

Isle au Haut Planning Board
Minutes of Meeting of January 20, 2016

Regular Members Present: Bob Gerber (Chair), Dan MacDonald, Bill Clark (phone), Bill Calvert (phone), Steve Shaffer (phone)

Alternate Members Present: Jeff Burke (phone), Waylan Small (phone)

Public Members Present: Meghan Cooper

The Meeting was called to order by the Chair, Bob Gerber, at 6:10 PM at the Town Offices. At the start of the meeting, Jeff Burke and Waylan Small were made voting members as Bill Clark and Steve Shaffer had not yet called in.

Old Business:

Approval of the Minutes of the November 12, 2015, Meeting

The Chair noted that one piece of the Moore's Harbor documentation appended to the draft minutes had been inserted twice. The second response of the Chair to Attorney Diane O'Connell should have been a response by the Chair to Ms. O'Connell's 2nd pleading (her letter of November 5, 2015). The Chair said he would replace the duplicate Chair memo of a response to the October 7th letter from O'Connell. It was moved by Bill Calvert and seconded by Dan MacDonald to approve the minutes as corrected. The three members present at the last meeting (Gerber, Clark, and Calvert) voted to approve as corrected: 3-0.

Report of Chair on matters he has dealt with since the previous meeting:

1. Attended (via phone) several Comprehensive Plan Committee meetings and kept that Committee updated on our proposal to review and revise the zoning ordinances.
2. Summarized public comments on the November 12th zoning hearing, responded to comments in writing, and posted comments, and my responses on the Town website regarding the proposed zoning changes. Responded to the only set of written comments submitted, sent response to comment writer, and posted comments and my response on website.
3. Issued written building permits to Leone, Barter, and MCHT based on the Board approvals voted in the Nov. 12th meeting (attached).
4. Follow-up correspondence with Laura Jacobus attorney on how to file an appeal of the Planning Board's interpretation of the Zoning at Moore's Harbor with the Board of Appeals (attached).
5. Issuing initial guidance to the IAH Power Company on potential regulatory issues associated with developing the solar power project on Coombs Mountain (to assist them in their solicitation of bids to construct the project) (attached).
6. Correspondence with Mike Fedosh and Ellen Scrivani on whether or not Planning Board approval is required for a division of their lot on the East side into two parcels for purposes of division among direct family members. Initial calculations on their proposed plan to determine if two legal lots would be created with their proposed division (attached).

New Business:

1) The first order of new business was to consider the comments received at the second hearing on the proposed Town Zoning amendments, and to consider the Chair's proposed final draft of the revisions and manner of breaking up the proposed changes into separate warrant items for consideration by the Selectmen for the 2016 Annual Town Meeting. The Chair described the final changes and reasoning for same. He also described how the pieces of the proposed changes were broken up into different warrant articles to separate the non-controversial pieces from the controversial pieces. There was brief discussion of some of the changes in the text. By the close of the discussion, all regular members of the Board were present so the chair removed the alternate members from voting status. It was moved by Dan MacDonald and seconded by Steve Shaffer to transmit the package of proposed zoning amendment warrant articles as prepared by the Chair to the Selectmen. Voted in support of motion 5-0. The package of recommendations to the Selectmen will be posted on the Planning Board website under the zoning amendment section.

2) As information to the Board, the Chair described the complicated status of the model Floodplain Management Ordinance that was forwarded to the Chair last week by the FEMA Flood Coordinator along with related documents bearing on the option of the Town joining the National Flood Insurance Program (NFIP), now that FEMA has mapped the coastal flood zones within the Town of Isle au Haut. The Chair described the fact that the model Ordinance that FEMA requires the Town to adopt in order to join the NFIP must be adopted as a type of zoning ordinance and follow the same statutory process of hearings, comments, notices, etc., that was just followed to propose amendments to the Town Zoning Ordinance. The problem is in the timing since the FEMA Flood Maps are anticipated to be Effective on or about July 1, 2016. The Chair described that given the comments of a number of summer residents who thought the Town Ordinance amendment process was moving too fast (it went from March 2015 to January 2016), he thought the summer people would certainly not like having another zoning ordinance being proposed and adopted from start to finish in just a few months' time before they even arrived for the summer. However, there were three potential problems for the town and coastal property owners if the Town did not join the NFIP: 1) any property owner with a residence in the mapped flood zone that had a federally-backed mortgage would be required to purchase flood insurance after July 1 and would not be able to buy the cheaper federally-subsidized insurance; 2) any property owner who had a residence in or near the flood zone who wanted to buy the federally subsidized insurance before the Effective date of the maps in order to secure a "grandfathered" right that would result in a lower insurance rate once the maps became Effective, would lose the grandfathered status forever if the Town did not adopt the Ordinance before the Effective date; and 3) in the event that there was an enormous storm that caused damage to town facilities and the federal government had declared Maine as a "disaster" area, the Town would not be able to receive federal disaster relief funds for that event if the Town had not been a member of the NFIP at the time of the storm. Although the item 3 event is highly unlikely in the next year, there may be individual property owners that could have mortgages that could be affected. After a general discussion of whether to ramrod the ordinance through before July or take the next year to do it in a more orderly manner that could involve summer people participation, the Board decided to table the issue for the next meeting. During that time the Chair will attempt to contact all property owners with a residence in the proposed flood zone and determine their mortgage status and whether they were interested in becoming "grandfathered". The proposed Floodplain Management Ordinance and a few related documents will be placed on the Town website under the Planning Board section.

3) Dan MacDonald mentioned offhand, just prior to adjournment, that the Selectmen would be putting another item on the 2015 Annual Meeting warrant to give the voters an opportunity to

discuss how they wanted to proceed to enlisting a Codes Enforcement Officer. In the discussion that ensued, it was clear that the Selectmen had not yet settled on the wording of the warrant article dealing with the Codes Enforcement Officer and wasn't sure how to proceed. The Chair offered the assistance of the Board to provide some guidance as to how to pose the issue to the voters. The Chair, on behalf of the Board, will do some research and suggest some options to the Selectmen.

4) An application for Planning Board approval of tree cutting to clear for a new driveway on the residual property of Pomeroy on Birch Point was submitted by agent Matthew Skolnikoff. As usual, the Chair will review the application for completeness and get back to the agent if any additional materials are needed to complete the application.

There being no other business to come before the Board it was moved by Dan MacDonald and seconded by Bill Clark to adjourn the business meeting at 7:00 PM. Vote to adjourn 5-0.

Respectfully submitted,

Robert G. Gerber, Chair (and Secretary)

Attachments as noted above

**Isle au Haut Planning Board
Town of Isle au Haut, ME 04645**



November 14, 2015

Mr. & Mrs. Robert Leone
POB 116
Edgecomb, ME

Via email: ezasabc@myfairpoint.net

Re: Permit for tent platform on your Pond lot at Isle au Haut

Dear Bob and Carol:

This letter will serve as your official permit for the tent platform on your land on Long Pond. The Planning Board voted on November 12, 2015, at its regular meeting to grant the permit without conditions. The permit is granted pursuant to your application of October 18, 2015, which is attached to and made a part of this approval.

Sincerely,

Isle au Haut Planning Board

Robert G. Gerber, Chairman

Attachment: October 18, 2015 Application

Application Processing Documentation

Applicant Name: Bob & Carol Leone Agent Name: _____

Applicant or Agent Address: PO Box 116

Edgecomb ME 04556

Applicant or Agent Phone & Email: ezasabc@myfairpoint.net

Tax Map No. 4 Tax Map Lot 3E

Town Ord. Zone B State Ord. Zone Resource Protection Zone

Proposed Land Use: overnight camping for single tent - occasional use

Subdivision: Yes _____ No X If yes, see other checklist

Date of First Written Application Submission: 10/10/15 ; Rev1 _____ Rev2 _____

Date of First Response on Completeness: _____ ; Rev1 _____ Rev2 _____

Submission Checklist for Town and State Ordinances

Item	Description	Check, if yes
1	Deed, lease, option (e.g., evidence of right, title & interest)	✓
2	Agent Authorization, if applicable	n/a
3	Scaled Plan of lot lines, proposed clearing limits, existing & prop. structures, roads, docks, erosion & sediment control measures	attached
4	Written Narrative of nature of proposed land use and construction	attached
5	Completed HHE-200 forms if onsite sewage disposal required	
6	Description of Water Supply and Estimated Daily Water Demand	
7	Description of Proposed Safety Measures for any Haz or Dangerous Mtl	
8	Plan and written description of access from public ROW, incl any easement description, if applicable	
9	Dated, signed application cover sheet with certification statement that "information in the application is complete and correct."	attached

Application Approval Checklist for Town Ordinance

1	Water quality of the ocean, lake, brooks, or the water supply of an abutter or other landowner will NOT be adversely and materially affected, NOR that high probability of such adverse and material effect exists.	
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Planning Board Permit Application
LEONE Tax Map #4 Lot#3E
October 2015

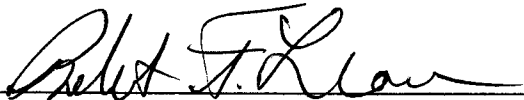
#4 -- Written Narrative of nature of proposed land use and construction:

12' x 14' raised and level wooden tent platform built for setting up a single tent for occasional recreational overnight camping. Platform is made from pressure treated lumber. No clearing of any kind was done during construction. Ferns surrounding the platform continue to thrive and grow up from below the platform through the spaces between boards. The tent is taken down & removed after each use.

#8 -- Plan and written description of access from public ROW:

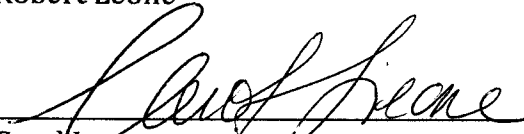
Simple footpath through woods provides access to platform site.

All information included in this application is complete and correct.



