

Code Enforcement

1 City Hall Plaza • Ellsworth, ME 04605
Phone (207) 667-4910
ellsworthmaine.gov

PUBLIC NOTICE

The regular meeting of the Ellsworth Board of Appeals is scheduled for Monday, December 22, 2025 in the Ellsworth City Council Chambers, at 6:30pm to hear public comment and/or consideration on the following request/s:

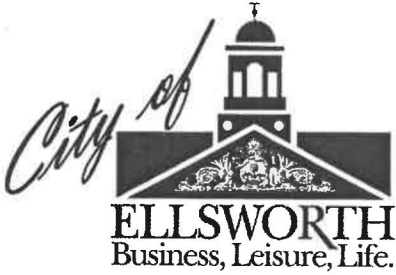
AGENDA

1. ADOPTION OF MINUTES: from the April 7, 2025 meeting.
2. PUBLIC HEARING AND CONSIDERATION: *Request of Mr. Corey Weigand to hear an administrative appeal of the decision of the Code Enforcement Officer to not refund permit fees for permits approved for 59 Franklin Street (Map/Lot 134-33) in the Downtown Zoning District.*
3. ADJOURNMENT:

***PROCEDURE FOR PUBLIC PARTICIPATION IN BOARD OF APPEAL HEARINGS:**

Meetings are held in the City Hall Council Chambers, 1 City Hall Plaza. Public comments, on agenda items, can be made at City Hall during the Board meeting. Emailed comments are accepted at code@ellsworthmaine.gov by 12:00pm on the date of the hearing, for Board Members review.

Meeting will continue to be broadcast live on the City of Ellsworth, Maine Facebook page and YouTube page



Code Enforcement

1 City Hall Plaza • Ellsworth, ME 04605
Phone (207) 667-4910
ellsworthmaine.gov

To: City of Ellsworth Appeals Board
From: Robert Grant, Code Enforcement Officer
CC: Deputy City Manager Sara Devlin
Date: December 3, 2025
RE: Administrative Appeal set for December 22, 2025 Regular Meeting

OVERVIEW:

Applicant: Cory Weigand, PO Box 218 Surry, ME 04684

Subject Property: 59 Franklin Street Ellsworth, ME 04605

Zoning District: Downtown

Appeal: Mr. Weigand is appealing the decision of the Code Enforcement Officer to not refund permits issued for his Planning Board-approved project after it was discovered that Mr. Weigand had failed to register the plans for the structure subdivision within 100 days as is required by the City's Land Use Ordinance, Chapter 56, Article 2 "Plan Approval and Permitting Procedures."

TYPE OF APPEAL:

Administrative per Ch56, Article 13, "Board of Appeals" section 1301.B "Administrative Review"

BACKGROUND:

Mr. Weigand sought planning board approval for his project to convert a commercial property located at 59 Franklin Street into multiple residential apartments. Final Plan approval was granted on October 5, 2023. Mr. Weigand applied for the first permit for the project on January 22, 2024. Three more permits were applied for between March 3 and March 13, 2024.

The Code Office performed inspections related to those permits on April 23, 2024 and September 6, 2024. The Code Office also met on-site with new contractors to discuss code compliance issues and how to proceed with the project on February 10, 2025. The same day, the Code Office became aware that Mr. Weigand did not register the structure subdivision with the Hancock

County Registry of Deeds within 100 days as is required by Chapter 56, Article 2, Section 207.10.B “Subdivision Expiration.”

The Code Officer asked the City’s Attorneys to give a legal opinion on how to proceed. It was determined on February 18, 2025 that Mr. Weigand would have to go back to the Planning Board as if he had never received Planning approval. As a result, all permits were voided and Stop Work Orders were posted on the property March 13, 2025.

Mr. Weigand received Final Planning Board approval again on May 7, 2025.

November 12, 2025 Mr. Weigand requested via email that the permit fees be refunded or applied toward new permits. The City of Ellsworth Code Office has no written policy on refunds or transferring permit fees, but it has always been the policy that unless there was an error made by the Code Officer in issuing the permits, that there would be no refund or transfer of the permit fees. Services were rendered for the permits before they were voided. The Code Officer determined that due to those two facts, no refunds of any kind would be granted because of what was ultimately the applicant’s error.

FINDING OF FACTS TO BE CONSIDERED:

1. Planning Board approval was given to applicant 59 Franklin LLC on October 4, 2023
2. Permits were first issued for this project on 1-22-24. Chapter 56, Article 2, Section 207.10.B “Subdivision Expiration” states “The plan shall be null and void if the period of time between Planning Approval and recording at the Hancock Registry of Deeds is greater than 100 days.” 1-22-24 is 110 days from Planning Board approval.
3. Checking that plans had been recorded with the Registry of Deeds was not part of the permitting process for the Code Office at the time.
4. Inspections were performed in relation to the issued permits on April 23, 2024 and September 6, 2024.
5. A meeting on-site with new contractors was held February 10, 2025 to discuss how to proceed with the project and meet code compliance.
6. February 10, 2025 The Code Office also discovered that the structure subdivision at 59 Franklin Street had not been registered with the Registry of Deeds. The Code Office reached out for legal guidance from the City’s attorneys.
7. February 18, 2025 City Attorney Tim Pease responded and said that Chapter 56, Article 2, Section 207.10.B did, in fact, mean that all approvals and permits were void as if the project had never happened. No request for a refund or credit of the permit fees was made at this time.
8. May 7, 2025, 59 Franklin, LLC received approval again for the structure subdivision of the property.
9. EXHIBT A: Property card for 59 Franklin Street and Planning Board Action Letters signed 10/17/23, 3/7/24 and 5/8/25.

10. EXHIBIT B: Email correspondence with Attorney Tim Pease on the matter dated February and March, 2025.
11. EXHIBIT C: The voided permits in question, a copy of the Stop Work Orders posted at the property and the inspection log for 59 Franklin Street.
12. EXHIBIT D: Email correspondence from Mr. Weigand regarding the refunding of permits.

Date Received 11-19-25

APPLICATION FOR ELLSWORTH ZONING BOARD OF APPEALS

Name of Appellant Cory Weigand
Mailing Address PO Box 218
City or Town Surry, State ME, Zip Code 04684
Telephone (207) 999-7368 Name of Property Owner S9 Franklin LLC
Property Location S9 Franklin Street Map/Lot 134 / 33
(if different from mailing address)

The undersigned requests that the Board of Appeals consider one of the following:

1. **Administrative Review** - To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this ordinance.

Administrative relief may be granted only where the Board finds that the decision of the Code Enforcement Officer (or the Planning Board) from which appeal is made, was clearly contrary to the specific provisions of Unified Development Ordinance.

**In addition to this application, you must submit the following for an administration review request:*

- ✓ *A sketch drawn to scale showing lot lines, locations of existing buildings, and other physical features pertinent to the relief requested;*
- ✓ *A concise statement of the relief requested and why it should be granted:*

Please see attached documents.

(or)

2. **Variance** – To authorize in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. *A variance shall apply only to area, yard space, height, or setback requirements, and in no case shall a variance apply to the use of land or structures.* A variance may be granted only if the Board finds that all of the following criteria are met:

- In the Shoreland and Resource Protection Zones as defined, the proposed structure or use would meet the provisions of the Shoreland Zoning-Article 4 of the Unified Development Ordinance except for the specific provisions which has created the non-conformity and from which relief is sought; and
 - That the land in question cannot yield a reasonable return unless a variance is granted;
 - That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
 - That the granting of a variance will not alter the essential character of the neighborhood;
 - That the hardship is not the result of action taken by the applicant or a prior owner.
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**In addition to this application, you must submit the following for a variance request:*

- ✓ *An original or a copy of the deed, agreement, option or other instrument showing the applicant's interest in the property:*
 - ✓ *A sketch drawn to scale showing lot lines, locations of existing and proposed buildings, and other physical features such as septic system locations, well, etc.*
 - ✓ *A concise statement of the nature of the variance sought:*
-
-
-

Your completed application and any additional documentation must be submitted to the Code Enforcement Office **21 days** prior to the Board of Appeals meeting. The meetings are scheduled monthly on the fourth (4th) Monday of every month in the Ellsworth City Council Chambers, at 6:30PM, unless otherwise notified or posted. If you have any questions regarding submission requirements, please call the Code Enforcement office at 667-4910 or code@ellsworthmaine.gov.

I certify that the information contained in this application and its supplement is true and correct, and I understand that all information that I provide to the Code Enforcement Office and Board of Appeals is public record.

Appellant Signature _____

Manager

Date

11/19/2025

**APPLICATION FOR ELLSWORTH ZONING BOARD OF APPEALS
SUPPLEMENTAL DOCUMENTATION**

Specific Request

- Request to reactivate “voided” permits and/or transferring of permit fees paid on permits made “void” by the code department.

