edmunds
William J. Gallitto, III
Britton R. Garon
Julia Keenan
Michael W. Macleod-Ball
Thomas R. Miscio



Sarah B. Neault
Durward W. Parkinson
Erin E. Sherman
Of Counsel
Barbara I. Belik
Retired
Christian L. Barner
In Memoriam
Wayne T. Adams

April 7, 2022



VIA FEDEX HAND DELIVERY

David Murch, Chair
Town of Raymond Zoning Board of Appeals
401 Webbs Mill Road
Raymond, ME 04071

RE: Administrative Appeal of Big Lake Marine, LLC
March 10, 2022 Notice of Violation
28 Whitetail Lane

Chairman Murch & Zoning Board of Appeals Members:

On behalf of Big Lake Marine, LLC, and in response to the Notice of Violation issued by the Raymond Code Enforcement Officer dated March 10, 2022, please find enclosed application fee payment in the amount of \$431.00 as well as eight (8) copies of the following:

1. Authorization for Bergen Parkinson, LLC, to represent Big Lake Marine, LLC;
2. Big Lake Marine, LLC, Zoning Board of Appeals completed application form;
3. Sketch plan of the property located at 28 Whitetail Lane; and
4. Brief explanation of the basis for the appeal.

I hope this finds you well and I thank you for your attention to this matter.

Very truly yours,



Gregory P. Braun, Esq.

Enclosure(s)

Cc: Alex Sirois, CEO
Sandy Fredericks, Administrative Assistant to ZBA
client

AUTHORIZATION

Big Lake Marine, LLC, hereby authorizes Gregory P. Braun, Esq. and Bergen Parkinson, LLC, to represent its interests in the administrative appeal of a Notice of Violation issued it by the Town of Raymond Code Enforcement Officer dated March 10, 2022, related to property located at 28 Whitetail Lane, Town of Raymond, State of Maine.

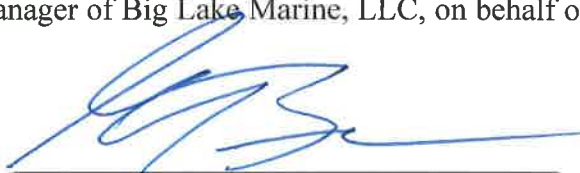
Dated at Casco this the 29th day of March, 2022.



Robert Durant, Member & Manager
Big Lake Marine, LLC

State of Maine
County of Cumberland

The foregoing instrument was signed and sworn before me this 29th day of March, 2022, by Robert Durant, in his capacity as Member & Manager of Big Lake Marine, LLC, on behalf of said company.



Gregory P. Braun, Esq. #004636



**TOWN OF RAYMOND
APPLICATION TO THE
ZONING BOARD OF APPEALS**

Staff Use Only:		Received Date
Application Fee	\$ 75.00	RECEIVED APR 08 2022
Notice Fee \$8.00/abutter	\$ 56.00	
Publishing Fee	\$ 300.00	
Escrow-if required		
TOTAL	431.00	

Name of Applicant Gregory P. Braun, Esq., c/o Bergen Parkinson, LLC
Mailing Address 62 Portland Road, Kennebunk ME 04043
Primary Phone 207-985-7000 C H W email gbraun@bergenparkinson.com
Date property acquired: (month and year) April 2019



Name of Owner (if different than applicant) Big Lake Marine, LLC / Robert Durant, Member & Manager
Mailing Address P.O. Box 741
Town: Windham State Maine Zip Code 04062
Primary Phone 207-595-0073 C H W email durantexcavating11@yahoo.com
Property Address (street number and name): 28 Whitetail Lane, Raymond ME
Town of Raymond Map 001 Lot 020 Zone LRR2
Deed Reference Book 38666 Page 124

The undersigned applies for the following:

- 1. ADMINISTRATIVE APPEAL. Applicant requests relief from the decision, or lack of decision, of the Code Enforcement Officer. The undersigned believes that (check one)
 - An error was made in the denial of the permit
 - Denial of the permit was based on the misinterpretation of the ordinance
 - The permit was not approved or denied within a reasonable period of time
 - Other: Appeal from Notice of Violation dated March 10, 2022 (see attached)
- 2. VARIANCE (the information listed on page 3 must be submitted)
- 3. CONDITIONAL USE PERMIT For _____ (use) in _____ Zone
- 4. VARIANCE PROVISION(S) FOR NON-CONFORMING Lot Structure Use
- 5. SETBACK REDUCTION (do not complete Page 3)

I have read, understand and agree to the above instructions and conditions. I also authorize any Board Member or other Town Officials to enter onto the site. I certify that the information contained in this application and its supplement is true and correct.