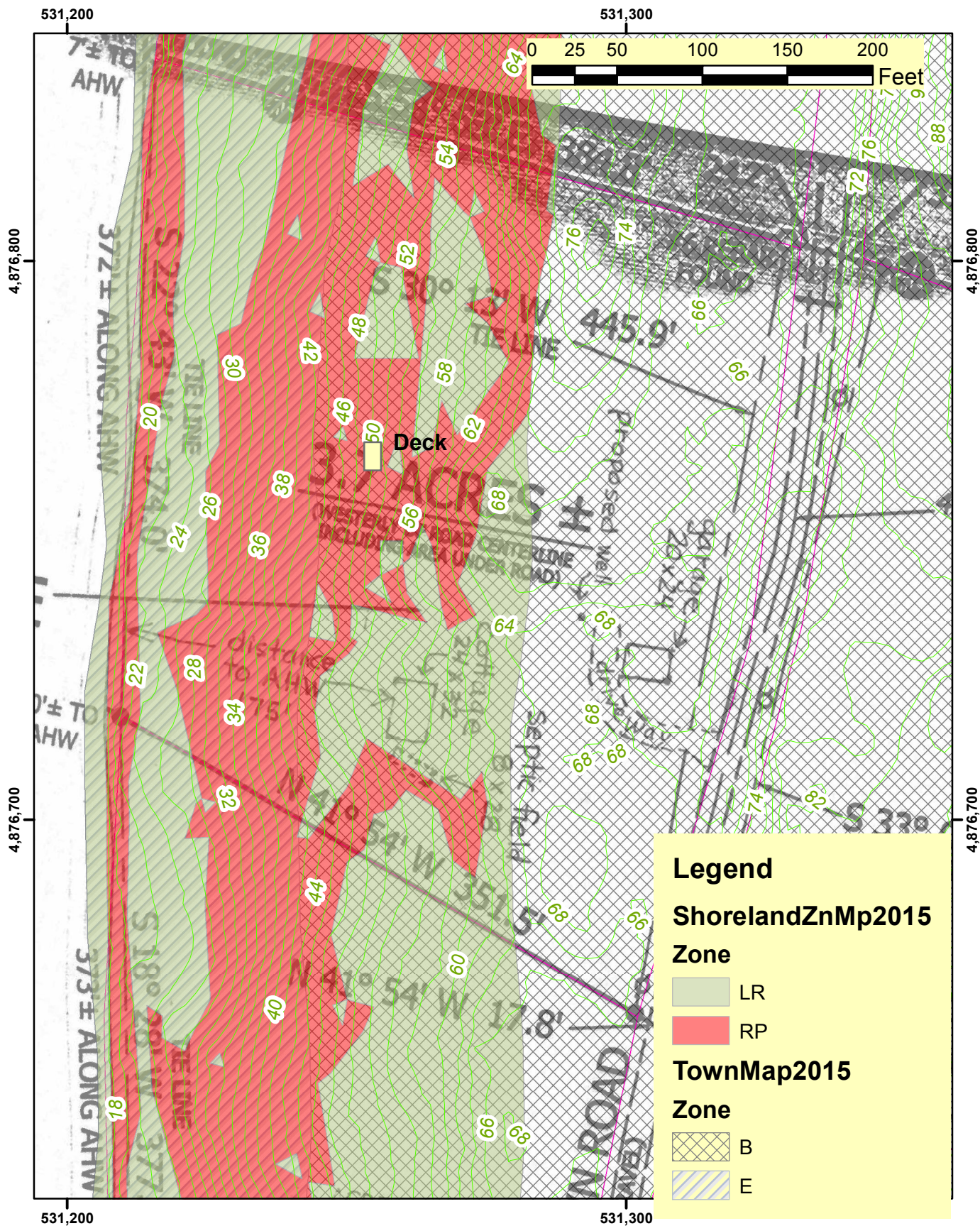
Robert Leone

10/18/15
Date



Carol Leone

10/18/15
Date



Location of Deck

2-ft contour Map taken from MEGIS website, based on LIDAR 2-m DEM, NAVD88, ft.
 Base map is a digital scan of Leone Lot. Plan on Long Pond
 Grid is UTM, 19N, meters
 RGG 10/8/15

**Isle au Haut Planning Board
Town of Isle au Haut, ME 04645**



November 14, 2015

Mr. & Mrs. William Barter
POB 46
Isle au Haut, ME 04645

Re: Permit for woodshed on your lot at Isle au Haut

Dear Bill and Bernie:

This letter will serve as your official permit for the woodshed on your land on Isle au Haut. The Planning Board voted on November 12, 2015, at its regular meeting to grant the permit without conditions. The permit is granted pursuant to your application of October 13, 2015, which is attached to and made a part of this approval. There is no need to post this notice on your building. Just keep the letter in your files for future reference.

Sincerely,

Isle au Haut Planning Board

Robert G. Gerber, Chairman

Attachment: October 13, 2015 Application

**William and Bernadine Barter
P.O. Box 46
Isle au Haut, ME 04645**

Planning Board
Town of Isle au Haut
P.O. Box 71
Isle au Haut, ME 04645

Application for 10'x16' Wood Shed


Gentlemen:

This letter and attachments constitutes an application to the Planning Board for an Accessory Structure within the State Limited Residential Shoreland Zone and Town Accessible Shoreland Zone. This structure will be built on the eastern side of the right-of-way that runs through the property and will be 10' x 16' and consist of standard wood frame construction. No trees are required to be cut to construct the building and no soil will need to be disturbed as the foundation will consist of pre-cast concrete pads set directly on the ground surface. The building will be built more than 75' from the normal high water line. A general lot plan showing zoning boundaries and building and road locations is attached at a scale of 1: = 80'. A more detailed plan showing the location and dimension of the shed to scale is shown on an attached plan at 1" = 30'.

This shed is located on Tax Map No. 10, Lot 23. Lots 23 and 19 total 2.25 acres above Mean High Water. There are no utilities connected to the shed.

A copy of the Deed that gives evidence of right, title and interest is attached.

The information in the application is complete and correct to the best of my knowledge.


William Barter

10-13-15
Date

Attachments: Page 1 of Application Processing Form, copy of deed, overall site plan, detailed plan of shed location

Application Processing Documentation

Applicant Name: William + Bernadine Barter Agent Name: N/A

Applicant or Agent Address: PO Box 46
Isle au Haut, ME 04645

Applicant or Agent Phone & Email: 207-335-5111

Tax Map No. 10 Tax Map Lot 19 + 23 2.25[±] A.

Town Ord. Zone Accessible shoreline State Ord. Zone Limited Residential

Proposed Land Use: Accessory Use - Shed

Subdivision: Yes _____ No X If yes, see other checklist

Date of First Written Application Submission: _____; Rev1 _____ Rev2 _____

Date of First Response on Completeness: _____; Rev1 _____ Rev2 _____

Submission Checklist for Town and State Ordinances

Item	Description	Check, if yes
1	<u>Deed, lease, option</u> (e.g., evidence of right, title & interest)	✓
2	Agent Authorization, if applicable	N/A
3	Scaled Plan of lot lines, proposed clearing limits, existing & prop. structures, roads, docks, <u>erosion & sediment control measures</u>	✓ N/A
4	Written <u>Narrative</u> of nature of proposed land use and construction	✓
5	Completed HHE-200 forms if onsite sewage disposal required	N/A
6	Description of Water Supply and Estimated Daily Water Demand	N/A
7	Description of Proposed Safety Measures for any Haz or Dangerous Mtl	N/A
8	Plan and written description of access from public ROW, incl any easement description, if applicable	✓
9	Dated, signed application cover sheet with certification statement that <u>"information in the application is complete and correct."</u>	

Application Approval Checklist for Town Ordinance

1	Water quality of the ocean, lake, brooks, or the water supply of an abutter or other landowner will NOT be adversely and materially affected, NOR that high probability of such adverse and material effect exists.	
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Know all Men by these Presents,

**That I, JOHN D. LITTLE of Lincoln, County of Middlesex,
State of Massachusetts**

in consideration of one dollar and other valuable considerations

paid by William E. Bartley and Bernadine A. Bartley

and whose mailing address is Isle au Haut, Maine 04845

the receipt whereof I do hereby acknowledge, do hereby

grant, sell, bargain, sell and convey unto the said William E. Bartley and Bernadine A. Bartley as joint tenants according to the principle of joint tenancy and not as tenants in common, heirs and assigns forever,

a certain lot or parcel of land together with the buildings thereon situated in Isle au Haut, County of Knox, State of Maine bounded and described as follows:

BEGINNING at a pin set in a ledge located at the northeastern corner of land conveyed to these Grantees by a deed of William F. Robinson and Esther H. Robinson dated April 9, 1969 and recorded in Knox County Registry of Deeds, Book 471, Page 442; thence north 16° west three (3) feet, more or less, to a point on the shore of Isle au Haut Thoroughfare; thence generally northeasterly by and along the shore of said Isle au Haut Thoroughfare two hundred ninety seven (297) feet, more or less, to a point; thence south 35° 28' west thirty (30) feet, more or less, to a pin set in a boulder; thence south 36° 38' east three hundred eleven point eight eight (311.88) feet crossing the right of way leading to land owned by Francis L. French; thence south 36° 28' east forty (40) feet, more or less, to the center of the road leading from Isle au Haut village to "Severe Harbor", so-called; thence generally southerly following the middle of said road two hundred eighty five (285) feet, more or less, to a point; thence north 60° west twenty five (25) feet, more or less, to a bolt; thence north 68° west two hundred eighty four point three three (284.33) feet to a pin at the southwestern corner of the above, previously mentioned parcel belonging to these Grantees; thence north 15° west two hundred ten point three six (210.36) feet along said parcel belonging to these Grantees and crossing said right of way leading to land of French to the place of beginning, containing two point eight (2.8) acres, more or less.

The above described parcel is a portion of the real estate conveyed by warranty deed of Overhang, Inc., to Stanley E. Brown, Jr., Jeremy Brown, Robert W. MacPherson, International Scientific Salmon Foundation and Peabody Museum of Salem dated April 23, 1977 and recorded in the Knox County Registry of Deeds, Book 473, Page 50. For further reference see Gift-Claim Deed of Robert T. P. Carey to Overhang, Inc., dated January 9, 1968 and recorded in the Knox County Registry of Deeds, Book 391, Page 63.

The above described parcel is in accordance with Plan entitled "Overhang, Inc. for John Little and William Bartley, Isle au Haut, Maine" dated May 1977 by Bartley and Salabury, Inc., Blue Hill, Maine.

EXCEPTING from the above described premises a right of way for vehicular and pedestrian ingress and egress across said lot and over the Grantees' drive way to the beach appurtenant to said lot to the said John D. Little, his heirs and assigns. Said Grantees, their heirs and assigns do also grant to this Grantor, his heirs and assigns, the right to use said beach, the right to launch and land a boat from said beach and the right to moor a boat off said beach.

Said rights shall run with the land and shall inure to the benefits to the parties hereto, their heirs, executors, administrators and assigns.

Together with all rights in the shore and flats appurtenant to the above described premises.

To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said WILLIAM B. BARTER and BRADYNE A. BARTER as joint tenants according to the principle of joint tenancy and not as tenants in common

their heirs and assigns, to them and their use and behoof forever.

And I do COVENANT with the said Grantees, their heirs and assigns, that I am lawfully seized in fee of the premises that they are free of all encumbrances:

678 MT 256
That I have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that I and my heirs shall and will WARRANT and DEFEND the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said JOHN D. C. LITTLE,

and ELLEN-NEVE A. LITTLE

wife of the said

JOHN D. C. LITTLE

joining in this deed as Grantors, and relinquishing and conveying all rights by descent and all other rights in the above described premises, have hereunto set our hand and seal this 3rd day of May in the year of our Lord one thousand nine hundred and seventy-seven.

Signed, sealed and delivered in presence of

Raymond C. Little
Elizabeth C. Little
John D. C. Little
Ellen-Neve A. Little

KNOW RECEIVED June 7, 1977 at 2:10 P.M.