Permit Fees

- Permit fees are paid in exchange for services rendered (inspections and administrative documentation).
 - No services were rendered (inspections) pertaining to the voided permits in question.
- The permits in question did not expire (3 years time frame)

Reason Permits Were Made “void”

- The permits were made “void” by the code office for failure to register a planning board approved site plan with the Hancock County Registry of Deeds within 100 days.
-

Hancock Registry of Deeds

- The Hancock County registry process requires site plans to be stamped by a professional.
- The planning board site plan is not required to be stamped by a professional.
- Our ability to attain a “professional stamp” exceeded the time for registration with the Registry of Deeds.

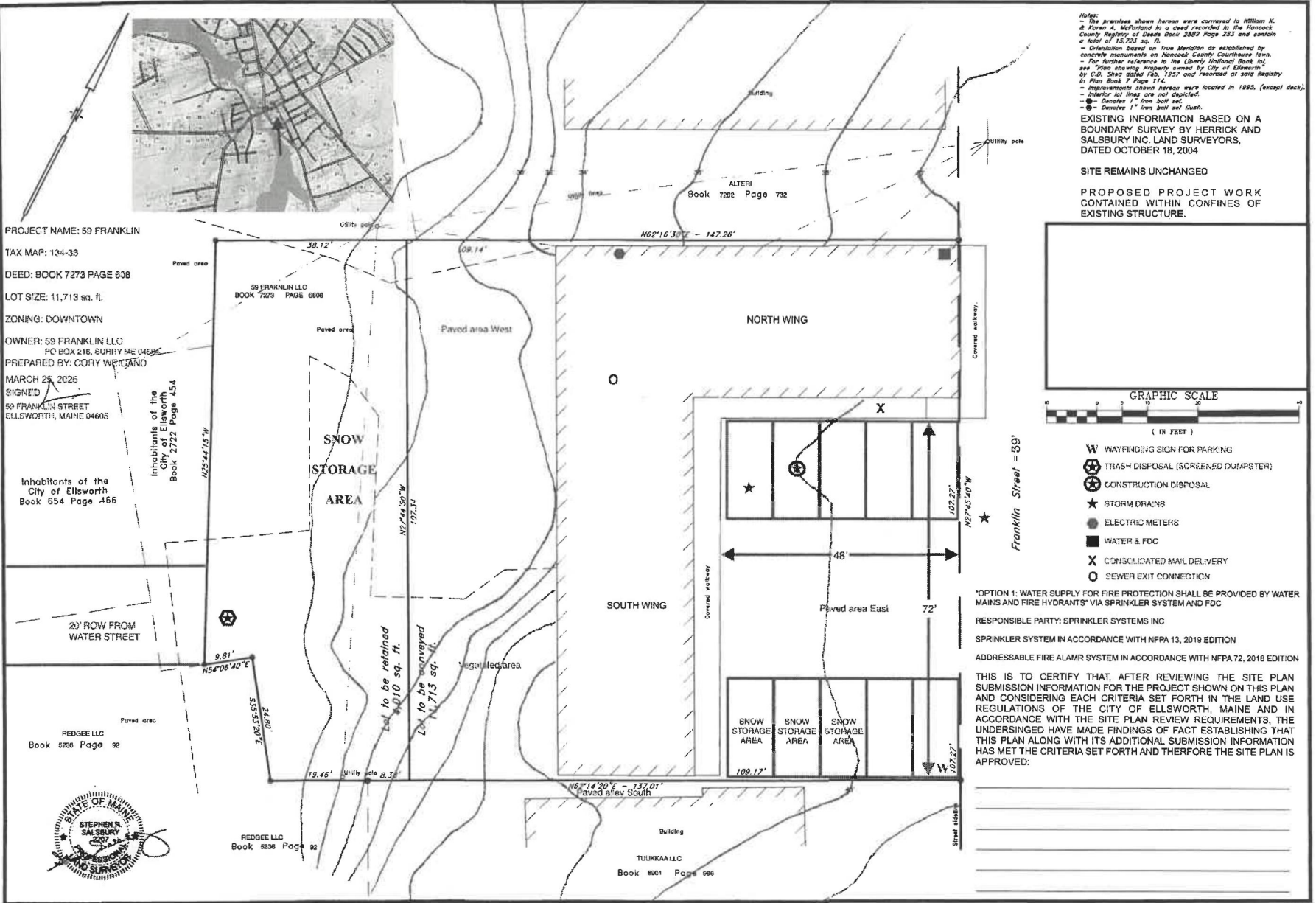
Unified Development Ordinance

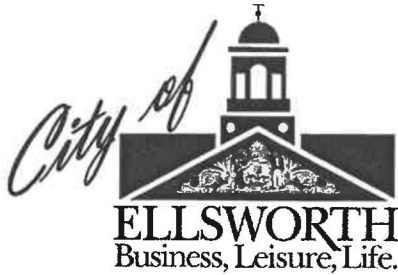
- There is no written policy regarding permit fees being made null and void.
- There is no written policy regarding permit fees being refundable.
- There is no written policy regarding permit fees being transferable to another permit for identical work.
- There are no provisions of the Unified Development Ordinance pertaining to permit fees refund/cancellations.
 - Many other municipalities do have ordinances regarding permit fee refunds and cancellations.

Final Summary

- Granting this request is a fair and equitable solution to all parties.
- Granting this request has no negative impact on any parties.
- Failing to grant this request unjustly benefits the City of Ellsworth.

4 of 4





Code Enforcement

1 City Hall Plaza • Ellsworth, ME 04605

Phone (207) 667-4910

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To: City of Ellsworth Appeals Board
From: Robert Grant, Code Enforcement Officer
CC: Deputy City Manager Sara Devlin
Date: November 26, 2025
RE: Administrative Appeal set for December 22, 2025 Regular Meeting

OVERVIEW:

Applicant: Cory Weigand, PO Box 218 Surry, ME 04684

Subject Property: 59 Franklin Street Ellsworth, ME 04605

Zoning District: Downtown

Appeal: Mr. Weigand is appealing the decision of the Code Enforcement Officer to not refund permits issued for his Planning Board-approved project after it was discovered that Mr. Weigand had failed to register the plans for the structure subdivision within 100 days as is required by the City's Land Use Ordinance, Chapter 56, Article 2 "Plan Approval and Permitting Procedures."

TYPE OF APPEAL:

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BACKGROUND:

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The Code Office performed inspections related to those permits on April 23, 2024 and September 6, 2024. The Code Office also met on-site with new contractors to discuss code compliance issues and how to proceed with the project on February 10, 2025. The same day, the Code Office became aware that Mr. Weigand did not register the structure subdivision with the Hancock

EXHIBIT A

State Use 0326
Print Date 09-08-2025 11:59:08

100

State Use 0326
Print Date 09-08-2025 11:59:09

		WDK 16	
		13	
		4	4
BAS Sect(2)		23	7
27		28	21
		BAS FLS	28
35		21	2
75		21	2
71		8	9
5 FOP		34	3
		12	3
		UST (x2)	9
		30	3
		24	3
		4	3
		UST	40
		14	
		4	
		30	
		CAN	8
		30	

A black and white photograph of a two-story building with a striped awning, likely a school or community center, with a large tree in the foreground and a parking lot.

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	2,400	2,400		93.62	224,688
CAN	Canopy	0	272		15.14	4,119
FLS	LOWER LEVEL FINISHED	2,373	2,373		70.22	166,644
FOP	Open Porch	0	439		18.77	8,239
FUS	Upper Story, Finished	1,200	1,200		88.94	106,727
UBM	Basement, Unfinished	0	27		20.80	562
UST	Utility, Storage, Unfinished	0	248		13.97	3,464
WDK	Wood Deck	0	568		18.79	10,673
Ttl Gross Liv / Lease Area		5,973	7,527			525,116

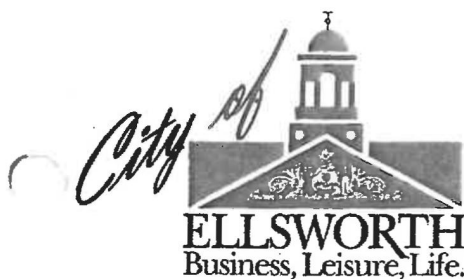
State Use 0326
Print Date 09-08-2025 11:59:10