Date: 3/29/2022

Appellant: 
Property Owner: 

Date: 3/29/2022

3AL NOTES

1. THE SITE SHALL BE CONSIDERED AS A SINGLE UNIT FOR THE PURPOSES OF THE SUBDIVISION MAP. THE SUBDIVISION MAP SHALL BE PREPARED TO SHOW THE ENTIRE TRACT OF LAND TO BE SUBDIVIDED, INCLUDING ALL ADJACENT LOTS AND INTERESTS THEREIN. THE SUBDIVISION MAP SHALL BE PREPARED TO SHOW THE ENTIRE TRACT OF LAND TO BE SUBDIVIDED, INCLUDING ALL ADJACENT LOTS AND INTERESTS THEREIN.

2. THE SUBDIVISION MAP SHALL BE PREPARED TO SHOW THE ENTIRE TRACT OF LAND TO BE SUBDIVIDED, INCLUDING ALL ADJACENT LOTS AND INTERESTS THEREIN. THE SUBDIVISION MAP SHALL BE PREPARED TO SHOW THE ENTIRE TRACT OF LAND TO BE SUBDIVIDED, INCLUDING ALL ADJACENT LOTS AND INTERESTS THEREIN.

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SURVEY NOTES

1. THE SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED ON THE SURVEY MAP. THE SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED ON THE SURVEY MAP.

2. THE SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED ON THE SURVEY MAP. THE SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED ON THE SURVEY MAP.

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4. THE SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED ON THE SURVEY MAP. THE SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED ON THE SURVEY MAP.

WARRANTY GRANTED

THE SURVEYOR WARRANTS THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL SURVEYING ACT AND THAT THE SURVEY IS TRUE AND CORRECT.

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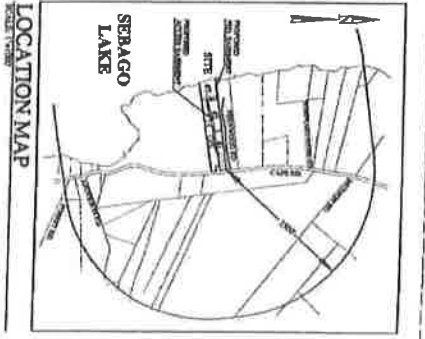
CONDITION OF FINAL APPROVAL

THE SUBDIVISION MAP SHALL BE APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WINDHAM, VERMONT, UPON THE RECOMMENDATION OF THE PLANNING BOARD.