State of Miss. May 7, 1977
Knox

Personally appeared the above named

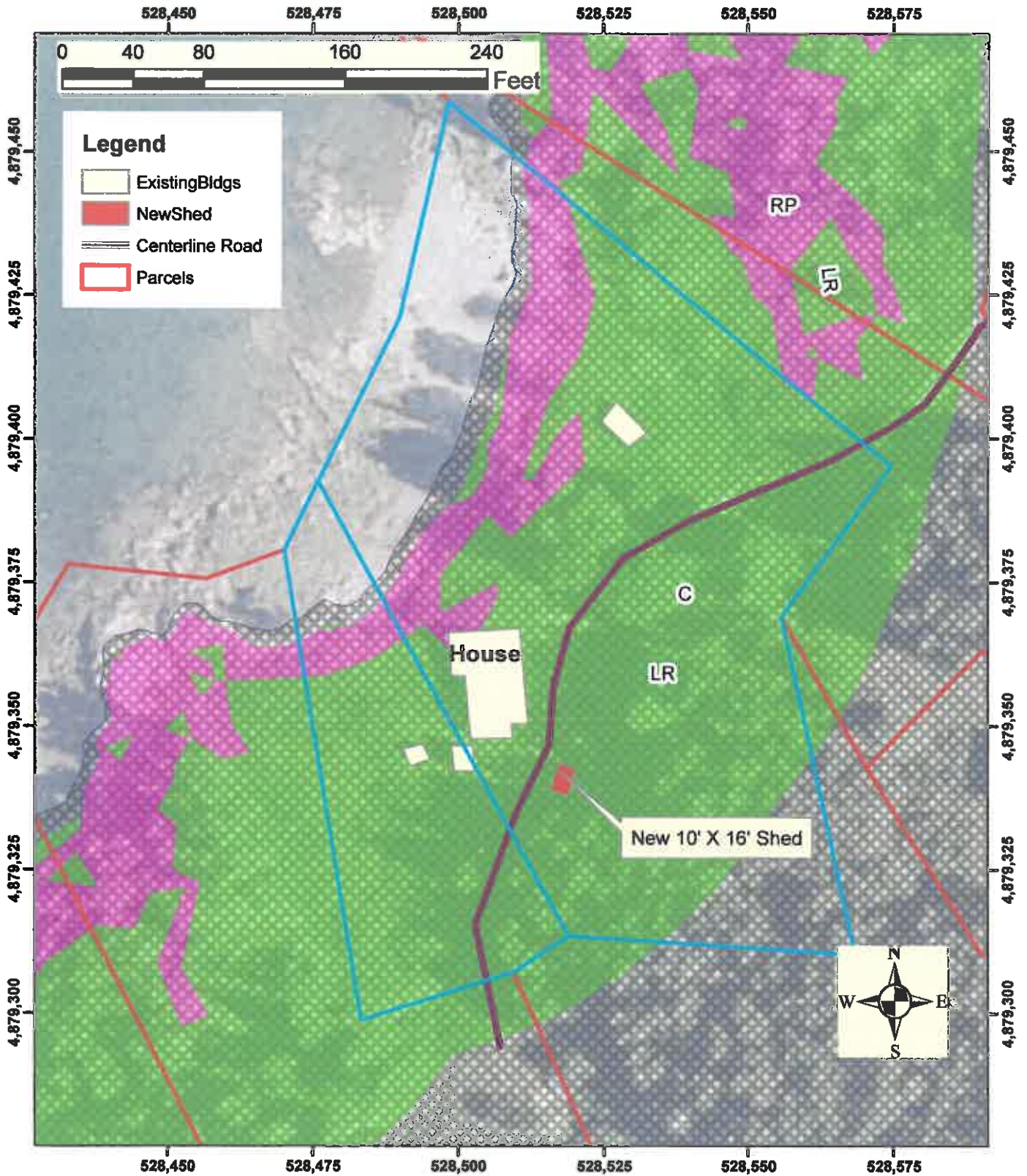
JOHN D. C. LITTLE

and acknowledged the above

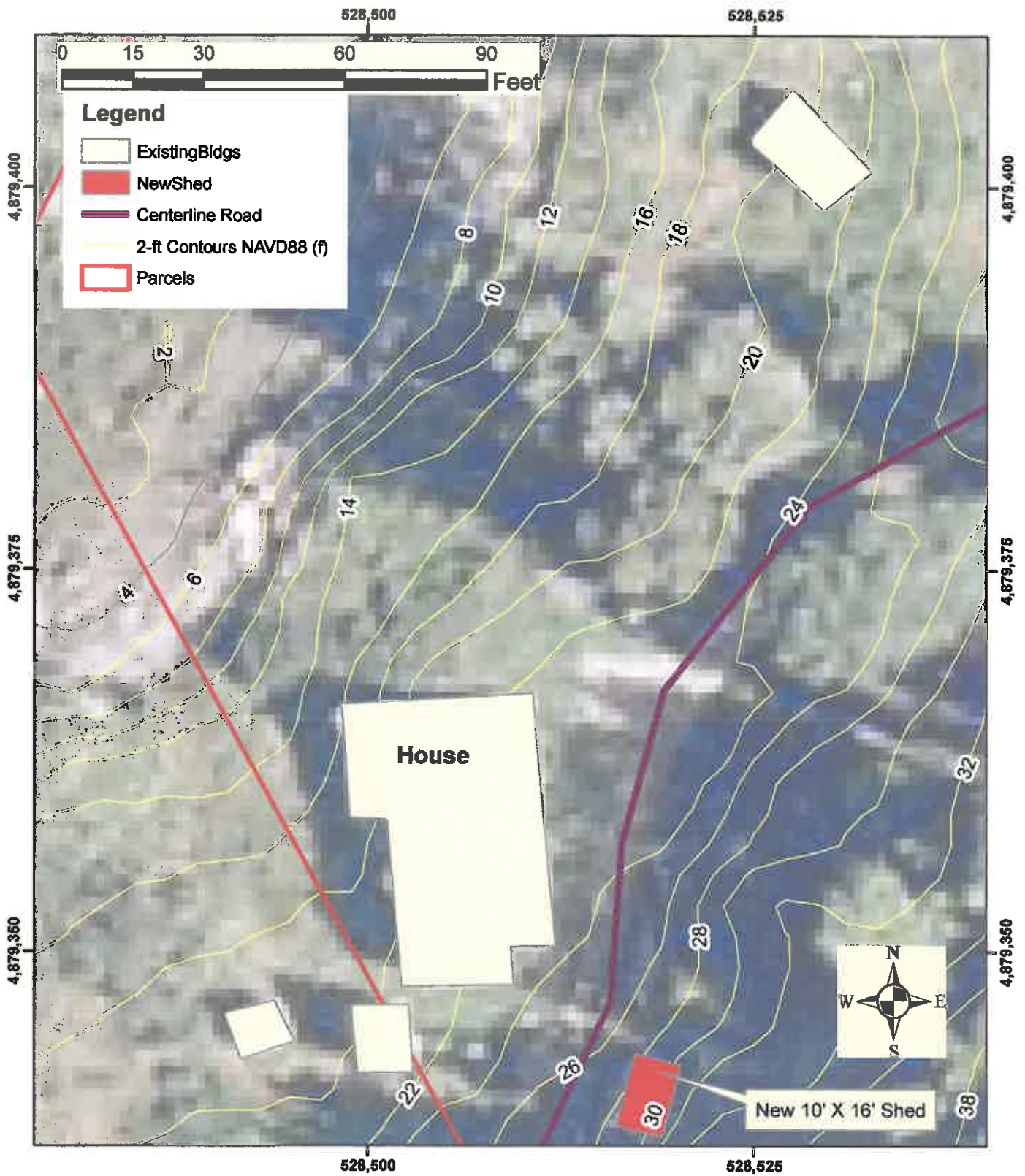
instrument to be his free act and deed.

Before me,

Frank B. Thomas
Justice of the Peace.
Notary Public.
Attorney at Law.
Apr 16 1977
The Commission Expires



Land of William and Bernadine Barter
Town of Isle au Haut, ME
Aerial Photos from 2008
Grid is UTM, NAD83, Zone 19N (m)
RGG 10-12-15



**Location of New Wood Shed
 Land of William and Bernadine Barter
 Town of Isle au Haut, ME
 Aerial Photos from 2008
 Grid is UTM, NAD83, Zone 19N (m)
 RGG 10-12-15**

**Isle au Haut Planning Board
Town of Isle au Haut, ME 04645**



October 8, 2015

Terry Towne
Maine Coast Heritage Trust
1 Bowdoin Mill Island, Suite 201
Topsham, ME 04086

via email to: ttowne@mcht.org

Re: Issuance of Permit for bridge replacement at Head Harbor Preserve at Isle au Haut

Dear Terry:

This letter is the permit for Maine Coast Heritage Trust's (MCHT) to replace a footbridge over a small stream on the northeast corner of your Preserve at Head Harbor. Your application was approved by the Planning Board at its October 7, 2015 meeting under both the Town Zoning Ordinance and the State-mandated Shoreland Zone Ordinance. In addition to following the description and plans for the project as you presented it to us in your application (attached to and made a part of this permit), the Board approved this conditional on your setting a post at the northern end of the bridge in the center of the path to deter vehicle traffic and carry a small sign warning people not to drive over the bridge with motorized vehicles. We also trust that you will abide in the future with the Shoreland Zone Ordinance cutting restrictions.

Sincerely,

Isle au Haut Planning Board

Robert G. Gerber, Chair

Attachment: MCHT Bridge Replacement Application

9/29/15
Submitted

Notice of Town of Isle au Haut Planning Board Meeting

October 7, 2015. 6:30 PM at the Town Offices of Isle au Haut, ME

Agenda:

Old Business:

Approval of the Minutes of the July 30, 2015 Meeting

Report of Chair on matters he has dealt with since the previous meeting:

1. Attended several Comprehensive Plan Committee meetings and kept them updated on our proposal to review and revise the zoning ordinances.
2. Issued an opinion to Jacobus and Bergeson on the Town Zoning Ordinance prohibition against a new septic system in the Moore's Swale Resource Protection District.
3. Met with Maine Coast Heritage Trust at their Head Harbor property about the need for a permit to construct a new bridge to access the old fish shack and stone pier.
4. Posted notices, sent out letter notices to affected landowners and abutters and advertised the public hearing on the proposed zoning ordinance amendments.
5. Conducted a public hearing on August 27 on the proposed amendments to the Town Zoning Ordinance.
6. Summarized public hearing comments, responded to most comments in writing, and posted comments, my responses, and other explanatory information on the Town website regarding the proposed zoning changes.

New Business:

1. Planning Board vote on whether to uphold or reverse Chair's decision as to Bergeson's ability to site a proposed septic system in the Moore's Swale Resource Protection area.
2. Possible permit request under Town and State Ordinances to re-construct a bridge on MCHT property in Head Harbor (waiting for the formal application).
3. Discussion of comments received in regard to proposed revisions to Town Zoning Ordinance, review of legal comments from Town's counsel, and consideration of additions and deletions to the original proposal.
4. Any other new business that might be presented at the meeting.

Respectfully submitted,



Robert G. Gerber, Chair

Digitally signed by Robert G. Gerber
Location: Isle au Haut, ME
Date: 2015.09.14 19:46:55 -04'00'

To: Isle au Haut Planning Board

From: Maine Coast Heritage Trust

Re: Bridge Reconstruction / Map 5 Lot 2

Maine Coast Heritage Trust wishes to reconstruct the older bridge that had crossed the brook at their property on Head Harbor. The old bridge and crib in the brook were removed in the fall of 2014 and the start of the replacement commenced soon after. The current replacement structure is a pair of concrete footing set back from the brook's edge and 2 cross members that span the brook completely, removing the need of the crib that was located in brook. The decking on the bridge, when completed, will be with 5/4" pressure treated decking material. The bridge will for foot traffic only for access to the old fishing shack and to the trail head on Bungee Head. Access to the old road and the bridge on the MCHT parcel will gained from the town road, which the MCHT deed and survey indicates ownership to the center of the road. The brush that was cleared from old roadbed and stored on the west side of the old road will be pulled from the woods to a suitable area below the high water line and burned this winter or in the spring of 2016 when the conditions are suitable for a brush fire.