Year	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100																																																																																																																																																																																																										
Population (millions)	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3	10.4	10.5	10.6	10.7	10.8	10.9	11.0	11.1	11.2	11.3	11.4	11.5	11.6	11.7	11.8	11.9	12.0	12.1	12.2	12.3	12.4	12.5	12.6	12.7	12.8	12.9	13.0	13.1	13.2	13.3	13.4	13.5	13.6	13.7	13.8	13.9	14.0	14.1	14.2	14.3	14.4	14.5	14.6	14.7	14.8	14.9	15.0	15.1	15.2	15.3	15.4	15.5	15.6	15.7	15.8	15.9	16.0	16.1	16.2	16.3	16.4	16.5	16.6	16.7	16.8	16.9	17.0	17.1	17.2	17.3	17.4	17.5	17.6	17.7	17.8	17.9	18.0	18.1	18.2	18.3	18.4	18.5	18.6	18.7	18.8	18.9	19.0	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	20.0	20.1	20.2	20.3	20.4	20.5	20.6	20.7	20.8	20.9	21.0	21.1	21.2	21.3	21.4	21.5	21.6	21.7	21.8	21.9	22.0	22.1	22.2	22.3	22.4	22.5	22.6	22.7	22.8	22.9	23.0	23.1	23.2	23.3	23.4	23.5	23.6	23.7	23.8	23.9	24.0	24.1	24.2	24.3	24.4	24.5	24.6	24.7	24.8	24.9	25.0	25.1	25.2	25.3	25.4	25.5	25.6	25.7	25.8	25.9	26.0	26.1	26.2	26.3	26.4	26.5	26.6	26.7	26.8	26.9	27.0	27.1	27.2	27.3	27.4	27.5	27.6	27.7	27.8	27.9	28.0	28.1	28.2	28.3	28.4	28.5	28.6	28.7	28.8	28.9	29.0	29.1	29.2	29.3	29.4	29.5	29.6	29.7	29.8	29.9	30.0	30.1	30.2	30.3	30.4	30.5	30.6	30.7	30.8	30.9	31.0	31.1	31.2	31.3	31.4	31.5	31.6	31.7	31.8	31.9

State Use 0326
Print Date 09-08-2025 11:59:10

A black and white photograph of a two-story building with a striped awning, likely a school or community center, with a large tree in the foreground and other buildings in the background.

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	2,025	2,025		61.52	124,578
FGR	Garage	0	1,080		18.46	19,932
Ttl Gross Liv / Lease Area		2,025	3,105			144,510



59 FRANKLIN
CORY

PHASE 1

Planning Department

Matthew Williams, City Planner
1 City Hall Plaza ♦ Ellsworth, ME 04605-1942
Phone (207) 669-6615 ♦ Fax (207) 667-4908
mwilliams@ellsworthmaine.gov / www.ellsworthmaine.gov

October 5, 2023

59 Franklin LLC
PO Box 218
Surry, ME 04684

RE: 59 Franklin – Final

Dear 59 Franklin:

On **October 4, 2023**, the Ellsworth Planning Board voted 5-0 to **grant approval for a Final Plan Review of a Subdivision of a New or Existing Structure entitled 59 Franklin for Applicant Cory Weigand and Owner 59 Franklin LLC subject to the condition that the Applicant will provide new and updated fire sprinkler alarm system plans to be approved by the Fire Life & Safety Inspector before obtaining permits.** The proposal is to convert an existing restaurant space into 3 dwelling units.

FINDING OF FACTS

1. The property is an approximately 0.27 acre lot located at 59 Franklin Street (Tax Map 134, Lot 33) in the Downtown (DT).
2. Legal interest in the property was demonstrated by the submittal of a Deed recorded with the Hancock County Registry of Deeds on June 22, 2023 (Book 7273 Page 608).
3. The project is a Subdivision of a New or Existing Structure.
4. A Preliminary Plan Application for a Subdivision of a New or Existing Structure was reviewed by the Planning Board and held a public hearing on September 6, 2023. The Planning Board found that the application was complete.
5. A Final Plan for a Subdivision of a New or Existing Structure was submitted and the Planning Board reviewed the application and held a public hearing at their October 4, 2023 meeting. The application for final approval was approved with conditions.

CONCLUSIONS

The plan was found to comply with Chapter 56 (Unified Development Ordinance) of Ellsworth's Code of Ordinances, including but not limited to: Article 3 Zoning Districts, Article 6 Site Development Plan Review, Article 8 Performance Standards, Article 9 Street Design and Construction Standards, Article 10 Stormwater Management Design and Construction Standards, and Article 11 Parking Standards.

DECISION AND ACTION

Based on the above facts and conclusions, on **October 4, 2023**, the Ellsworth Planning Board voted to approve your application for a **Final Plan Review of a Subdivision of a New of Existing Structure entitled 59 Franklin** subject to the following conditions:

Standard Conditions

1. Plans shall be updated to comply with all Planning Board imposed changes and to reflect all conditions and submitted to the City Planner for review prior to presentation to the Planning Board for signing.
2. The recipient of Planning Board approval shall secure and comply with all applicable licenses, permits, inspections, and authorizations of all Federal, State, and local agencies.

3. The construction site shall be maintained in healthful condition. The area shall be kept free of litter, trash, junk equipment and cars, and any other obvious eyesores or unsanitary conditions.

Conditions to be Met Prior to Issuance of Building Permits:

1. The recipient of Planning Board approval shall secure and comply with all applicable licenses, permits, inspections, and authorizations of all Federal, State, and local agencies.
2. ~~The Applicant will provide new and updated fire sprinkler alarm system plans to be approved by the Fire Life & Safety Inspector before obtaining permits~~

No changes, erasures, modifications or revisions shall be made to any final plans or supporting documentation after the signing of said plans by the Planning Board, unless the revised plans and/or documents are first submitted to the Planning Board and the Planning Board approves such modifications.

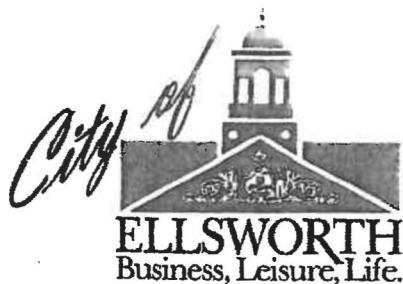
Sincerely,


John DeLeo, Planning Board Chair

10/17/23
Date

EC: Planning Board
Public Record File
Technical Review Team

Lori Roberts, Code Enforcement Officer
Larry Gardner, Assessor



59 FRANKLIN

Phase II

Planning Department

Matthew Williams, City Planner
1 City Hall Plaza ♦ Ellsworth, ME 04605-1942
Phone (207) 669-6615 ♦ Fax (207) 667-4908
mwilliams@ellsworthmaine.gov / www.ellsworthmaine.gov

March 7, 2024

Cory Weigand
PO Box 218
Surry, ME 04684

RE: 59 Franklin

Dear Mr. Weigand:

On **March 6, 2024**, the Ellsworth Planning Board voted 5-0 to **approve the Final Plan Review of a Revision to an Existing Subdivision entitled 59 Franklin for Applicant Cory Weigand and Owner 59 Franklin, LLC.** The proposal is to construct three dwelling units on a lot with an existing structure subdivision with the condition that the request for a waiver from Chapter 4 Section 6.6.1 of the Fire Code be approved by the Ellsworth Fire Department.

FINDING OF FACTS

1. The property is an approximately 0.27 acre lot located at 59 Franklin Street (Tax Map 134, Lot 33) in the Downtown (DT) Zoning District.
2. Legal interest in the property was demonstrated by the submittal of a Deed recorded with the Hancock County Registry of Deeds on June 22, 2023 (Book 7273 Page 608).
3. The project is a structure subdivision
4. An application was submitted on February 15th and the Planning Board reviewed the application and held a public hearing at their March 6, 2024 meeting. The application for Final Review was approved.

CONCLUSIONS

The plan was found to comply with Chapter 56 (Unified Development Ordinance) of Ellsworth's Code of Ordinances, including but not limited to: Article 3 Zoning Districts, Article 6 Site Development Plan Review, Article 8 Performance Standards, Article 9 Street Design and Construction Standards, Article 10 Stormwater Management Design and Construction Standards, and Article 11 Parking Standards.

DECISION AND ACTION

Based on the above facts and conclusions, on **March 6, 2024**, the Ellsworth Planning Board voted to approve your application for a **Final Review of a Revision to an Existing Subdivision entitled 59 Franklin** subject to the following conditions:

Standard Conditions

1. Plans shall be updated to comply with all Planning Board imposed changes and to reflect all conditions and submitted to the City Planner for review prior to presentation to the Planning Board for signing.
2. The recipient of Planning Board approval shall secure and comply with all applicable licenses, permits, inspections, and authorizations of all Federal, State, and local agencies.
3. The construction site shall be maintained in healthful condition. The area shall be kept free of litter, trash, junk equipment and cars, and any other obvious eyesores or unsanitary conditions.

Conditions to be Met Prior to Issuance of Building Permits:

1. The recipient of Planning Board approval shall secure and comply with all applicable licenses, permits, inspections, and authorizations of all Federal, State, and local agencies.
2. The request for a waiver from Chapter 4 Section 6.6.1 of the Fire Code be approved by the Ellsworth Fire Department.