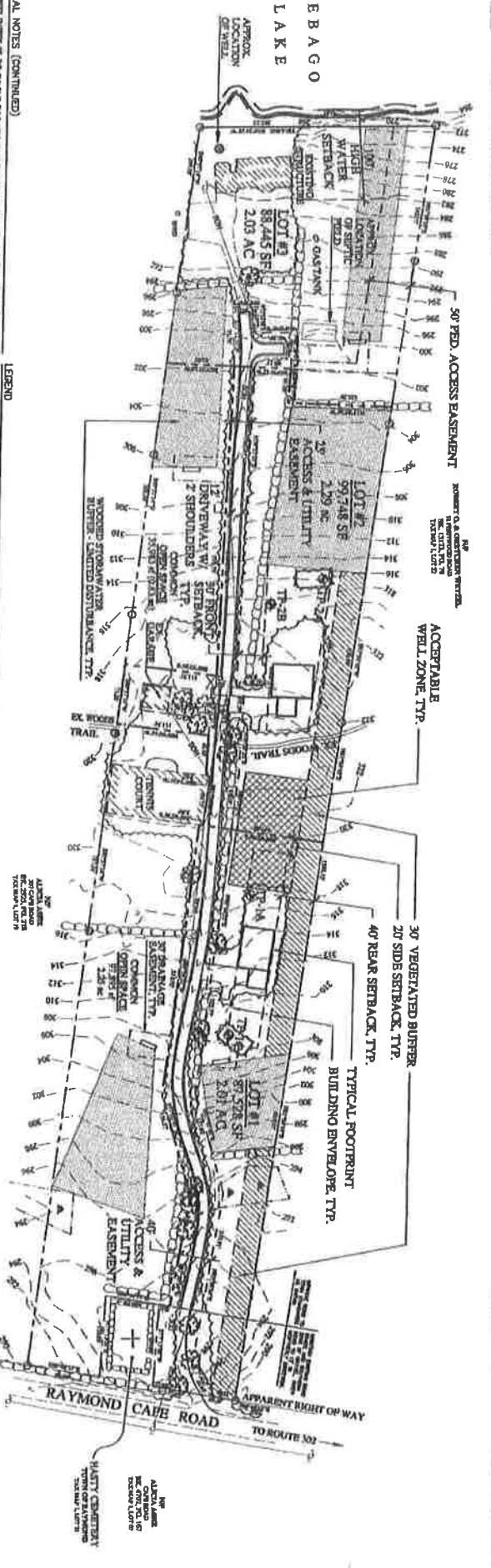
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EBAGO LAKE

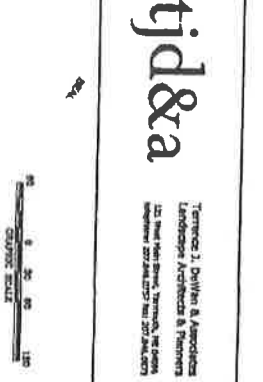


LEGEND

SYMBOL	DESCRIPTION
---	PROPERTY LINE
---	EDGE OF WETLAND
---	SETBACK LINE
---	WELL ZONE
---	VEGETATED BUFFER
---	APPROVED WELL ZONE
---	CONTROL LINE
---	TRAIL
---	STONEWALL

SURVEY INC.

P.O. BOX 210
WINDHAM, ME 04092
TEL: 603-895-1111
FAX: 603-895-1112
WWW.TJD&A.COM



Open Space
Subdivision Plan
November 29, 2006
Sheet # C-100

THIS MAP IS PROVIDED FOR THE INFORMATION OF THE PUBLIC AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE TOWN OF RAYMOND. THE TOWN OF RAYMOND AND ITS EMPLOYEES MAKE NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY, COMPLETENESS, OR SUITABILITY OF THIS INFORMATION. THE TOWN OF RAYMOND AND ITS EMPLOYEES SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS INFORMATION. THE TOWN OF RAYMOND AND ITS EMPLOYEES SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS INFORMATION.

FOR THE RECORD, THE TOWN OF RAYMOND HAS REVIEWED THE INFORMATION CONTAINED ON THIS MAP. THE TOWN OF RAYMOND AND ITS EMPLOYEES MAKE NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY, COMPLETENESS, OR SUITABILITY OF THIS INFORMATION. THE TOWN OF RAYMOND AND ITS EMPLOYEES SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS INFORMATION.