I certify that the information in the application is complete and correct.



Terry N. Towne

Regional Steward

Maine Coast Heritage Trust



Date

Application Processing Documentation

Applicant Name: Maine Coast Heritage Trust Agent Name: TERRY N. TOONE

Applicant or Agent Address: 1 Road on Mill Island, Suite 201
Topsham, ME 04086

Applicant or Agent Phone & Email: Haene@mcht.org

Tax Map No. 5 Tax Map Lot 2

Town Ord. Zone Accessible Shoreland State Ord. Zone Limited Residential

Proposed Land Use: Non-Intensive Recreation Uses

Subdivision: Yes No If yes, see other checklist

Date of First Written Application Submission: 9/17/15 ; Rev1 9/18/15 Rev2 _____

Date of First Response on Completeness: 9/24/15 ; Rev1 _____ Rev2 _____

Submission Checklist for Town and State Ordinances

Item	Description	Check, if yes
1	Deed, lease, option (e.g., evidence of right, title & interest)	<input checked="" type="checkbox"/>
2	Agent Authorization, if applicable	<input checked="" type="checkbox"/>
3	Scaled Plan of lot lines, proposed clearing limits, existing & prop. structures, roads, docks, erosion & sediment control measures	<input checked="" type="checkbox"/>
4	Written Narrative of nature of proposed land use and construction	<input checked="" type="checkbox"/>
5	Completed HHE-200 forms if onsite sewage disposal required	N/A
6	Description of Water Supply and Estimated Daily Water Demand	N/A
7	Description of Proposed Safety Measures for any Haz or Dangerous Mtl	N/A
8	Plan and written description of access from public ROW, incl any easement description, if applicable	<input checked="" type="checkbox"/>
9	Dated, signed application cover sheet with certification statement that "information in the application is complete and correct."	<input checked="" type="checkbox"/>

Application Approval Checklist for Town Ordinance

1	Water quality of the ocean, lake, brooks, or the water supply of an abutter or other landowner will NOT be adversely and materially affected, NOR that high probability of such adverse and material effect exists.	
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Thence running in an easterly, southerly and northerly direction along the centerline of said Town Road to a point on the centerline of said road at the westerly line of land of said Hotchkiss and Mao;

Thence running S 52° 42' E 11 feet, more or less, continuing along the westerly line of land of said Hotchkiss & Mao, to a corner of land of said Hotchkiss & Mao;

Thence running S 17° 00' W 89.1 feet, continuing along the westerly line of land of said Hotchkiss & Mao, to a #6 rebar set at a corner of land of said Hotchkiss & Mao, said rebar being located, for a tie line, S 18° 13' W 957.9 feet, from a rebar set in the southerly line of land of the Union Congregational Church of Isle au Haut;

Thence running S 37° 02' E 47.0 feet, by and along the land of said Hotchkiss & Mao, to a #6 rebar set at or near the high waterline of Head Harbor and the point of beginning, containing 72 Acres, more or less.

Grantor conveys as appurtenant to the property herein conveyed all shore and flats of Head Harbor, the Atlantic Ocean, and Merchant's Cove adjacent to the above-described property;

The above description is based on a boundary survey of the Streeter property prepared by Sage Collins Surveying, Inc., dated 11/6/07 and revised on 1/21/08. Rebars were set with Surveyors' caps inscribed "Sage Collins, PLS 1200, Blue Hill, ME";

Bearings are Grid North, Maine East Zone, based on a plan by Oest Associates, Inc. entitled "Standard Boundary Survey, Acadia National Park - Isle au Haut" dated October 2005.

Being the same premises conveyed to Gooden's LLC by deed of even date herewith, from Natalie Streeter, et al., to be recorded in the Knox County Registry of Deeds immediately prior to the recording of this deed.

The Grantee's mailing address is 1 Bowdoin Mill Island, Suite 201, Topsham, Maine 04086.

IN WITNESS WHEREOF, GOODEN'S LLC has caused this instrument to be signed in its corporate name and sealed with its corporate seal by James A. Wilson, its Manager, hereunto

duly authorized, this 28th day of April, 2008.

WITNESS:

[Signature]

GOODEN'S LLC

By: [Signature]
James A. Wilson, Manager
Hereunto Duly Authorized

SEAL

Doc# 5986
Bk# 3965 Pg# 98

STATE OF MAINE
PENOBSCOT, ss.

April 28, 2008

Then personally appeared the above-named James A. Wilson and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Joan R. Day
Notary Public

Print Name of Notary: _____

JOAN R. DAY
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES SEPTEMBER 10, 2014

My Commission Expires: _____

SEAL

KNOX SS: RECEIVED

Jun 09, 2008
at 09:54:38A
ATTEST: LISA J SINMONS
REGISTER OF DEEDS

September 17, 2015

To Whom It May Concern:

This letter authorizes Terry Towne to represent Maine Coast Heritage Trust in the permitting process for the replacement of a small bridge on MCHT property at Head Harbor, Isle au Haut. This includes submitting any applications, signing permits, etc.

Sincerely,



Jane Arbuckle

Director of Stewardship

Maine Coast Heritage Trust

"SURVEY PLAN, ISLE AU HAUT, MAINE FOR HENRY STREETER & ACADIA NAT. PARK" DATED JUNE 21, 1983 AND LAST REVISED AUGUST 10, 1983 AND RECORDED AT THE H.C.R.D. IN PLAN FILE 5, NO. 25.

9) REFERENCE A PLAN BY RICHARD BUXTON ENTITLED "PROPERTY SURVEYED FOR EVANS WOOLLEN" DATED DECEMBER 1974.

THIS PLAT AND SURVEY WERE PERFORMED UNDER MY SUPERVISION TO THE LOCAL STANDARDS OF CARE AND SUBSTANTIALLY MEETS THE STATE OF MAINE BOARD OF PROFESSIONAL LAND SURVEYORS STANDARDS WITH THE FOLLOWING EXCEPTIONS:

A. PART 2, SECTIONS 4.1 & 4.2 ARE EXCLUDED INASMUCH AS THE RECORD SEARCH IS LIMITED TO THE REGISTRY OF DEEDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

BOUNDARY SURVEY OF THE

CORNELIA V. R.
STREETER, NATALIE T.
STREETER & FRANK S.
STREETER, II
PROPERTY

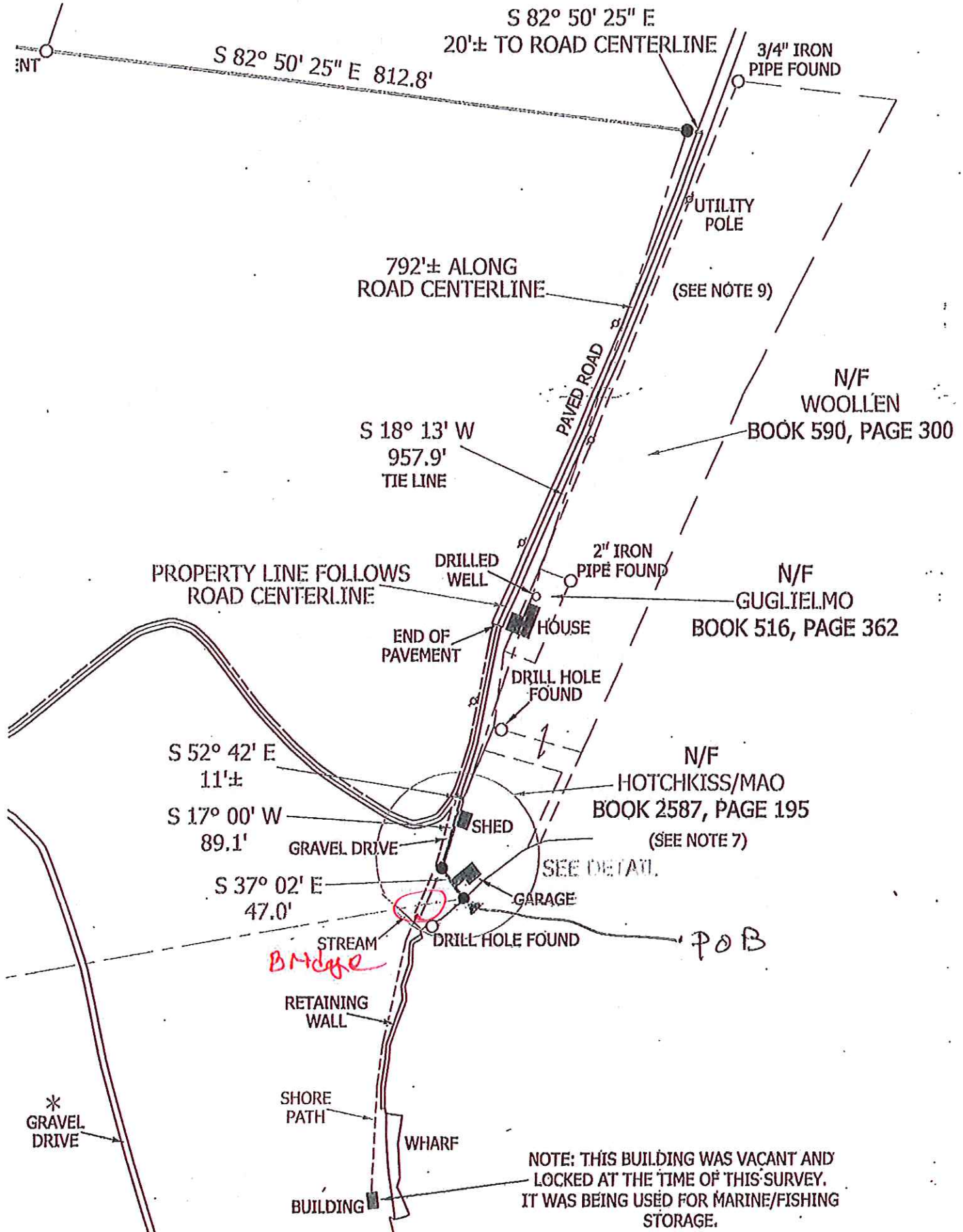
TOWN ROAD,
ISLE AU HAUT,
KNOX COUNTY,
MAINE



