

February 15, 2007

Via Fax and U.S. Mail

Eliot Field, Esq.
Eliot Field Law Office
11 Summer Street
P.O. Box 583
Wiscasset ME 04578-0583

RE: Midcoast Co-Housing Application

Dear Eliot:

It was a pleasure to talk to you Monday about the applications that your client, Midcoast Co-Housing, has pending before the Edgecomb Planning Board. Midcoast Co-Housing wanted clarification from the Board about the time lines that apply to the submission of a final subdivision plan for their project.

Under Article IV, § 1.3.8 of the Edgecomb Land Use Ordinance, Midcoast Co-Housing must submit a final subdivision plan “[w]ithin 6 months of the date of Planning Board action” on Midcoast Co-Housing’s preliminary subdivision plan.¹ Midcoast Co-Housing agrees that the Planning Board has taken action on their preliminary subdivision plan. However, they asked the Board to clarify the date when it took that action.

I forwarded Midcoast Co-Housing’s request for clarification to the Planning Board, which had a regularly scheduled meeting Monday evening. The Board asked me to communicate to you that it voted 5-0 to clarify that its September 21, 2006 letter to Midcoast Co-Housing was the date of “Planning Board action” on the preliminary subdivision plan. Accordingly, Midcoast Co-Housing has six months from that date to submit its final subdivision plan.

Thank you for your attention. Please let me know if I can be of further assistance.

Sincerely,

John B. Shumadine
jshumadine@mpmlaw.com

JBS/dmw

Enclosure

cc: Edgecomb Planning Board

¹ As you are aware, Art IV, § 1.3.10.2 of the Ordinance has a slightly different provision governing the timing for submission of a final subdivision plan. That section states that the “Final Subdivision Plan shall be submitted within 6 months from the date of *approval* of the Preliminary Subdivision Plan....” (emphasis added).

Thus, the Ordinance provides two seemingly different 6 month deadlines for submitting a final subdivision plan—one of which starts with the Planning Board “action” on the preliminary subdivision plan while the other starts with Planning Board “approval” of the preliminary subdivision plan. However, under the Ordinance, the Planning Board does not “approve” preliminary subdivision plans. As a result, the best reading of § 1.3.10.2—and the one adopted by the Planning Board—is that it simply duplicates the 6 month time period from Planning Board action contained in § 1.3.8.