No changes, erasures, modifications or revisions shall be made to any final plans or supporting documentation after the signing of said plans by the Planning Board, unless the revised plans and/or documents are first submitted to the Planning Board and the Planning Board approves such modifications.

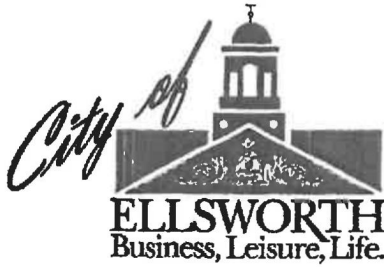
Sincerely,


John DeLeo, Planning Board Chair

3/7/24
Date

EC: Planning Board
 Public Record File
 Technical Review Team

Lori Roberts, Code Enforcement Officer
Larry Gardner, Assessor



Planning Department

Brittany Merrill, Assistant City Planner
1 City Hall Plaza ♦ Ellsworth, ME 04605-1942
Phone (207) 669-6608 ♦ Fax (207) 667-4908
bmerrill@ellsworthmaine.gov / www.ellsworthmaine.gov

May 7, 2025

Cory Weigand
PO Box 218
Surry, ME 04684

RE: 59 Franklin

Dear Mr. Weigand:

On May 7, 2025, the Ellsworth Planning Board voted 5-0 to approve the Final Plan Review to an Major Subdivision and Major Use Development entitled **59 Franklin -Phase 1** for Applicant Cory Weigand and Owner 59 Franklin, LLC. The proposal is to construct three dwelling units on a lot with an existing structure subdivision.

FINDING OF FACTS

1. The property is an approximately 0.27 acre lot located at 59 Franklin Street (Tax Map 134, Lot 33) in the Downtown (DT) Zoning District.
2. Legal interest in the property was demonstrated by the submittal of a Deed recorded with the Hancock County Registry of Deeds on June 22, 2023 (Book 7273 Page 608).
3. The project is a structure subdivision.
4. Notices of the public hearing were mailed to abutting property owners by the Planning Department (250' radius within Urban Core).
5. The project is an allowed use in the Downtown (DT) Zoning District.
6. An application was submitted on March 13th and the Planning Board reviewed the application and held a public hearing at their April 2, 2025 meeting. The application for Preliminary Review was found complete.
7. A Final application was submitted on April 10 . TRT met April 25, 2025 to review. The Planning Board reviewed the application and held a public hearing at their May 7, 2025 meeting and decided to approve Phase 1 – North Wing. They determined that Phase 2 – South Wing be reviewed separately as a Preliminary Review and found it complete.

CONCLUSIONS

The plan was found to comply with Chapter 56 (Unified Development Ordinance) of Ellsworth's Code of Ordinances, including but not limited to: Article 3 Zoning Districts, Article 6 Site Development Plan Review, Article 8 Performance Standards, Article 9 Street Design and Construction Standards, Article 10 Stormwater Management Design and Construction Standards, and Article 11 Parking Standards.

DECISION AND ACTION

Based on the above facts and conclusions, on May 7, 2025, the Ellsworth Planning Board voted to approve your application for a **Final Review of an Existing Subdivision entitled 59 Franklin** subject to the following conditions:

Standard Conditions

1. Plans shall be updated to comply with all Planning Board imposed changes and to reflect all conditions and submitted to the City Planner for review prior to presentation to the Planning Board for signing.

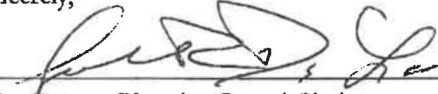
2. The recipient of Planning Board approval shall secure and comply with all applicable licenses, permits, inspections, and authorizations of all Federal, State, and local agencies.
3. The construction site shall be maintained in healthful condition. The area shall be kept free of litter, trash, junk equipment and cars, and any other obvious eyesores or unsanitary conditions.

Conditions to be Met Prior to Issuance of Building Permits:

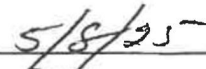
1. The recipient of Planning Board approval shall secure and comply with all applicable licenses, permits, inspections, and authorizations of all Federal, State, and local agencies.

No changes, erasures, modifications or revisions shall be made to any final plans or supporting documentation after the signing of said plans by the Planning Board, unless the revised plans and/or documents are first submitted to the Planning Board and the Planning Board approves such modifications.

Sincerely,



John DeLeo, Planning Board Chair



Date

EC: Planning Board
 Public Record File
 Technical Review Team

Lori Roberts, Code Enforcement Officer
Larry Gardner, Assessor

EXHIBIT B

Robert C. Grant Jr

From: Timothy A. Pease <tpease@rudmanwinchell.com>
Sent: Monday, March 31, 2025 5:16 PM
To: Robert C. Grant Jr; Sara Devlin
Subject: Ordinance Interpretation

Robert,

You asked for an interpretation of Chapter 56 of the Unified Development Ordinance, Article 2, Section 207.10. That section states that an approved subdivision plan “shall be null and void if the period of time between Planning Board Approval and recording at the Hancock County Registry of Deeds is greater than 100 days.”

A developer missed this deadline and has resubmitted the subdivision plan to the Planning Board for approval. The question is whether any steps in the typical approval process can be skipped if the same plan (or nearly identical plan) is submitted.

In my opinion, the phrase “null and void” means the plan is no longer legally valid. Therefore, the developer would need to start the process over from the beginning.

Please let me know if you have any questions.

Tim

Tim Pease | Attorney
The Graham Building | 84 Harlow Street
P.O. Box 1401 | Bangor, Maine 04402
tel: 207.992.2628 | tpease@rudmanwinchell.com



RUDMAN • WINCHELL
COUNSELORS AT LAW



NOTICE:

This email and any files transmitted with it are confidential and intended solely for the use of the entity or individual to whom they are addressed, and may contain information that is privileged and/or exempt from discovery or disclosure under applicable law. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. Unless expressly stated in this e-mail, nothing in this message or any attachment should be construed as a digital or electronic signature, a legal opinion, or establishing an attorney-client relationship. If you have received this email in error, please notify the system manager at Admin@rudmanwinchell.com immediately and permanently delete or destroy the original and its attachments, along with any electronic or physical copies. Rudman Winchell cannot accept responsibility for the accuracy or completeness of this email as it has been transmitted over a public network. If you suspect that the email may have been tampered with, intercepted or amended, please notify the system manager.

Robert C. Grant Jr

From: Timothy A. Pease <tpease@rudmanwinchell.com>
Sent: Tuesday, February 18, 2025 4:55 PM
To: Robert C. Grant Jr
Subject: RE: Question about planning board approval

I double checked everything because the consequences are severe, but the rule is valid.

From: Robert C. Grant Jr <rgrant@ellsworthmaine.gov>
Sent: Tuesday, February 18, 2025 4:51 PM
To: Timothy A. Pease <tpease@rudmanwinchell.com>
Subject: RE: Question about planning board approval

Good afternoon,

Thanks for this Tim. That is what I thought the outcome would be but I wanted to have your opinion before I let him know the bad news.

Thanks again,

Robert C. Grant
Code Enforcement Officer



1 City Hall Plaza
Ellsworth, ME 04605
Phone 207.667.4910
Fax 207.669.6618
rgrant@ellsworthmaine.gov
www.ellsworthmaine.gov

****New Office Hours – Effective 1-2-2024****

Monday thru Wednesday – 8:00am to 5:00pm
Thursday 8:00am to 6:30pm
Friday 8:00am to 12:30pm

From: Timothy A. Pease <tpease@rudmanwinchell.com>
Sent: Tuesday, February 18, 2025 4:41 PM
To: Robert C. Grant Jr <rgrant@ellsworthmaine.gov>
Subject: RE: Question about planning board approval

Hi Robert,

This is quite the interesting situation. After looking through all of the application and approval documents and the relevant ordinances and statutory provisions, I would recommend the following.

First, Ellsworth's requirement that a subdivision plat be recorded within 100 days of approval, or else the plan is void, is valid. Title 30-A section §4408, governs recording of plans on approval, and states, "Upon approval of a subdivision plan, plat or document under section 4403, subsection 5, a municipality may not require less than 90 days for the subdivision plan, plat or document to be recorded in the registry of deeds." Section 4403, subsection 5 grants municipalities the authority to impose reasonable conditions of approval. In my opinion, rendering the plan void for failure to record within 100 days is a reasonable condition.

Second, I don't believe the ordinance gives either the planning board or the CEO the authority to waive the 100 day requirement once it has expired.

Third, if the subdivision approval is considered invalidated due to lack of timely recording, the situation, from a City permitting standpoint, is that the property is considered to have only those approvals that existed just prior to approval. To the extent any of the work done since then required a permit, then the property owner must seek after-the-fact permits, including any subdivision approval, as required.