GRAPHIC SCALE: 1 INCH = 150 FEET

DATE DRAWN: NOVEMBER 6, 2007
DATE LAST REVISED: JANUARY 21, 2008
DRAWN BY: N. M. SMITH

CHURCH OF ISLE AU HAUT
BOOK 3599, PAGE 38



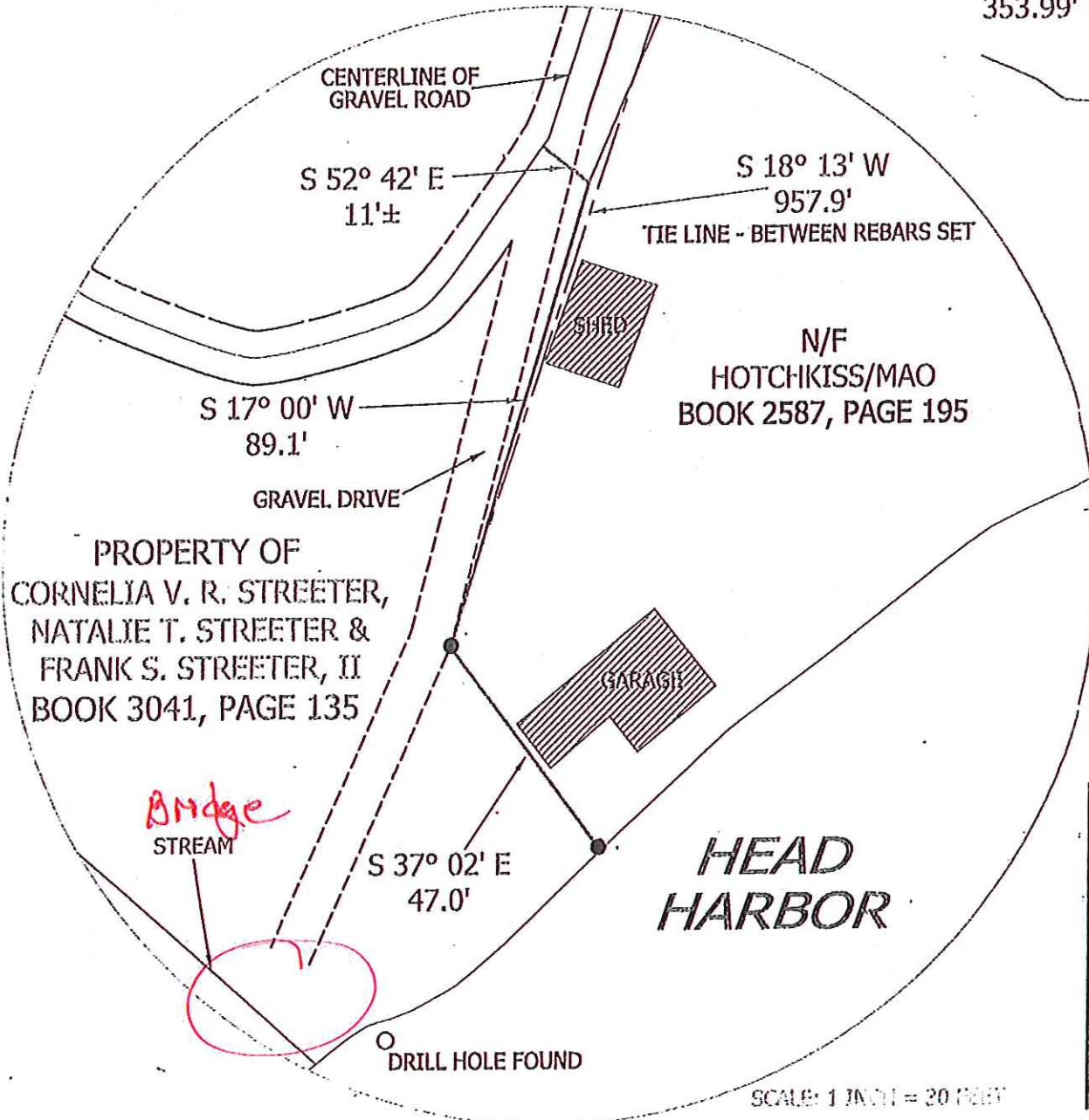
N/F
UNITED STATES
OF AMERICA
BOOK 931, PAGE 6

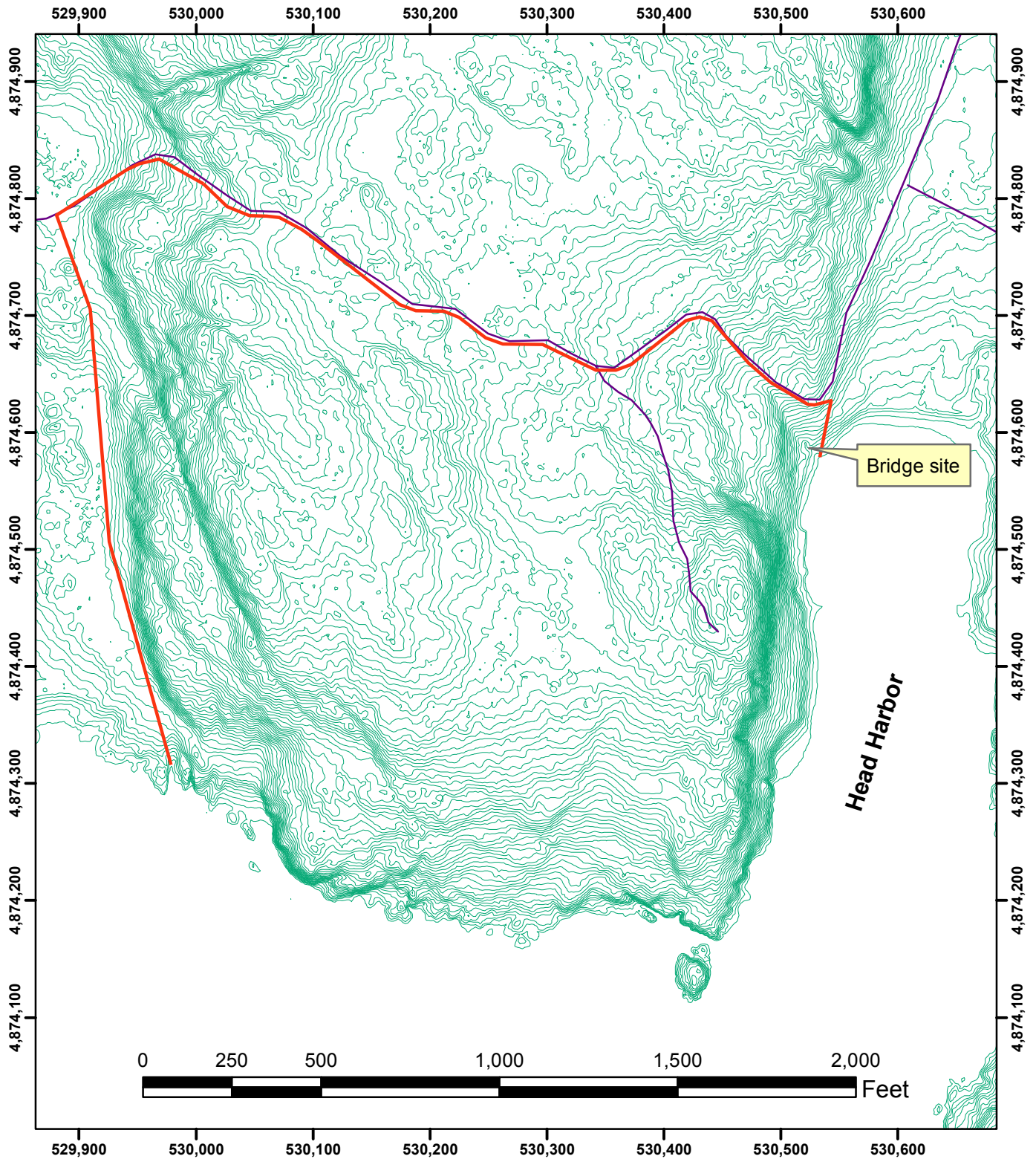
*
IRON
PIPE FOUND

S 13° 19' 45" E
200.00'

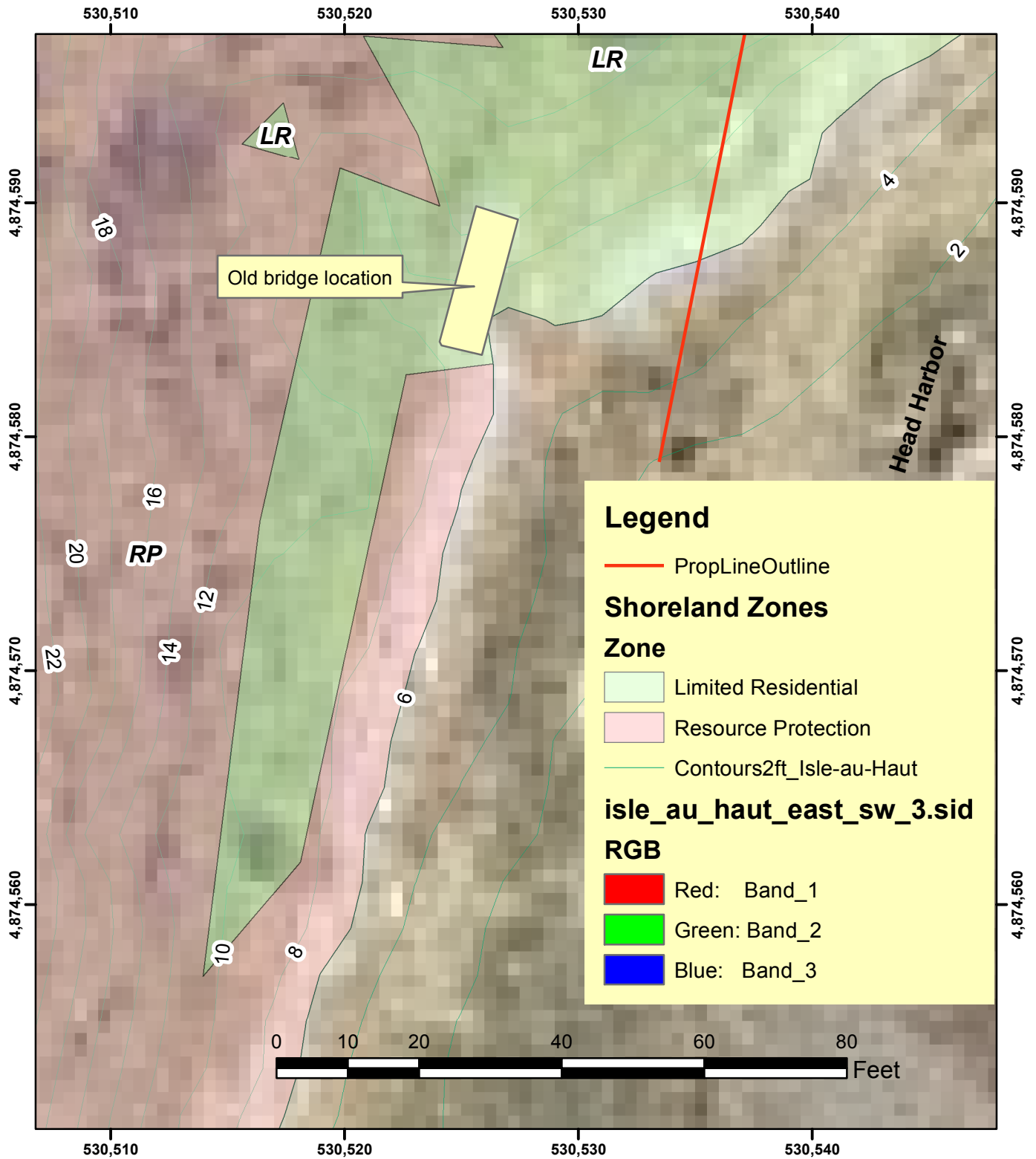
DETAIL

S 16° 49' 45"
353.99'





