



NOTICE OF VIOLATION

10/14/2022

John and Patricia Holdsworth
36 Lowell St.
Carlisle, MA 01742

RE: 56 Stimpson Point Road, Naples, ME 04055
Tax Map: U36, Lot 3 – Permit # 184-21

Dear Mr. & Mrs. Holdsworth:

A permit was issued to the above-mentioned property on November 18th, 2021. The permit number was 184-21 and can be found in our building files. That permit allowed for interior renovations, repairing shingles on roof adding dormers on the rear of the home matching the current roofline height, repairing the existing deck and siding, and a small addition in the back left side of the building to include a foundation for a total new added square footage of 973 sf, as outlined in the survey and approved permit along with DEP approval.

Upon inspection of the building on September 1st, 2022, as requested from the internal plumber, it was obvious that more work had been completed, along with additional height, which had not been permitted. After speaking with the contractor on site, I advised that an additional permit would need to be taken out (after the fact), but since there was no reference to the pre-existing height I would need hard proof that they were not going over the preexisting roofline. I had conflicting answers from both the owner (Mrs. Patricia Holdsworth), and the contractor (Mr. Rick Thompson), so I then reached out to the Contracted drafter (Mr. Michael Curran), who drew the plans to have an accurate answer.

Attached you will find the email Mr. Curran sent me an email (Attachment A), received on October 11th, 2022, explaining that the original roofline peak was approximately 20'-11" at grade, and the newly constructed height was now 23'-8". When removing an entire roof within a setback of 75' of the highwater mark, as surveyed, the total maximum height from grade allowable by current ordinance and state statute would only be a maximum of 20' in height.

I emailed a stop work order to all parties involved on October 13th, 2022 and posted a sign on site the same day at approximately 1:00 pm as follows:

STOP WORK ORDER

To: Patricia Holdsworth, Map U36, Lot 3

REASON: Building Permit #185-21 exceeded outlined plans of the approved interior renovations (structural changes without approval) and added height exceeding the allowable height in the Shoreland Zone Ordinance (Exceeded the previous total height of 20' 11" and the new total height of 23' 8") therefore does not meet Town of Naples SLZ Ordinance Section C(i), Non-Conforming structures:

C) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable standards of land use adopted by the municipality are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.

(i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

DATED: October 13, 2022



Kate Matthews, Code Enforcement Officer

I will be in contact with you regarding a letter of violation, and a solution along with a deadline and possible incurred fees.



15 Village Green Lane, PO Box 1757, Naples, ME 04055 (207) 693-6364
townofnaples.org

Because it was confirmed that the original non-conforming existing roof peak height was 20'-11", I'll allow a permit after the fact to be that total in height, which would involve further renovations to decrease the current non-permitted height and would need to be completed by December 16th, 2022, along with new plans and a new permit and fees prior to inspections and to rectify the violation. If you are unable to meet that deadline, please contact me immediately.

Failure to comply with the requirement of this notice will be subject to a fine in accordance with the provisions of the specific Ordinance indicated above.

Regardless of any corrective measures taken, you may be subject to civil penalties in amounts ranging from \$100 to \$2,500 per day for the violations that have occurred to date, if not corrected by December 16th, 2022. In addition, you may also be subject to attorney's fees and costs for any enforcement action taken by the municipal officers.

Any person who continues to violate any provision of the Ordinance after receiving notice of such violation shall be guilty of a civil violation subject to a civil penalty of up to \$2,500 for each violation. **EACH DAY** such a violation is continued is a separate offense pursuant to 30-A M.R.S.A, Section 4452.

Please contact the Code Enforcement Officer to seek remediation of the above violations within 15 days from the date of this letter.