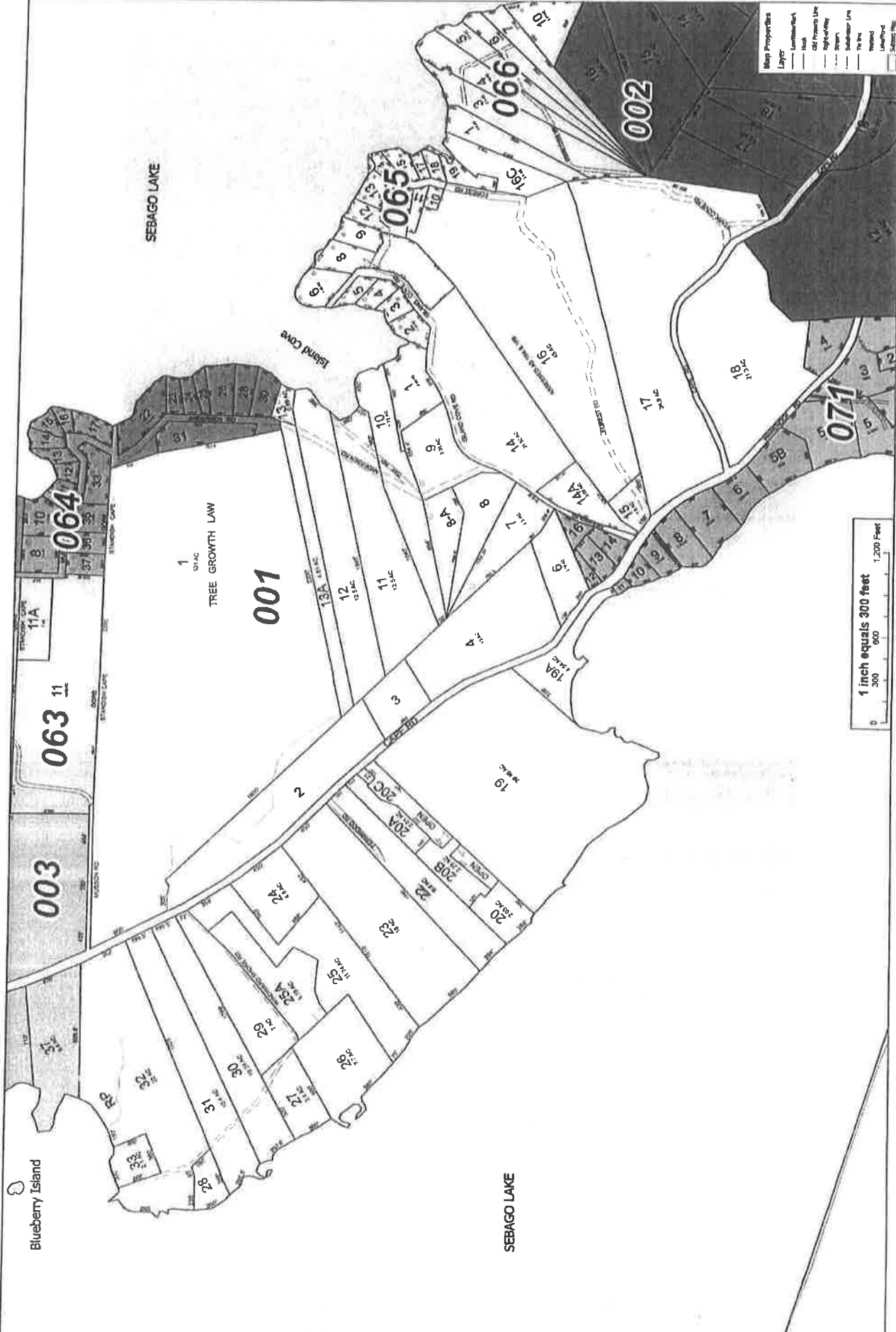
TOWN OF RAYMOND
Cumberland County, Maine
2021 Property Map



Source:
 Raymond Assessment Director
 Maine Office of DRI
 Prepared by:
 Salsburg Systems, Inc.
 Effective Date: April 1, 2021



Map 01



Map Properties Layer

---	Lot Boundary
---	Water
---	Unimproved Land
---	Impervious Area
---	Subdivision Line
---	1/4 Acre
---	1/2 Acre
---	1 Acre
---	2 Acre
---	5 Acre
---	10 Acre
---	20 Acre
---	50 Acre
---	100 Acre



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April 7, 2022

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David Murch, Chair
Town of Raymond Zoning Board of Appeals
401 Webbs Mill Road
Raymond, ME 04071

RE: Administrative Appeal of Big Lake Marine, LLC
March 10, 2022 Notice of Violation
28 Whitetail Lane

BASIS FOR APPEAL

Chairman Murch & Zoning Board of Appeals Members:

As representative for Big Lake Marine, LLC (“Big Lake”), this brief explanation is submitted in support of Big Lake’s administrative appeal of the Notice of Violation dated March 10, 2022 (“NOV”), issued by the Tow of Raymond Code Enforcement Officer (“CEO”). At the outset, I wish to communicate and express Big Lake’s commitment to resolving this matter in a collaborative and productive manner. To that end, Big Lake has engaged in and continued to pursue resolution of this matter through the submission of permit application(s) and mitigation/remediation plan(s) addressing the CEO’s concerns. Additionally, Big Lake reserves the right to amend and/or supplement this appeal and to provide supporting materials in advance of any hearing which may be conducted concerning same.