In sum, I recommend taking stock of the situation just before the initial subdivision approval, and comparing that to the current work, and deciding what, if any, permits must be obtained for the work recently done, and the work (and use(s)) the owner wants to accomplish going forward.

I would be happy to discuss this further if you have any questions or need clarification.

Tim

From: Robert C. Grant Jr <rgrant@ellsworthmaine.gov>
Sent: Tuesday, February 18, 2025 8:34 AM
To: Timothy A. Pease <tpease@rudmanwinchell.com>
Subject: RE: Question about planning board approval

Good morning,

The owner of the property at 59 Franklin Street reached out this morning and is looking for clarification by the end of the week. He says he has someone interested in resting the property as a commercial property.

Thanks,

Robert C. Grant
Code Enforcement Officer



1 City Hall Plaza
Ellsworth, ME 04605
Phone 207.667.4910
Fax 207.669.6618
rgrant@ellsworthmaine.gov
www.ellsworthmaine.gov

****New Office Hours – Effective 1-2-2024****

Monday thru Wednesday – 8:00am to 5:00pm
Thursday 8:00am to 6:30pm
Friday 8:00am to 12:30pm

From: Robert C. Grant Jr
Sent: Tuesday, February 11, 2025 1:03 PM
To: Timothy A. Pease <tpease@rudmanwinchell.com>
Cc: Bobbi Roberts <broberts@ellsworthmaine.gov>; Amber Wiesing <awiesing@ellsworthmaine.gov>; Matthew Williams <mwilliams@ellsworthmaine.gov>; Brittany Merrill <bmerrill@ellsworthmaine.gov>
Subject: RE: Question about planning board approval

Good afternoon,

Please find the attached copies of the planning board submission from 59 Franklin, the signed mylars and the signed action letter.

Thanks,

Robert C. Grant
Code Enforcement Officer



1 City Hall Plaza
Ellsworth, ME 04605
Phone 207.667.4910
Fax 207.669.6618
rgrant@ellsworthmaine.gov
www.ellsworthmaine.gov

****New Office Hours – Effective 1-2-2024****

Monday thru Wednesday – 8:00am to 5:00pm
Thursday 8:00am to 6:30pm
Friday 8:00am to 12:30pm

From: Timothy A. Pease <tpease@rudmanwinchell.com>
Sent: Tuesday, February 11, 2025 12:19 PM
To: Robert C. Grant Jr <rgrant@ellsworthmaine.gov>
Subject: RE: Question about planning board approval

Good afternoon – I'd be happy to assist. Can you send me the approval documents, and any other relevant documents (other than ordinances which I will look at on-line)? Tim

From: Robert C. Grant Jr <rgrant@ellsworthmaine.gov>
Sent: Tuesday, February 11, 2025 11:06 AM
To: Timothy A. Pease <tpease@rudmanwinchell.com>
Cc: Bobbi Roberts <broberts@ellsworthmaine.gov>; Amber Wiesing <awiesing@ellsworthmaine.gov>; Brittany Merrill <bmerrill@ellsworthmaine.gov>; Matthew Williams <mwilliams@ellsworthmaine.gov>
Subject: Question about planning board approval

Good morning,

I am dealing with an issue with the property owner of 59 Franklin St in Ellsworth. He came for Planning board approval for a major site use and structure subdivision last year in March and later received a revision in April. The property was mixed use with commercial uses on the first floor and apartments on the second floor. He came to planning to turn the entire building into residential and was granted that approval. The revision was simply to add a second floor above one section of the building that was only a single story. He now wants to use one portion of the commercial space that has yet to begin substantial renovations as commercial again. I informed him via email yesterday that he cannot use the commercial space as commercial space any more since it was approved as residential. He gave me some push back and wants to know exactly where the ordinance says he has to use the approved plan as presented. I asked Matt and he directed me to email you. Can you help me with where the implicit or explicit wording is that he cannot go back to commercial use after it was approved for residential if that is the case?

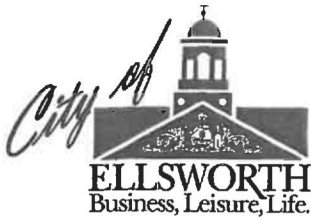
I have a second issue with the property in question, as well. I had a hunch that the property owner never registered the structure subdivision with the Hancock County Registry of Deeds. I cannot find any record of it, nor can the clerk when I called her. In Chapter 56, article 604.2.E it says that all residential subdivisions of new or existing structures have to follow Article 207.10.B which states that they have to record the subdivision within 100 days or it is void. I think he will also fight me on that. My question is should I just get him to comply with the registering now and let the 100 day part slide, or am I required to make him come to planning again? Either way this is a mess because he has the building half converted to residential now. As I interpret this, he can technically do the commercial space if his subdivision plan is voided, but he cannot do any further work on the residential until the registration issue is resolved however it needs to be resolved. Would that be the correct way to think about this situation? Any help would be appreciated.

Thanks,

Robert C. Grant
Code Enforcement Officer



EXHIBIT C



BUILDING, DEMOLITION, OR ALTERATION PERMIT

Code Enforcement

1 City Hall Plaza
Ellsworth, ME 04605
Phone (207) 667-4910
Fax (207) 669-8
www.ellsworthmaine.gov

The undersigned hereby applies for a permit to Build, Erect, Demolish, Install or Alter the following structure in accordance with the Laws of the State of Maine, the M.U.B.E.C. Building Codes and Ordinances of the City of Ellsworth.

PARCEL ID: _____ ZONE: DT

OWNER'S NAME: 59 Franklin LLC PHONE: 207 999-7368

APPLICANT NAME: Cory Weigand, manager PHONE: " "

CONTACT EMAIL ADDRESS: 207999rent@gmail.com

OWNER'S MAILING ADDRESS: PO Box 218, Surry ME 04684

PROPOSED ACTIVITY: Alteration → interior demolition

ADDITIONAL PROJECT INFORMATION: "59 Franklin" planning board project

ESTIMATED COST: \$ 2,000 TOTAL SQUARE FEET: 1800 STORIES: 3

PHYSICAL LOCATION OF WORK/ADDRESS: 59 Franklin St. LOT SIZE (ACRES): 0.27

SHORELAND ZONE: Erosion and Sedimentation Control must be installed and/or supervised by an individual Certified through the State of Maine – Department of Environmental Protection. A list of individuals/companies that are certified can be supplied to you by our office or by visiting <http://www.maine.gov/dep/land/training/ccec.html>.

Any structure(s) erected, altered, installed under permission granted by this PERMIT must conform to all provisions of both the M.U.B.E.C Building Codes and the Unified Development Ordinance in effect on the DATE OF THIS PERMIT, unless permission for non-conformance has been granted by the BOARD OF APPEALS. Any party aggrieved by the City of Ellsworth Building Permit Application procedure as administered by the Code Enforcement Office, may appeal within 30 days of the date of decision to the City of Ellsworth Board of Appeals, (Chapter 56 ~ Unified Development Ordinance, Article 13).

ADDITIONAL PERMITS REQUIRED:

- | | | |
|--|---|---|
| ☐ Plumbing | ☐ Sign | ☐ State Fire Marshal's Office ~ (207) 626-3880 |
| ☐ Septic/HHE-200 | ☐ Flood Zone | ☐ DEP (Permit-by-Rule) ~ (207) 941-4570 |
| ☐ Public Sewer Connection | ☐ Tree Growth | ☐ Other: _____ |
| ☐ Electrical | ☐ Shoreland Zoning | |

ASSESSMENT FOR THIS PROJECT (circle one): OWNER APPLICANT OTHER _____

BUILDING PERMIT FEE: \$ 90.00

DEVELOPMENT DISTRICT FEE: \$ _____

TOTAL FEES: \$ 90.00

☐ APPROVED ☐ DENIED

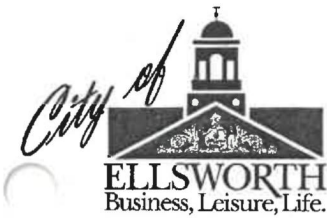
Signature of Approving Official

Date

Signature of Owner/Applicant

Date

Manager 1/22/24



**BUILDING, DEMOLITION, OR ALTERATION
PERMIT**

Code Enforcement

1 City Hall Plaza
Ellsworth, ME 04605
Phone (207) 667-4910
Fax (207) 669-6618
www.ellsworthmaine.gov

The undersigned hereby applies for a permit to Build, Erect, Demolish, Install or Alter the following structure in accordance with the Laws of the State of Maine, the M.U.B.E.C. Building Codes and Ordinances of the City of Ellsworth.