**Maine Coast Heritage Trust 72-acre property at Head Harbor
Isle au Haut, Maine
Contours are 2' interval , based on NAVD88
Grid is UTM, NAD83, Zone 19 (meters)
RGG 9/21/15**



Maine Coast Heritage Trust Site Plan
Isle au Haut, Maine
 Contours are 2' interval , based on NAVD88
 Grid is UTM, NAD83, Zone 19 (meters)
 RGG 9/21/15

To: Isle au Haut Planning Board

From: Maine Coast Heritage Trust

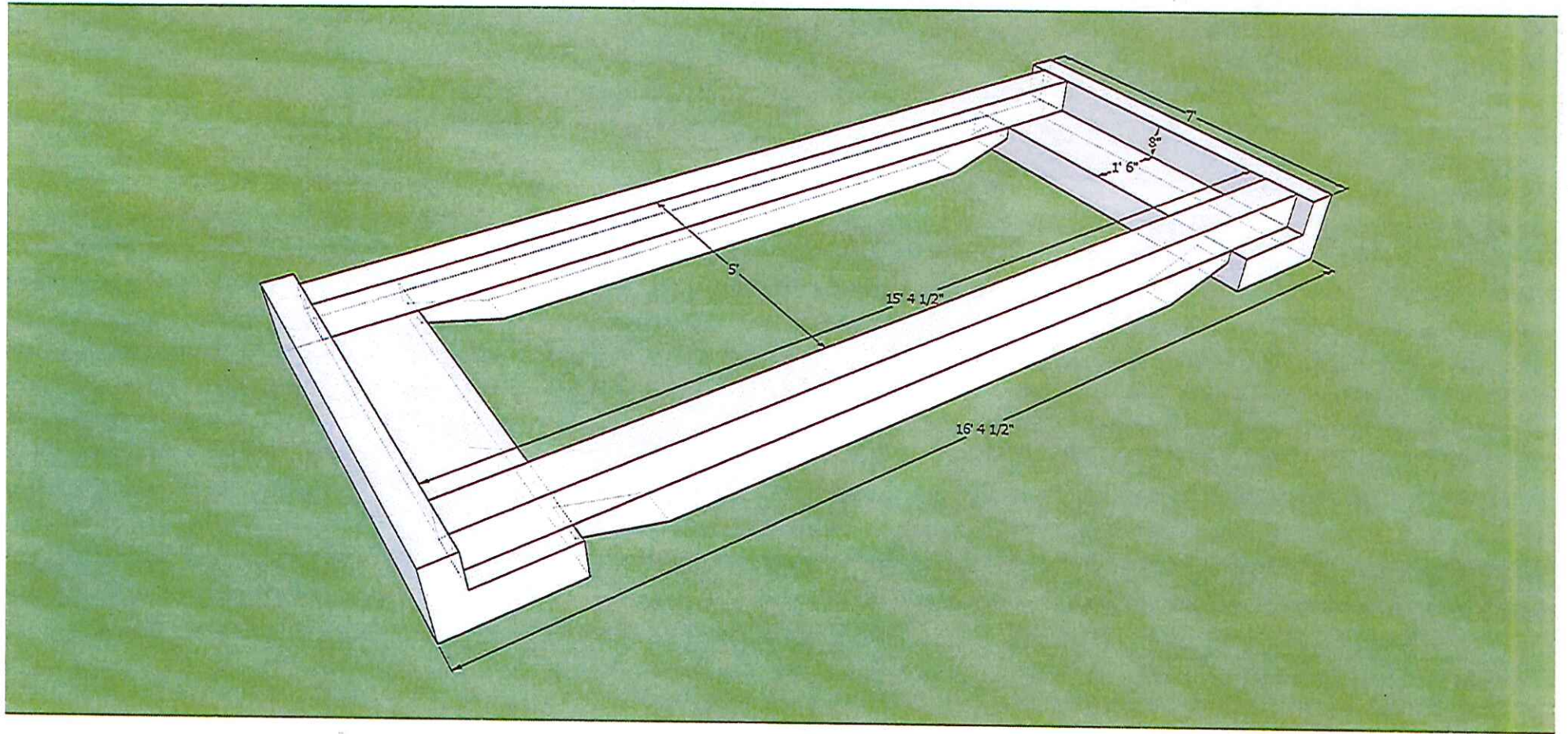
Re: Bridge Reconstruction / Map 5 Lot 2

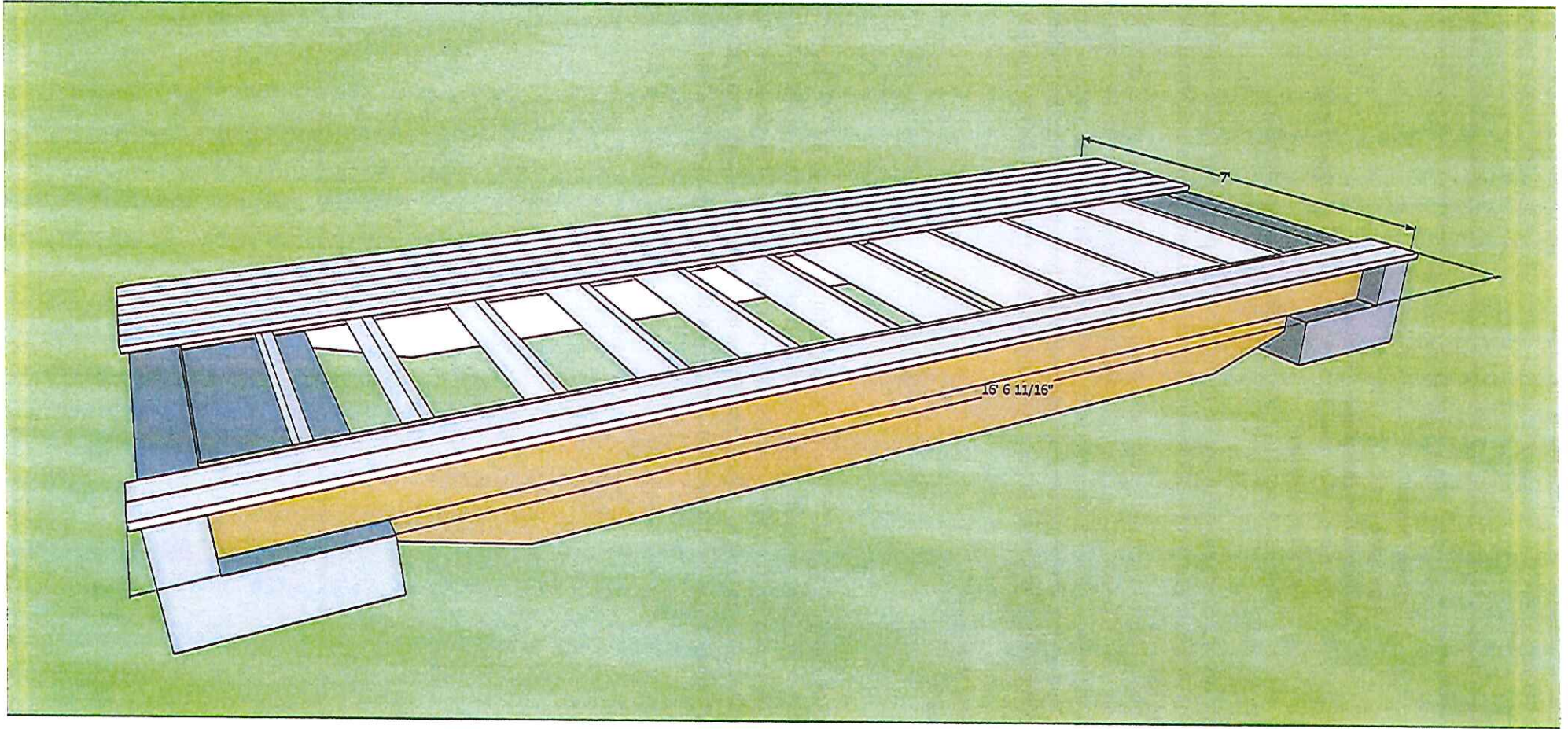
Maine Coast Heritage Trust wishes to reconstruct the older bridge that had crossed the brook at their property on Head Harbor. The old bridge and crib in the brook were removed in the fall of 2014 and the start of the replacement commenced soon after. The current replacement structure is a pair of concrete footing set back from the brook's edge and 2 cross members that span the brook completely, removing the need of the crib that was located in brook. The decking on the bridge, when completed, will be with 5/4" pressure treated decking material. The bridge will for foot traffic only for access to the old fishing shack and to the trail head on Bungee Head. Access to the old road and the bridge on the MCHT parcel will gained from the town road, which the MCHT deed and survey indicates ownership to the center of the road. The brush that was cleared from old roadbed and stored on the west side of the old road will be pulled from the woods to a suitable area below the high water line and burned this winter or in the spring of 2016 when the conditions are suitable for a brush fire.











Terry Towne

From: Cullen, John <John.Cullen@maine.gov>
Sent: Tuesday, September 1, 2015 8:35 AM
To: Terry Towne
Subject: RE: Permitting Question

Hi Terry:

Not a big deal. Replacements of existing crossings are exempted from the permitting requirements contained in the NRPA. The two stipulations are that you can't block fish passage and you can't create a discharge of sediment. The replacement looks fine to me.

Jon

From: Terry Towne [mailto:ttowne@mcht.org]
Sent: Monday, August 31, 2015 5:06 PM
To: Cullen, John
Cc: Jane Arbuckle; Douglas McMullin
Subject: Permitting Question

Hi John,

I've attached some photos showing an old bridge across a perennial stream, about 15' from NHW of a coastal wetland, located at our Head Harbor property on the south end of Isle au Haut. Another photo shows some work that was completed, without any local or state permits, to replace the bridge. The preserve has been transferred into my jurisdiction and we are working to correct any errors that have been made. Any advice you can offer would be greatly appreciated. If you need to personally inspect the site, I can provide transportation to and from the site. Thank You,

Terry

Bob Gerber <aframe73@gmail.com>

11/16/15

to Laura, Diane

The attached file, which is fairly large, contains all of the documents that have been part of the Planning Board records and proceedings on the Jacobus appeal. I have some other email correspondence that went back and forth between Laura and me, but those were not shared with the Planning Board. Everything that was shared with the Board and taken into consideration in its deliberations is included in the attached file.

I apologize for the large size of the Planning Board minutes, but I have included all of the minutes, including attachments, many of which have nothing to do with your issue.

Although the October 7 minutes were approved at the last meeting and are now final, the November 12th minutes are only in draft form and will not likely be approved until the Board meets again in January.

I have not yet found out who the current members of the Board of Appeals are. I have made inquiries, but haven't gotten an answer yet. Someone will likely have to go to the minutes of the 2014 Annual Town Meeting. As you know, the Town Report for 2015 (which would have the results of the 2014 appointments) has not yet been issued.

According to the 2013 report, the Board of Appeals members are as follows:

Kendra Chubbuck (2014)

Brenda Clark (2017)

Lisa Turner (2018)

Judi Burke (2014)

Greg Runge (2015)

So two new appointments or re-appointments must have been made at the 2014 Annual Town Meeting.