Broadly, Big Lake denies the alleged violations and maintains that the project and the work performed by Big Lake in connection with the project met the requirements for Permit-by-Rule (PBR) under Maine Department of Environmental Protection (DEP) Rules, Chapter 305, Section 8 “Shoreline Stabilization”, and the Town of Raymond Shoreland Zoning Provisions.

More specifically, but not exclusively, Big Lake appeals the NOV as follows:

Violation No. 1: Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection U1; and, any and all other allegations contained within the violation identified as “1. Filling and Earthmoving of More than 10 Cubic Yards” including but not limited to the allegation that Big Lake conducted activities in a

manner which failed to prevent erosion and sedimentation of surface waters to the maximum extent practical.

Violation No. 2: Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 14, No. 30; and, any and all other allegations contained within the violation identified as “2. Filling and Earthmoving of More than 10 Cubic Yards without a Permit”; and, further argues that Violation No. 2 of the NOV is duplicative of Violation No. 1.

Violation No. 3: Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 14, Subsection No. 17B; and, any and all other allegations contained within the violation identified as “3. Piers, docks, wharves, bridges, boat launches, and other structures and uses extending over or below the normal high water line or within a wetland without a permit from the Planning Board – Boat Launch”.

Violation No. 4: Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 14, Subsection No. 17B; and, any and all other allegations contained within the violation identified as “4. Piers, docks, wharves, bridges, boat launches, and other structures and uses extending over or below the normal high water line or within a wetland without a permit from the Planning Board – Shoreline”.

Violation No. 5: Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection O; and, any and all other allegations contained within the violation identified as “5. Construction of a Beach Without a Permit”.

Violation No. 6: Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection Q(c); and, any and all other allegations contained within the violation identified as “6. Removal of Vegetation Less Than 3’ in Height”; and, more specifically states that Big Lake was not hired to perform the work alleged in said violation and in fact did not commit the alleged conduct.

Violation No. 7: Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 14, Subsection 5 ; and, any and all other allegations contained within the violation identified as “7. Removal of Vegetation Less than 3’ in Height Without a Permit”; and, more specifically states that Big Lake was not hired to perform the work alleged in said violation and in fact did not commit the alleged conduct;. and, further argues that Violation No. 7 of the NOV is duplicative of Violation No. 6.

Violation No. 8: Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection (C)(12); and, any and all other allegations contained within the violation identified as “8. Unpermitted Shoreland Stabilization – no permit”.

Violation No. 9: Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection (C)(12); and, any and all other allegations contained within the violation identified as “9. Unpermitted Shoreland Stabilization – no barge”.

Violation No. 10: Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 15, Subsection Q(2); and, any and all other allegations contained within the violation identified as “10. Unpermitted Tree Removal Within 100’ of Sebago Lake”; and, more specifically states that Big Lake was not hired to perform the work alleged in said violation and in fact did not commit the alleged conduct.

Violation No. 11: Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 14, Subsection Q(2); and, any and all other allegations contained within the violation identified as “11. Vegetation Removal in Excess of What is Allowed by the Point System”; and, more specifically states that Big Lake was not hired to perform the work alleged in said violation and in fact did not commit the alleged conduct.

Violation No. 12: Big Lake denies the allegation(s) that it has violated Town of Raymond Shoreland Zoning Provision Section 14, Subsection 5; and, any and all other allegations contained within the violation identified as “12. Removal of Vegetation Without a Permit”; and, more specifically states that Big Lake was not hired to perform the work alleged in said violation and in fact did not commit the alleged conduct.

Wherefore, Big Lake Marine, LLC, asks that the Notice of Violation dated March 10, 2022, be reversed and overturned and otherwise dismissed and abandoned.

On behalf of Big Lake Marine, LLC:



Gregory P. Braum, Esq.

Enclosure(s)

Cc: Alex Sirois, CEO
Sandy Fredericks, Administrative Assistant to ZBA
client