PERMIT #1401885 PROPERTY/PARCEL #134033000000 ZONE: DT APPLICATION #202102565

OWNER'S NAME: 59 FRANKLIN LLC

PHONE: 207-999-7368

APPLICANT NAME: CORY WEIGAND, MANAGER
EMAIL: 207999RENT@GMAIL.COM

PHONE: 207-999-7368

OWNER'S MAILING ADDRESS: PO BOX 218, SURRY MAINE 04684

PROPOSED ACTIVITY: ALTERATION INTERIOR DEMOLITION

ADDITIONAL PROJECT INFORMATION: 59 FRANKLIN STREET PLANNING BOARD PROJECT

ESTIMATED COST: \$2,000 TOTAL SQUARE FEET: 1800 STORIES: 3

PHYSICAL LOCATION OF WORK: 59 FRANKLIN STREET

LOT SIZE (ACRES): 0.000

MINIMUM BUILDING SETBACKS (FEET): FRONT: N/A SIDE: N/A BACK: N/A

SHORELAND ZONE: Erosion and Sedimentation Control must be installed and/or supervised by an individual Certified through the State of Maine – Department of Environmental Protection. A list of individuals/companies that are certified can be supplied to you by our office or by visiting <https://www.maine.gov/dep/land/training/ccec.html>.

Any structure(s) erected, altered, installed under permission granted by this PERMIT must conform to all provisions of both the M.U.B.E.C Building Codes and the Unified Development Ordinance in effect on the DATE OF THIS PERMIT, unless permission for non-conformance has been granted by the BOARD OF APPEALS. Any party aggrieved by the City of Ellsworth Building Permit Application procedure as administered by the Code Enforcement Office, may appeal within 30 days of the date of decision to the City of Ellsworth Board of Appeals, (Chapter 56 ~ Unified Development Ordinance, Article 13).

ADDITIONAL PERMITS REQUIRED:

- | | | |
|--|---|---|
| ☐ Plumbing | ☐ Sign | ☐ State Fire Marshal's Office ~ (207) 626-3870 |
| ☐ Septic/HHE-200 | ☐ Flood Zone | ☐ DEP (Permit-by-Rule) ~ (207) 941-4570 |
| ☐ Public Sewer Connection | ☐ Certificate of Occupancy | ☐ Other: _____ |
| ☐ Electrical | ☐ Shoreland Zoning | |

Assessment for this project to be assigned to: OWNER APPLICANT OTHER _____

BUILDING PERMIT FEE: \$90.00

DEVELOPMENT DISTRICT FEE: \$0

TOTAL FEES: \$90.00

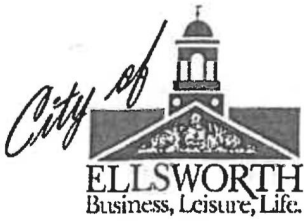
☒ APPROVED ☐ DENIED


Signature of Approving Official

01/22/2024
Date

Signature of Owner/Applicant

01/22/2024
Date



ELECTRICAL PERMIT

Code Enforcement

1 City Hall Plaza
Ellsworth, ME 04605
Phone (207) 667-4910
Fax (207) 669-6618
www.ellsworthmaine.net

PERMIT #

PROPERTY/PARCEL # 134-033

ZONE: DT

OWNER'S NAME: 59 Franklin LLC PHONE: 207 999 7368

MAILING ADDRESS: PO Box 218, Surry ME 04684

PHYSICAL LOCATION OF WORK: 59 Franklin Street, Ellsworth

PROJECT DESCRIPTION: North wing electrical demolition and rewire - 6 residential units

ADDITIONAL PROJECT INFORMATION: _____

ESTIMATED COST OF PROJECT: \$ \$27,500 TOTAL FEES: \$ _____

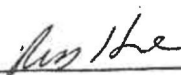
PROJECT TYPE: ☒ RESIDENTIAL ☐ COMMERCIAL

ELECTRICAL CONTRACTOR: Ross Horne PHONE: 207 460 6451

ELECTRICIAN'S MAILING ADDRESS: 16 Village Green Way 962, Southwest Harbor

MAINE LICENSE NUMBER: MS40089187 EXPIRATION DATE: 02/28/2026

The undersigned agrees to install the electrical work in accordance with the National Electrical Code and the City of Ellsworth Ordinances. Dwelling Units ~ All 120-volt, single-phase, 15- and 20-ampere branch circuits supplying outlets or devices installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas, or similar rooms or areas, shall be protected by any of the means described in 210.12(A) (1) through (6). Exception: Where an individual branch circuit to a fire alarm system installed in accordance with 760.41(B) or 760.12(B) is installed in RMC, IMC, EMT, or steel-sheathed cable, Type AC or Type MC, meeting the requirement of 250.118, with metal outlet and junction boxes, AFCI protection shall be permitted to be omitted. I also agree to inspection of this work and give 24 hours notice to the Electrical Inspector when ready for each phase of operation.


Electrician Signature

3/3/24
Date

Signature of Approving Official

Date

PANEL/SVC INSPECTION

BY: _____

DATE: _____

NOTES: _____

ROUGH-IN INSPECTION

BY: _____

DATE: _____

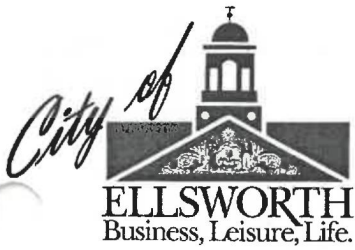
NOTES: _____

FINISHED WORK

BY: _____

DATE: _____

NOTES: _____



Office of Code Enforcement

1 City Hall Plaza * Ellsworth, ME 04605-1942

Phone (207) 667-4910 * Fax (207) 669-6618

Email [*code@ellsworthmaine.gov](mailto:code@ellsworthmaine.gov)

Website [*www.ellsworthmaine.gov](http://www.ellsworthmaine.gov)

E010 - ELECTRICAL COMMERCIAL

PERMIT # 2024-0051 PROPERTY/PARCEL: 134033000000 ZONE: DT

OWNER'S NAME: 59 FRANKLIN LLC PHONE:

OWNER'S MAILING ADDRESS: 16 Village Green Way 962
Shouthwest Harbor ME 04679

PHYSICAL LOCATION: 59 FRANKLIN STREET

PROPOSED WORK: NORTH WING ELECTRICAL DEMOLITION AND REWIRE-6 RESIDENTIAL UNITS

ADDITIONAL PROJECT INFORMATION:

ESTIMATED COST OF PROJECT: \$ 27,500.00 TOTAL FEES: \$ 137.50

PROJECT TYPE: ☐ RESIDENTIAL ☒ COMMERCIAL

ELECTRICAL CONTRACTOR: Ross Horne PHONE: 207-460-6451

ELECTRICIAN'S MAILING ADDRESS: 16 Village Green Way 962

MAINE LICENSE NUMBER: MS40089187 EXPIRATION DATE: 02/28/2026

The undersigned agrees to install the electrical work in accordance with the State Adopted National Electrical Code and the City of Ellsworth Code CF Ordinances.

Electrician Signature

Date

Signature of Approving Official

Date

PANEL/SVC INSPECTION

BY: _____

DATE: _____

NOTES: _____

ROUGH-IN INSPECTION

BY: _____

DATE: _____

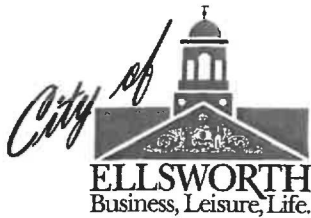
NOTES: _____

FINISHED WORK

BY: _____

DATE: _____

NOTES: _____



**BUILDING, DEMOLITION, OR ALTERATION
PERMIT**

Code Enforcement

1 City Hall Plaza

Ellsworth, ME 04605

Phone (207) 667-4910

Fax (207) 669-1333

www.ellsworthmaine.gov

The undersigned hereby applies for a permit to Build, Erect, Demolish, Install or Alter the following structure in accordance with the Laws of the State of Maine, the M.U.B.E.C. Building Codes and Ordinances of the City of Ellsworth.

PARCEL ID: 134 -033

ZONE: DT

OWNER'S NAME: S9 Franklin LLC PHONE: (207) 999-7368

APPLICANT NAME: Cory Weigand PHONE: " "

CONTACT EMAIL ADDRESS: 207999rent@gmail.com

OWNER'S MAILING ADDRESS: PO Box 218, Surry ME 04684

PROPOSED ACTIVITY: Demolition & alteration

ADDITIONAL PROJECT INFORMATION:

ESTIMATED COST: \$ 190,000 ^{570.00} TOTAL SQUARE FEET: 1900 ^{DEMO 95.00} STORIES: 1

PHYSICAL LOCATION OF WORK/ADDRESS: ALTERATION S9 Franklin st. LOT SIZE (ACRES): 0.27

SHORELAND ZONE: Erosion and Sedimentation Control must be installed and/or supervised by an individual Certified through the State of Maine – Department of Environmental Protection. A list of individuals/companies that are certified can be supplied to you by our office or by visiting <http://www.maine.gov/dep/land/training/ccec.html>.