Best regards, Bob

Attachments area

Preview attachment Jacobus Zoning Interpretation Appeal to PB for MooreHbr RPbuffer.pdf



Jacobus Zoning Interpretation Appeal to PB for MooreHbr RPbuffer.pdf

Diane O'Connell

12/8/15

to me

Bob,

I have not had any luck getting a response from the Town Office on who is on the board of appeals and who to submit an appeal application to. I was wondering if you are still on island and could help with the following:

- 1) Copy of Planning Board and board of appeals ordinance if they exist;
- 2) Copy of any application for appeal if it exists;
- 3) Name of Chair of Board of Appeals and contact info.

Thanks,
Diane O'Connell

From: Bob Gerber [mailto:aframe73@gmail.com]
Sent: Monday, November 16, 2015 4:43 PM
To: Laura R Jacobus; Diane O'Connell
Subject: Record of the Jacobus appeal before the Planning Board

Bob Gerber <aframe73@gmail.com>

12/8/15

to Diane

There is no separate ordinance governing the Board of Appeals except the Town Zoning Ordinance: <http://www.isleauhautmaine.us/wp-content/uploads/2014/10/Town-Zoning-Ordinance.pdf>

In the Town Ordinance there is very little definition of the Board of Appeals and it falls short of what the State statutes require for specifying what variances the Board can grant. I am proposing amendments to the Ordinance that will be taken up at next year's Annual Town Meeting to remedy this, but you'll have to work with what is currently in the Ordinance for now.

The only information I have on the Board of Appeals is anecdotal and that is that it has not met in at least 10 years. As far as I know, there is no application form nor written set of procedures to follow in reviewing an appeal. I would just send in a letter stating the facts of the case and the Planning Board decision that you want to appeal. As I said in an earlier email, you could ask for the BOA to either interpret the Ordinance differently than the PB, and/or ask the BOA to grant a use variance. I don't think there is any legal impediment in asking the BOA to consider both requests in the same appeal. The way I read the Statutes, there seems to be gap where the statutes do not require an ordinance to empower the BOA to grant a use variance, whereas the ordinance is required by statute to empower the Board to grant setback and other dimensional standard variances. In discussing this with the town's counsel, they say there has never been a case at the Law Court to test this, so that is the opening I would try to exploit. I highly doubt that anyone would appeal the decision of the BOA to Superior Court if the BOA granted the relief you are seeking.

The Shoreland Zone Ordinance specifically states that Use Variances cannot be granted in the State Shoreland Zone. But since the State Zoning Ordinance permits septic systems in the Shoreland Zone and this is an issue requiring a variance to the Town Ordinance, I would say that the State Shoreland Zone process described for asking for a variance is not applicable here.

Again, relative to the Chairman of the Board of Appeals, I only have anecdotal information from John DeWitt, Selectman, who thinks it is Greg Runge. Greg, I believe, left Isle au Haut about 2 months ago to go to Arizona where he spends the winter these days. He usually returns in May. I don't have any contact info for Greg as to his winter address, etc. Again, the only suggestion I have for you is to address your letter appeal to the Chairman of the Board of Appeals, care of the Selectmen, POB 71, IAH 04645.

Best regards, Bob

Diane O'Connell

12/8/15

to me

Thanks Bob,

I did do that today in any event since time is short. I was hoping to also get an email address for the chair to send one to him. Thanks for the info.

Regards,
Diane.

From: Bob Gerber [mailto:aframe73@gmail.com]

Sent: Tuesday, December 08, 2015 3:13 PM

To: Diane O'Connell

Subject: Re: Record of the Jacobus appeal before the Planning Board

Robert Gerber <aframe73@gmail.com>

12/8/15

to Diane

I don't have an email address for Greg. Contact his son, Tucker, at TuckerRunge@yahoo.com

Sent from my iPhone

Diane O'Connell

12/9/15

to me

Bob,

Attached is a copy of the appeal – please accept this as notice to the planning board of the appeal.

Once I can confirm who the Board of Appeals chair is and that persons email, I will forward the complete record that you provided.

Regards,
Diane.

Bob Gerber <aframe73@gmail.com>

11/29/15

to James, William

There is no "geotechnical" information as most contractors would interpret that term. Most large public or private project owners generate a "geotechnical report" for bidders where any significant earthwork/foundation work would be required. So the question is not unusual. The more geotechnical information a bidder has in advance, the better the contractor can estimate his earthwork/foundation costs. Where there is no information, the result can be a conservative bid to cover unknown risks. Where the project owner does not provide expected information such as a "geotechnical report" you should provide language that says something like, "bidders are responsible for doing their own investigations necessary to estimate the cost of the work," or expect bidders to submit "exceptions" to your contract that might either state that the earthwork would be done on a time and expenses basis, or, the contractor would provide a fixed price under a certain set of assumptions and if the limits of the assumptions are exceeded, the owner would pay for the overage on a T&E basis.

I only walked on the site once and my recollection is that generally the soil is thin (generally less than 2') there, but the irregularities in the surface topography may mean that the length of the legs that hold up these arrays could be irregular from place to place. Also, there may be large boulders that have to be moved out of the way. There could be uneven settlement due to frost action if some legs sit on ledge and some are placed on concrete pads that sit on native soil, so I would think that in any event, a contractor would either drill into rock to anchor the legs (as suggested by one bidder) or at least scrape off the native soil down to rock before placing "ballast" as you suggested.

On the site plan description, I would add that the plan should show means of providing for sediment and erosion control (the Town Planning Board uses the Maine DEP Best Practices Manual--available on the DEP website--as its set of guidelines), should show any ditches or other means of directing or controlling runoff, and should identify safeguards against surface or groundwater contamination from accidental release of battery contents.

Bob

James Wilson <jwilson@maine.edu>

12/6/15

to me

Bob. we are responding today to bidders questions about the solar/battery system. There are several environmental regulatory questions that neither Bill nor I are sure about. Can you take a quick look at what we have written and offer suggestions? The bidders' questions are on the left; our answers, on the right. If calling is easier than writing I'm at 991-4368. Thanks very much, Jim

Environmental/regulatory requirements	
Has any Environmental Assessment work been performed at the proposed array location?. If no, who will be responsible for complying with any applicable Environmental Assessments for this portion of the project?	No, to the best of our knowledge an EA is not required, but we do have to conform with the Town of Isle au Haut planning board requirements. If any EAs are required IAH Electric Power will be responsible.

Has any NEPA or Environmental Impact review work been completed at the proposed location of the PV array? If no, who will be responsible for complying with any applicable Environmental Assessments for this portion of the project?	No, to the best of our knowledge an impact statement is not required.
Is there any local permitting obligations required such as site plan review or a local building permit.	Yes, the Town of Isle au Haut has a planning board; the requested site plan is for a building permit that will be submitted to the board.
Who is the governing body issuing electrical permits for the completed system?	?? state requirement ??
Who is the governing body issuing mechanical permits for the completed system?	Fire marshal's permit for fuel tank over 500 gals. We would expect to install 1000 gals in a double walled tank.
Who is the authority having jurisdiction for the site?	We are not sure what is meant by this question. The site resides within the Town of Isle au Haut.

Bob Gerber <aframe73@gmail.com>

12/6/15

to James

The term "Environmental Assessment" generally applies to some large project where a federal government action requires an environmental review. For example, a dredging project planned by the Army Corps of Engineers requires an "environmental assessment" to satisfy NEPA requirements. I may be wrong, but I cannot think offhand of any federal agency action on this site that would require a NEPA evaluation. The only thing I can possibly think of is if, for example, DOE was giving the utility a large financial grant to build the system. That could possibly trigger a NEPA type review.

For projects requiring a State permit such as under NRPA or Site Location of Development, DEP requires selected environmental studies to convince the DEP staff that certain criteria for approval in those laws have been satisfied. Although many of the same elements and studies that might be required for a full environmental impact statement under NEPA may be required, a full NEPA assessment is rarely required. As I said in a previous email, your bidders should check with the Maine DEP to see if their schemes would trigger application requirements for any of the statutes administered by DEP. If DEP says there are permit requirements, then the bidder should look to the rules governing that permit to see what studies are required.

Under the Town regulatory scheme, we require very few "studies". However, the applicant does have the burden of proof to show that the criteria we have in our zoning ordinances have been met. So there may be some studies that are required. An example would be that there may be runoff and sediment and erosion control that would require an engineer to do a before and after study of runoff and design appropriate mitigation measures to prevent excess runoff and siltation from leaving the site. Most simple house construction does not require this much study, but this project may create enough impervious area where standard runoff control analyses are required.

The Town does not get involved in issuing any permits for mechanical or electrical systems. To the best of my knowledge the Town has not adopted a building code nor does it have a building or electrical inspector or process for inspecting buildings. However, 32 M.R.S. §1102-B(3) requires that state inspectors permit and inspect most electrical installations with the following exceptions:

Single-family dwellings;

The electrical work and equipment employed in connection with the construction,

installation, operation, repair or maintenance of any utility by a utility corporation

in rendering its authorized service or in any way incidental thereto;

The electrical work and equipment employed in connection with an aboveground

electric line described in 32 M.R.S. § 1102(1-B);

I am not a lawyer, but it appears that the exceptions listed above would mean no electrical inspection is required. The bidder should check the statutes cited and consult with their attorney to be sure.

On the question as to who has permitting "authority" over the site, certainly there will be a Town authority in the form of the Planning Board. There may also be a State authority such as the Maine DEP. These two processes are not combined here but would proceed on separate paths. Again, this is not a NEPA process where there is a lead federal government entity that coordinates all the permitting.

The tone of the questions you have been getting suggest that you may have bidders unfamiliar with Maine environmental statutes and rules that may govern this type and size of project and also unfamiliarity with the Town Zoning Ordinance. You should stress to them that they need to do their own determination of what permits may be required depending on their design. The Town Zoning Ordinance is available on the Town website and should be relatively clear to anyone who is used to working with environmental permitting. There is a section within the Maine DEP that will assist people unfamiliar with the Maine environmental statutes in determining what statutes and rules they might fall under. Housed within the Office of the DEP Commissioner, the Office of Innovation and Assistance (OIA) provides the regulated community and general public a centralized place within the department to seek guidance and answers on Maine's environmental regulations, laws, and policies.

Bob

Bob Gerber <aframe73@gmail.com>

Jan 2 (5 days ago)

to Mike

Michael, best wishes to you and Ellen in the New Year.

As to your recent correspondence to me about your wish to subdivide the Scrivani lot:

I see the lot was recorded in the Knox County Registry on 12/27/05. I am not sure of the date on which the subdivision was approved by the IAH Planning Board, but I assume it was sometime in 2006. I presume Ellen has owned the lot the entire time, or more than 5 years. A subdivision requiring approval by the Planning Board under State Statute is a division of the land into 3 or more lots within a 5 year period. A simple splitting of the lot in 2 by an owner that has owned it for more than 5 years is not a subdivision requiring town approval, unless I am missing some important facts here. Furthermore, there are exceptions in the statute that exempt this subdivision from the need for approval if your wife gifts to you, her husband, from the original parcel, one of the lots and she has held the original lot for a period of 5 years or more. (To be qualified as a gift, you cannot pay more than 1/2 the assessed value of the real estate she is gifting to you.) So, either way, your proposed subdivision of the land to give you one of two lots to be created by a subdivision of the original parcel is not a subdivision requiring Planning Board approval (again, unless I am missing something). I suggest you contact a Maine attorney experienced in land use law and real estate transactions to verify this. As a matter of policy, the Planning Board would not take up and "approve" a subdivision that it is not required to grant approval to. You would not want to do this unless necessary, either, because there are some expensive requirements for PB approval such as mapping all the wetlands on the property.