Sincerely,

Kate Matthews
Code Enforcement Officer

cc: John Hawley, Town Manager
Board of Selectmen



Attachment A
pg 1-2

Kate M <kmatthews@townofnaples.org>

RE: Holdsworth Property - 56 Stimpson Point Rd

1 message

mike@cddhome.com <mike@cddhome.com>

Tue, Oct 11, 2022 at 12:20 PM

To: Kate Matthews <kmatthews@townofnaples.org>

Cc: Patti Holdsworth <lake.girl.0112@gmail.com>, rickthompson07@gmail.com, Steve Grant <srg@maine.rr.com>

Good morning all,

Attached is a cross section illustrating the original height of the structure (in ghost gray) with the new proposed cross section in a darker line weight. The new proposed ridge height according to my paper plans is 2'-9" higher than the original ridge height from what I could guesstimate from doing the field measuring and providing As-builts. I could very easily be off on the actual roof pitch and ridge height for I did not and will not climb onto a roof to measure ridge to grade heights, and my Laser measure only works in optimal light conditions. I suspect the actual roof pitch and ridge height could be slightly higher than what I have illustrated for the As-built by as much as 12" to 14" depending on a slight pitch increase. I am also unsure if the builder modified or reduced the overall ridge height or roof pitch while conducting the framing. So please allow a margin of error.

During the demo/construction phase the builder, "Rick Thompson" was able to confirm the original roof framing was 2x6 rafters framed @ 32" o.c., which wasn't going to meet Code loading. At that point the structural engineer, Steve Grant of SRG Engineering, was ask to do a site visit with the builder and home owner to discuss roof framing option's. (I was asked as well but was unavailable at the time of the meeting) I was then updated on the findings and meeting notes and then discussed options with the builder and home owner and was asked to rework the roof system accordingly. I increased the rafters to 2x12's @ 12" and 16" o.c. in order to make the roof system structurally sound and safe. We also took the opportunity to stack the ridge over the load bearing wall which carried the load to the basement, again to all make the house structurally sound and safe. This would also prove to be a more cost efficient way to frame the roof vs the previously submitted plans indicating 1 3/4"x7 1/4" lvl rafters on the non-water side and original framing on the water side. This was obviously an added expense the home owner, who was not prepared for this, so I figured the roof system for the most cost efficient means possible. I was also under the impression we had a 25' max ridge height to work with, (not sure who, what, where or when this was discussed or read somewhere) so I didn't think anything of it at the time I reworked the roof system. Obviously, with the updated info provided from Kate Mathews, the proposed ridge height does not comply with the current height restriction of 20' if the structure is indeed within 75' of the high water mark, which I imagine it most likely is (from a few photos I took of the house). I did not have a site plan nor did I measure the distance from the water line to the house for the original proposed work did not require me to and I am not a surveyor so I would not have taken on that responsibility. Obviously, the new roof is more than a few inches or even a foot above the height restriction and or original ridge height. So, I am not sure where this leaves us and/or what can be done to mitigate the issue. Please advise from here Kate.

I have also included Steve Grant of SRG ENG. in this email as well.

Sincerely,

Michael Curran

Curran Drafting & Design

56 Ledgewood Dr.

Falmouth, Maine 04105

Cel: (207) 632-5320

Email: Mike@cddhome.com

Attachment A
pg 2-2

From: Kate Matthews <kmatthews@townofnaples.org>
Sent: Thursday, October 6, 2022 9:55 AM
To: MIKE@cddhome.com
Cc: Patti Holdsworth <lake.girl.0112@gmail.com>; rickthompson07@gmail.com
Subject: Holdsworth Property - 56 Stimpson Point Rd

Hi Mike,

Thank you for taking my call today regarding the Holdsworth property at 56 Stimpson Point Rd in Naples. Upon inspection on September 1st, 2022 it looked like they had done more than the initial internal renovations that they were approved for, including adding height to the structure. Patricia had since sent me your designs, but I did not see any reference to the current height that was there as they are so close to the water and they cannot go any higher than the previously approved roof peak. Are you able to confirm that the roof peak is at the same level as was there previously, as that was not something that we even discussed at the time of permitting so I have no reference?

Thank you,

Kate Matthews | Town of Naples, Maine

Code Enforcement Officer | Building Inspector | LPI

P: (207) 693-6364 ext. 107 | M: P.O. Box 1757, Naples, ME 04055

E: kmatthews@townofnaples.org | W: www.townofnaples.org

Due to the influx of permit requests, general inquiries, and the small size of my department, applications may not be reviewed or permits issued for up to two weeks after your submission. Inspections on issued permits must be scheduled at least 3 business days before your inspection is needed. I appreciate your patience and will get back to you as soon as we're able.

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