Any structure(s) erected, altered, installed under permission granted by this PERMIT must conform to all provisions of both the M.U.B.E.C Building Codes and the Unified Development Ordinance in effect on the DATE OF THIS PERMIT, unless permission for non-conformance has been granted by the BOARD OF APPEALS. Any party aggrieved by the City of Ellsworth Building Permit Application procedure as administered by the Code Enforcement Office, may appeal within 30 days of the date of decision to the City of Ellsworth Board of Appeals, (Chapter 56 ~ Unified Development Ordinance, Article 13).

ADDITIONAL PERMITS REQUIRED:

- | | | |
|--|---|---|
| ☒ Plumbing | ☐ Sign | ☐ State Fire Marshal's Office ~ (207) 626-3880 |
| ☐ Septic/HHE-200 | ☐ Flood Zone | ☐ DEP (Permit-by-Rule) ~ (207) 941-4570 |
| ☐ Public Sewer Connection | ☐ Tree Growth | ☐ Other: _____ |
| ☒ Electrical | ☐ Shoreland Zoning | |

ASSESSMENT FOR THIS PROJECT (circle one): OWNER APPLICANT OTHER _____

BUILDING PERMIT FEE: \$ 665.00

DEVELOPMENT DISTRICT FEE: \$

☐ APPROVED ☐ DENIED

TOTAL FEES: \$ 665.00

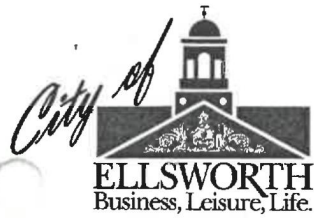
Signature of Approving Official

Date

Signature of Owner/Applicant

Date

3/13/29



**BUILDING, DEMOLITION, OR ALTERATION
PERMIT**

Code Enforcement

1 City Hall Plaza

Ellsworth, ME 04605

Phone (207) 667-4910

Fax (207) 669-6618

www.ellsworthmaine.gov

The undersigned hereby applies for a permit to Build, Erect, Demolish, Install or Alter the following structure in accordance with the Laws of the State of Maine, the M.U.B.E.C. Building Codes and Ordinances of the City of Ellsworth.

PERMIT #1401905 PROPERTY/PARCEL #134033000000 ZONE: DT APPLICATION #202102662

OWNER'S NAME: 59 FRANKLIN LLC

PHONE: 207-999-7368

APPLICANT NAME: 59 FRANKLIN LLC

EMAIL: 207999RENT@GMAIL.COM

OWNER'S MAILING ADDRESS: 389 SURRY ROAD, ELLSWORTH, ME 04605

PROPOSED ACTIVITY: DEMOLITION & ALTERATION

ADDITIONAL PROJECT INFORMATION: DEMO \$95.00 ALTERATION \$570.00

ESTIMATED COST: \$190,000 TOTAL SQUARE FEET: 1900 STORIES: 1

PHYSICAL LOCATION OF WORK: 59 FRANKLIN STREET LOT SIZE (ACRES): 0.000

MINIMUM BUILDING SETBACKS (FEET): FRONT: 0 SIDE: 0 BACK: 0

SHORELAND ZONE: Erosion and Sedimentation Control must be installed and/or supervised by an individual Certified through the State of Maine – Department of Environmental Protection. A list of individuals/companies that are certified can be supplied to you by our office or by visiting <https://www.maine.gov/dep/land/training/cccec.html>.

Any structure(s) erected, altered, installed under permission granted by this PERMIT must conform to all provisions of both the M.U.B.E.C Building Codes and the Unified Development Ordinance in effect on the DATE OF THIS PERMIT, unless permission for non-conformance has been granted by the BOARD OF APPEALS. Any party aggrieved by the City of Ellsworth Building Permit Application procedure as administered by the Code Enforcement Office, may appeal within 30days of the date of decision to the City of Ellsworth Board of Appeals, (Chapter 56 ~ Unified Development Ordinance, Article 13).

ADDITIONAL PERMITS REQUIRED:

- | | | |
|--|---|---|
| ☒ Plumbing | ☐ Sign | ☐ State Fire Marshal's Office ~ (207) 626-3870 |
| ☐ Septic/HHE-200 | ☐ Flood Zone | ☐ DEP (Permit-by-Rule) ~ (207) 941-4570 |
| ☐ Public Sewer Connection | ☐ Certificate of Occupancy | ☐ Other: _____ |
| ☒ Electrical | ☐ Shoreland Zoning | |

Assessment for this project to be assigned to: OWNER APPLICANT OTHER _____

**BUILDING PERMIT FEE: \$665.00
DEVELOPMENT DISTRICT FEE: \$0**

☒ **APPROVED** ☐ **DENIED**

TOTAL FEES: \$665.00


Signature of Approving Official

03/13/2024
Date

Signature of Owner/Applicant

03/13/2024
Date

ELLSWORTH PERMIT # 7193

TOWN

DATE 3/13/24 FEE \$ 330.00

DBL

and Human Services
Environmental Health

ROBERT GRANT

#2422

LORETTA ROBERTS

#1092

BOBBI ROBERTS

#2256

le Fee Charged []

To

Date

Bobbi Roberts
Local Plumbing Inspector Signature

L.P.I. #

PLUMBING APPLICATION

PROPERTY ADDRESS

Town or

Plantation

ELLSWORTH

Street or

Subdivision Lot #

59 Franklin St

PROPERTY OWNER(S) NAME

Last:

Applicant

Name:

Nathaniel Gray

Mailing Address of

Owner/Applicant

(if Different)

PO Box 873 Bucksport

Owner/Applicant Statement

ME 04416

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector(s) to deny a permit.

N. D. Gray
Signature of Owner/Applicant

3/11/24
Date

The Internal Plumbing Fixtures and Piping shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the plumbing system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.

Caution: Inspection Required

I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules Application.

Date Approved (Rough-in)

LPI Signature

Date Approved (Final)

PERMIT INFORMATION

This Application is for

- ☒ NEW PLUMBING
- ☒ RELOCATED PLUMBING

Type of Structure to be Served

- ☐ SINGLE FAMILY RESIDENCE
- ☐ MODULAR OR MOBILE HOME
- ☒ MULTIPLE FAMILY DWELLING
- ☐ OTHER-SPECIFY _____

Plumbing to be Installed by:

- ☒ MASTER PLUMBER
- ☐ OIL BURNERMAN
- ☐ MFG'D HOUSING DEALER / MECHANIC
- ☐ PUBLIC UTILITY EMPLOYEE
- ☐ PROPERTY OWNER

LICENSE # ME 90019172

Hook-Up & Piping Relocation Maximum of 1 Hook-Up

- ☒ HOOK-UP: to public sewer by those cases where the connection is not regulated and inspected by the local sanitary district.
- ☐ HOOK-UP: to an existing subsurface wastewater disposal system

Number

Column 2

Type of Fixture

☐

Hosebib / Silcock

☐

Floor Drain

☐

Urinal

☐

Drinking Fountain

☐

Indirect Waste

☐

Water Treatment Softener, Filter, Etc.

☐

Grease / Oil Separator

☐

Roof Drain

☐

Bidet

☐

Other: _____

☐

Fixtures (Subtotal) Column 2

Number

Column 1

Type of Fixture

☐

Bathtub (and Shower)

☐

Shower (separate)

☐

Sink

☐

Wash Basin

☐

Water Closet (Toilet)

☐

Clothes Washer

☐

Dish Washer

☐

Garbage Disposal

☐

Laundry Tub

☐

Water Heater

☐

Fixtures (Subtotal) Column 1

☐

Fixtures (Subtotal) Column 2

OR

☐ TRANSFER FEE
(\$10.00)

SEE PERMIT FEE SCHEDULE
FOR CALCULATING FEE

33 TOTAL FIXTURES

Fixture Fee

Transfer Fee

Hook-Up & Relocation Fee

PERMIT FEE (TOTAL)

☐ Owner ☐ Town Copy ☐ State Copy

PLUMBING APPLICATION

Maine DHHS/CDC – Division of Environmental & Community Health

PROPERTY ADDRESS

City, Town, or Plantation ELLSWORTH - #202102661

Street/Subdivision Lot # 59 FRANKLIN STREET

Town/City

PLACE STICKER HERE

Permit #

Total Fee \$

Date Issued

Double Fee

PROPERTY OWNER INFORMATION

Name (Last, First) 59 FRANKLIN LLC

Applicant Name (Last, First) NATHANIEL GRAY

Local Plumbing Inspector Signature

License #

OWNER/APPLICANT MAILING ADDRESS

Street PO BOX 873

City, St, Zip BUCKSPORT, ME 04416

FEES

State

\$ 82.50

Local

\$ 247.50

LOCATION

Map-Lot

134033000000

OWNER/APPLICANT STATEMENT

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector(s) to deny a permit.