However, we can give you informal advice relating to the creation of lots that will be "buildable" lots under the current zoning ordinance and under the State subdivision statute. I did an approximate analysis of your land based on the plans and data you provided to me. To be exact, I would need Maine State Plane Coordinates or other recognized coordinate system to overlay the lots properly on the Town's zoning map. I have calculated the sub-areas of each Town zone within each of your proposed 2 lots and calculated the weighted minimum lot size of each lot based on the Town Ordinance, Section VI (G). The base map I have created is also attached. The base map has your lot plotted as closely to actual coordinates as I can without actually having corner coordinates. The 2' contours developed from 2011 LiDAR are superimposed. The Mean High Water Line, based on the LiDAR, is defined (note it is quite different from your surveyor's map). For purposes of doing the calculations for the Town Ordinance, the actual Mean High Water line is used (not the "Normal High Water line" used in the Shoreland Zoning Ordinance). The Town Zoning map is overlain and I have, in ArcGIS, done a quick planimetry of the areas involved in each zone within each proposed lot. I have also checked the dimensions of the lot ratio against the "spaghetti" lot rule. As you can see from the spreadsheet, what I find is that the dividing line has to be moved slightly because under the present configuration, the minimum lot size requirement of the northern lot based on the weighted area calculations is OK (4.41 acres required compared with 5.95 acres proposed) but the southern lot falls short (6.35 acres required compared with 5.88 acres proposed). Also, on the spaghetti lot measurements, under the proposed configuration, you need a chord distance from the intersection of side lot lines with the MHW line of 270' whereas you currently only have 257' feet. The northern lot is ok on the spaghetti lot test. If you keep the western point of division at the road anchored where it is and then move the eastern lot line intersection with the MHW line north a bit, you should be able to meet the requirements. You should have the surveyor use more accurate determinations of both the Mean High Water Line and the actual position of the zones to do his calculations. I can supply the data in ArcGIS shapefile format if that is helpful to him.

I hope this is helpful to you. To summarize, consult a Maine attorney familiar with the subdivision statute, and have your surveyor sharpen his pencil and take advantage of the more detailed topography now available.

Best regards, Bob

2 Attachments

Preview attachment Base Map.pdf



Base Map.pdf

Preview attachment Min. Lot Size & Lot Ratio Calcs.pdf



Min. Lot Size & Lot Ratio Calcs.pdf

Mike Fedosh

Jan 4 (3 days ago)

to me

Wow! thanks Bob. you did dissertation research on this matter. OK on no PB approval. I've got NJ in my head when we review subdivisions in our town. will consult with a local esq.

the proposed lot line shifting is more important to satisfy the spaghetti requirement. I don't want to lose anything in the translation with the surveyor, Sage Collins, and can send your email to him to address. I fear that he may consider the email "fightin' words" and do not want to start a confrontational matter between you & him. I don't know Sage as a person to determine how he'd react to your advice. If you want to avoid the potential hassle I can personally advise him on what needs to be done.

I'm curious on your Lidar source since I've seen you use it here & on the July geo field trip. is it USGS or a state database?

also, while I'm typing, what's a local lab that I can use to test the well? being in our line of work I'll probably run more than is necessary but will include metals, radon, chlorides & coliform. The short hold time for coliform

means a local lab with me collecting the sample shortly before the mail boat departure. I presume the lab will provide the bottles & cooler before hand. Is a certified sampler required to collect the sample or would the CPG cover any such requirement?

Again, thanks for everything. Welcome to the New Year. Burgess has been getting out to the house infrequently due to weather to progress with the interior. we're targeting a February weekend to clean up the exterior grounds & bring out more boxes.

Bob Gerber <aframe73@gmail.com>

12:11 PM (22 hours ago)

to Mike

The LiDAR is available as 2-meter DEM data in raster format from the Maine Office of Geographic Information Systems. You can also just download the 2-foot contours as a shape file. Go to their website and look click on the data base for 2-ft contours produced in 2015, or go to their "Maine orthoimagery and basemap viewer" and download the specific tiles you want from the basemap.

Elevation and derived products

Data Layer	Download		Data Layer	Download
Bathymetry - Gulf of Maine 30m (BATHY30) (2/24/2004)			Elevations above 2700' (MECON2700) (1/1/1995)	
Bathymetry - Gulf of Maine 100m (BATHY100) (11/30/1999)			Hillshade - 2m from lidar (4/08/2013)	
Digital Elevation Model - 2m from lidar (4/08/2013)			Index for lidar collects (10/30/2014)	
Elevation contours (CONTOURS) (4/30/2000)			Lake Depth Soundings (LAKEDPTH) (10/13/2011)	
Elevation contours 2-foot (CONTOURS_2FT) (2/17/2015)			National Elevation Dataset (NED) Hillshade WMS	
Elevation contours 500' (MECON500) (1/1/1995)			Slope model - 2m from lidar (4/08/2013)	

On dealing with your surveyor, it is up to you. If you don't get this right and one day one of your kids comes in for a building permit and the lot is "non-conforming", he won't get a building permit. The data and methods I sent to you are what I use now to determine if a lot is buildable. No one had the mapping capability I have back in 2006 when the surveyor did the subdivision plan. Now that we have this ability and precision, that is what the Town is using to evaluate these things. So the surveyor needs to get up to speed with the how we do things out here now if he wants his clients to get permits. I have been educating a few other surveyors on this recently, like Linda Campbell of Due North surveying on Deer Isle. As I said, I would be glad to make his job easier by sending him the shape files he needs to do the same calculations I have been doing.

One thing I wanted to mention to you is something I read by a lawyer who wrote a commentary on the State Subdivision Law. He recommended that people doing exempt subdivisions, like the one you propose, ask the Planning Board for a letter stating that the lots created would be buildable under the zoning ordinance at the time the subdivision is created. Our Planning Board could issue you a letter of that type. The information we would need is the final plan and calculations (such as I have done to show you meet the dimensional requirements), a copy of the original subdivision plan, a copy of your original deed, and a copy of the deed you intend to file to create the proposed subdivision. So this is not an official subdivision plan approval, but a letter for the file stating that at the time the plan was filed, the lot was buildable based on the dimensional requirements of the zoning ordinance in force at that time. This may avoid problems for you in the future.

On laboratories, you could use the private lab, A&L Laboratory, Inc, in Auburn Telephone: [\(207\) 784-5354](tel:2077845354), or the State lab. For the State lab, go to this link <http://www.maine.gov/dhhs/mecdc/public-health-systems/health-and-environmental-testing/guide.htm> and you can get the info you need. They will mail you the bottles and you fill them and mail them back. For coliform testing, you should mail out the bottles from a Maine Post Office like Stonington, on a Monday or Tuesday at the latest so they don't miss the holding time. Or you could drop off the samples in person in Augusta for the State lab or Auburn for A&L. You have to be "certified" by the Dept. of Health and Human Services to take radon water samples. Seems silly to me, but I know Gerry Wurzburg got them to give her approval to test the ICDC houses so if you talk with the lab, they would probably make an exception for you, too. Make sure to run the water for a while to clear out the casing rust. Don't be surprised to get some total coliforms if the well has been sitting and unused for some time.

Best regards, Bob



Robert Gerber <aframe73@gmail.com>

Fedosh subdivide

Mike Fedosh <mikefedosh@gmail.com>

Wed, Jan 13, 2016 at 9:01 PM

To: Bob Gerber <aframe73@gmail.com>

OK on no soil tests. yeah! I read somewhere that soil scientists & PGs could do the soil test. that shocked me because I had seen the regs not too long along which said only soil scientists. that finding obviously had stuck with me. I recall the septic design was good for 2 years. Doug Merservey had to re-sign my design during our dormant years.

I first need the amended lot footprints done by Sage Collins before you'll hear from me on this matter. looks like you'll be watching the snow this weekend.

Mike

On Tue, Jan 12, 2016 at 3:54 PM, Bob Gerber <aframe73@gmail.com> wrote:

Since the letter that the Planning Board would give you is just a letter indicating that the lot dimensional requirements meet the current Zoning Ordinance requirements, you don't have to do any new soil tests. Within the 5 acres or so of the other lot, you probably have some suitable area and if not, the second lot might find a suitable site on the first lot and use it by easement (you might want to put that language in the deeds that divide the lot). If you want to make extra sure, you could have a Licensed Site Evaluator find a suitable spot now. His record of the soil test is good forever, but the design of a new system is only good for something like a year (can't remember the exact time limit on the design). Incidentally, I don't know where you got the idea that PGs can do soil tests. Only Licensed Site Evaluators can do soil tests for septic system design. You have to take two tests to be licensed. In order to qualify to sit for the exam, you have to meet one of the two following qualifications:

400. Methods of Qualification:

A. Education

1. Be a graduate from an accredited college or university with an undergraduate degree in engineering, geology, pedology, or similar discipline.
2. Have twelve (12) months or more of work experience directly involved in the practice of site evaluation or which relates to the practice of site evaluation; or

B. Experience

1. Be a high school graduate or equivalent.
2. Have four (4) years or more of work experience directly involved in the practice of site evaluation or which relates to the practice of site evaluation.

Anyone who has a PG probably has qualification A1, above, but you would still have to work as an apprentice to another Site Evaluator for 12 months beyond that. Then you still have to take the tests, which are not easy,

particularly the field exam, unless you are a soil scientist by education. I had been a Licensed Site Evaluator for 40 years until I let my license lapse last year when I retired. Incidentally, there is no prohibition against a Site Evaluator doing his own soil test and design. I know because I called the State people and asked that question when I had to do a new test and design for the failed system at my house on Isle au Haut.

Best regards, Bob

On Fri, Jan 8, 2016 at 9:41 PM, Mike Fedosh <mikefedosh@gmail.com> wrote:

Hi Bob,

I figured to send a clean email to you.

all is well concerning your comments & advice. I spoke with the surveyor Sage Collins in Blue Hill. he says he hasn't done anything on the island in 2015 so you both have had no contact. In my past conversations, both AI & Sage spoke frequently but those times have passed. He has no problems with making whatever changes needed to the subdivision line for conformable lots.

We will go through the steps to get the informal OK letter from the PB. I figure its better to do it now while I have a pulse rather than having the kids piss on my grave.

QUESTION: for the PB review & "buildable" determination, does that require NOW finding a location that percs for a septic? Things have changed since 2006 when we had our perc test done. I see that the state now allows PGs to perform the test & calcs besides soil scientists. I don't know if myself doing it would be a conflict or just get Doug Merservey to come out again. I'd probably just move along strike from my septic to test the other lot.

I'm keeping an eye on the area via the web cams. watching the snow cover melt which is good for us coming up in February to do intense trash picking around the house (figured the builder's guys wouldn't go as gonzo as us).

Mike