CAUTION: INSPECTION REQUIRED

I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules Application.

03/13/2024

Signature of Owner/Applicant

Date

LPI Signature

Date (Rough-In)

Copy:

Property Owner

Town

State

Date (Final)

PERMIT INFORMATION

This application is for:

New Plumbing X

Type of structure to be served:

Single Family Residence

Modular or Mobile Home

Multiple Family Dwelling X

Other (specify below)

Plumbing to be installed by:

Master Plumber X

License #

MS90019172

Oil Burner Installer

License #

Mfd. Housing Rep.

License #

Public Utility Rep.

License #

Property Owner

Column 1 – Hook-Up & Relocation

Column 2 – Fixtures

Column 3 – Fixtures

Maximum 1 Hook-Up

Type of Fixture

Qty

Type of Fixture

Qty

Hook-Up (a)

Hook-up to public sewer in those cases where the connection is not regulated and inspected by the local sanitary district.

Hosebib/Sillcock

Bathtub (and Shower)

5

Floor Drain

Shower (Separate)

Urinal

Sink

5

Drinking Fountain

Wash Basin

8

Hook-Up (b)

Hook-up to an existing subsurface wastewater disposal

Indirect Waste

Water Closet (Toilet)

5

Treatment Softener, Filter, etc.

Clothes Washer

5

Grease/Oil Separator

Dishwasher

5

Piping Relocation

Relocation of sanitary lines, drains and piping without new fixtures.

Roof Drain

Garbage Disposal

Bidet

Laundry Tub

Other:

Water Heater

State of Maine
Department of Health and Human Services/
Center for Disease Control and Prevention

Environmental & Community Health – Subsurface Wastewater

286 Water Street
State House Station 11
Augusta, ME 04333
207-287-2070

HHE-211
Revised 7/24/2018

0

Total Column 1

+

Total Column 2

0

+

Total Column 3

33

PERMIT TRANSFER ONLY

\$10.00

Total Fixtures / Hook-Ups

33

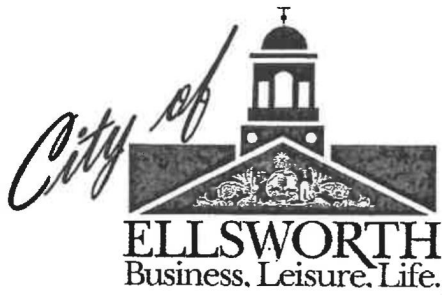
Transfer & Per-Fixture Fee

\$10.00

TOTAL PERMIT FEE

(Minimum fee of \$40.00)

\$330.00



134-33

Office of Code Enforcement
One City Hall Plaza
Ellsworth, Me 04605
207.667.4910 Office
207.669.6618 Fax
www.ellsworthmaine.gov

March 4, 2025

STOP WORK ORDER

OBTAINING PLANNING BOARD APPROVAL AND CONSTRUCTION PERMITTING IS REQUIRED PRIOR TO CONTINUANCE OF WORKING ON THE STRUTURE AT 59 Franklin Street

ALL PERSONS ACTING CONTRARY TO THIS ORDER OR REMOVING OR MUTILATING THIS NOTICE ARE LIABLE TO ARREST UNLESS SUCH ACTION IS AUTHORIZED BY THE CODE ENFORCEMENT OFFICE

A handwritten signature in black ink, appearing to read "R. Grant", written over a horizontal line.

Robert Grant
Code Enforcement Officer
rgrant@ellsworthmaine.gov

	Lori/Robert & Thomas	Thu 2/8/2024 11:30 AM	Thu 2/8/2024 12:00 PM
▼	(none): 16 item(s)		
	Rough Electrical/Fire alarm/sprinklers	59 Franklin St (59 Franklin St, Ellsworth, Maine 04605)	Tue 5/13/2025 1:30 PM Tue 5/13/2025 2:00 PM
	Robert -- Meeting with Brittany and Sara about 59 Franklin	here	Thu 3/13/2025 2:00 PM Thu 3/13/2025 2:30 PM
	Corey in office to talk about 59 Franklin	here	Mon 2/24/2025 9:00 AM Mon 2/24/2025 9:30 AM
	meeting at 59 Franklin St for questions w/ new contractor	59 Franklin St (59 Franklin St, Ellsworth, Maine 04605)	Mon 2/10/2025 1:00 PM Mon 2/10/2025 1:30 PM
	Rough Plumbing	59 Franklin St (59 Franklin St, Ellsworth, Maine 04605)	Fri 9/6/2024 9:00 AM Fri 9/6/2024 9:30 AM
	Robert & Thomas	59 Franklin Rough in framing, electrical, fire questions	Tue 4/23/2024 10:00 AM Tue 4/23/2024 10:30 AM
	Lori/Matt/Bobbi/Elizabeth	Here-Code to meet with Corey about 59 Franklin	Fri 9/1/2023 1:30 PM Fri 9/1/2023 2:30 PM
	Lori	130 Franklin Street - Rough plumbing - Sid Vandergrift #598-7880	Fri 7/14/2023 2:30 PM Fri 7/14/2023 3:00 PM
	Thomas/Bobbi-Business Lic Downeast Keto Bakery	59 Franklin St-460-2671	Fri 3/4/2022 10:00 AM Fri 3/4/2022 10:30 AM
	Lori & Thomas	Downeast Keto Bakery - 59 Franklin	Wed 4/28/2021 9:30 AM Wed 4/28/2021 10:00 AM
	Dwight-	Here - Steve Lee 59 Franklin File	Fri 4/16/2021 9:00 AM Fri 4/16/2021 9:30 AM
	 Lori	Re-scan Site plans (see spreadsheet)	Fri 5/15/2020 11:30 AM Fri 5/15/2020 1:00 PM
	Lori - Salon inspection	59 Franklin Street #664-0087 or 667-3333	Wed 9/18/2013 9:30 AM Wed 9/18/2013 10:00 AM
	Lori	59 Franklin Street - Complaint	Wed 4/17/2013 8:30 AM Wed 4/17/2013 9:00 AM
	Lori	59 Franklin Street/Matt Parker/134-33	Tue 4/16/2013 11:30 AM Tue 4/16/2013 12:00 PM
	Lori and Mike	59 Franklin Street/Samoine's-Business License Inspection	Wed 8/11/2010 2:00 PM Wed 8/11/2010 2:30 PM

Search complete. Showing only local results.

EXHIBIT D

Robert C. Grant Jr

From: 999 Rent <207999rent@gmail.com>
Sent: Wednesday, November 12, 2025 11:06 AM
To: Robert C. Grant Jr
Subject: Voided permit fees

Follow Up Flag: Follow up
Flag Status: Flagged

Robert,

I'm reaching out to address our previously voided permits and the associated fees paid for the project located at 59 Franklin Street. There appears to be no ordinance, information or written policy addressing permit refunds in any situation.

Since all previous permits were voided by the City, I believe it to be fair and equitable to request the fees paid be credited towards newly acquired permits for said project.

Permit #1401885 = \$ 90.00
Permit #1401905 = \$665.00
Permit #(plumbing) = \$330.00
Permit #2024-0051 = \$137.50

Total permit fees = \$1,222.50

Your consideration in this matter is greatly appreciated.

Best,

Cory Weigand, Manager
999 RENT
PO Box 218
Surry, ME 04684

(207) 999-RENT
(207) 999-(7368)

November 23, 2024

Robert,

All previous reasoning regarding refunding of permit fees may be moot due to the fact that these permits were originally issued in error by the code office.

The reason for error is that the subdivision approval had expired prior to the issuance of said permits. All permits were issued/approved after the subdivision approval had expired.

In a previous email communication, you stated "We only issue refunds if there was a mistake made by the Code Office on the permit". These permits were approved by "mistake" due to the subdivision approval having already expired.

Subdivision expiration: January 12, 2024
Approval of first permit in question January 22, 2024

Permit itemization and separation by area

Permit Reference	Approval Date	Portion pertaining to Pre-existing units (remain valid)	Portion pertaining to "North Wing" conversion	Total Fees Paid	Notes
1401885	01/22/2024	\$0	\$90	\$90	Demolition
1401905	03/13/2024	TBD	TBD	\$665	Demolition & Alteration
628 1092	03/13/2024	\$130	\$200	\$330	33 Fixture count
2024-0051	02/28/2024	\$137.50	\$0	\$137.50	Electrical
				\$1222.50	Total Permits

Pertaining to the original electrical permit: the electrical scope/costs for the pre-existing units exceeded our original expectations. Thus, the entire existing electrical permit should apply to said units. I will inform our electrician that a new permit will be needed exclusively for the North Wing conversion.

Best,

Cory Weigand, Manager
59 Franklin LLC
PO Box 218
Surry ME 04684