

**Isle au Haut Planning Board
Minutes of Meeting of October 7, 2015**

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

Alternate Members Present: Jeff Burke, Waylan Small

Applicants Present: (via conference call-in) Laura Jacobus, Henry Bergeson, and attorney Diane O'Connell regarding Moore's Harbor zoning interpretation appeal; Terry Towne representing Maine Coast Heritage Trust

Public Members Present: Jim Wilson, representing the IAH Electric Power Co.

The Meeting was called to order by the Chair, Bob Gerber, at 6:30 PM at the Town Offices. With Steve Shaffer being absent, the Chair appointed Jeff Burke to act as a voting member at the meeting.

Old Business:

Approval of the Minutes of the July 30, 2015, Meeting

It was moved by Jeff Burke and seconded by Dan MacDonald to accept the minutes of the July 30, 2015 meeting without change. Voted to approve: 5-0

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 (attached).
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 (previously posted on website).
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 (previously posted on website).
7. Submitted questions to Town attorney on zoning legal questions and phone discussions related to same (posted on well site).
8. Discussions and emails with Jim Wilson and Bill Stevens regarding the proposed Power Company solar power development of the Lamson property
9. Phone discussions about zoning changes in general with Staige Davis (Barter Creek), and with Scott Anderson of Verrill Dana, the latter regarding the Bowditch lot rezoning proposal
10. Email and phone discussions and site visit with Ken Poss who has an option to purchase the 82 acres that include the Horseman Point property
11. Email and phone discussions with Robin Tannenbaum, architect for the Davidson Trust property in Moore's Harbor, about zoning questions
12. Correspondence with Laura Jacobus about Board of Appeals procedures

13. Field check on erosion and sediment control compliance on Leone lot on the Pond, and sent letter on same and inquiry about the permitting of the deck/tent platform
14. Field check on erosion and sediment control compliance on Chamberlain lot on the Pond (will send letter noting additional actions needed)
15. Responded to zoning questions from Bill Chamberlin concerning adding accessory structures to his lot

New Business:

1. Request of Laura Jacobus to the full Planning Board to 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. The Chair had previously offered an opinion on this matter (attached), saying that a proposed new septic system for the Bergeson property (which Jacobus has under option to purchase) was located in a Town Resource Protection Zone 125-foot Buffer around Moore's Swale and according to the Land Use Table of Section V of the Town Ordinance this was a prohibited use in this Zone. Attorney for Laura Jacobus, Diane O'Connell, made a verbal argument that this use should be permitted through an interpretation of wording in Section I (Preamble) and Section III (Exclusions). She claimed to have sent a legal brief via email to the Chair that day, but the Chair had not seen it. Since she wanted the Board to have this information to review before a decision was made, she said that she and her client would be amenable if the Board tabled the issue until the next meeting. After a brief discussion of pros and cons of allowing such a use in the RP zone, it was moved by Jeff Burke and seconded by Bill Clark to table the issue until the next meeting which would be sometime in November. Motion passed 5-0. The Chair said he would notify Laura of the date of the next meeting more than a week in advance and that any additional written materials she wanted to provide had to be submitted no later than a week before the meeting.

2. Permit request under Town and State Ordinances to re-construct a bridge on MCHT property in Head Harbor. This application (attached) was approved by the Chair for processing on September 29th. Terry Towne was acting as authorized agent for Maine Coast Heritage Trust and was available via conference call to present and answer question on the application. The Chair briefly introduced the application, saying that he had encouraged MCHT to apply for a permit under both the Town and State Ordinances since the legality of re-building the existing bridge at that location without a Planning Board permit was questionable and it would be better to put the matter to bed by issuing a permit to do so. There was also a question of whether cutting in excess of Shoreland Zone restrictions had been done as part of clearing the old roadway and that was also in doubt. The application provides for rebuilding a former footbridge over a small stream at the northeast corner of the property along the old roadway that led from the Town Road, along the boundary with Ellard and Kate Taylor's boundary, to access the old fish shack on the west side of Head Harbor. Concrete footings were poured for the placement of two new main beams. The planking would be designed to be adequate for foot traffic but would not support vehicle traffic, since that potential use of this right-of-way has been extinguished through non-exercise of that previously grandfathered right. Bill Clark suggested that we incorporate a condition in the permit to put in a post in the center of the right-of-way, at the north end of the bridge, to prevent vehicles from crossing and to admonish potential vehicular drivers not to attempt to cross the bridge. The application provides for removal of cut brush and slash to below high tide and burning during the winter. It was moved by Bill Clark and seconded by Dan MacDonald to approve the application with the condition for a post and sign to warn against vehicle traffic on the bridge. Motion passed 5-0. The Chair was directed to issue the permit to MCHT with the condition noted.

3. An item was taken out of order by agreement of the Board to **discuss permit application requirements with Jim Wilson, representing the Isle au Haut Electric Power Company, which is proposing to locate a solar generating facility on the Lamson property on the southern slope of Coombs Mountain.** No application has been submitted as of this date but the Chair noted that he wanted to make the Power Company aware of what the Board would require so that the Power Company could apply in plenty of time so that the processing of the application did not hold up the start of the construction on the project. The Board stated that the first and most important step was for the Power Company to secure a legal interest in the land on which they plan to locate the facility. In addition to the Lamson property, Jim mentioned that they may wish to acquire rights to the Town land to the west for ancillary purposes. As a result of the discussion, the Board told Jim that in addition to evidence of right, title and interest to the property on which the facility would be constructed, the Board also wanted to see a detailed boundary survey and engineered plan showing the general location of the various elements of the generating facility (e.g., areas of panels, battery location, support buildings, access roads, power lines), detailed sediment and erosion control plans, secondary containment for any liquids that could contaminate groundwater, and the location of the transmission lines from the facility to the road. The Chair told Jim the general schedule of Planning Board meetings out through January which did not, at this time, include a December meeting. Jim said he may not be able to present an application in time for a November meeting but may need Planning Board action before the end of the year. The Chair said that if it was absolutely necessary to convene a meeting of the Board in December he would try to raise a quorum to do so.

4. **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.** The Chair had previously summarized all verbal and written comments received on the proposed zoning changes that went to public hearing on August 27th and provided a draft of this to the Board prior to the meeting. The Chair also prepared and sent to the Board members before the meeting a revised map of proposed zoning changes and some proposed changes to the text from what had been originally proposed. The Board first went through all of the proposed text changes and agreed with the Chair's suggestions; however, it was agreed by a 3-2 vote to remove the prohibition against septic systems in the RP zone of Moore's Swale for houses constructed prior to March 1975 and to also extend the same right to construct a septic system in the 125' buffer zone on Long Pond. The Chair also noted the need to specifically define within the Zoning Ordinance the right of the Appeals Board to issue various types of variances.

The Board then went through the proposed map changes, which included: 1) removing the marine zone from Pt Lookout; 2) changing part of the marine zone on the Bowditch property to a GD II District to allow for a house to be built on the shore there; and 3) to add the small strips of land to the east and west of the Town Landing lot (owned by Paul Lewis and Mat Hastings, respectively) to be added to the Marine zone at the Town Landing. The Chair noted that he had spoken to both parties and they had agreed to the proposed change. The Chair described the reasoning for these map changes and they were agreed to by the Board. Dan MacDonald put forward a proposal to also zone Moxie Island (in the Thoroughfare, southeast of Kimball—a historical part of the working waterfront) for marine uses. This idea was approved by the Board to put in the next proposed map. The Chair also mentioned the verbal request of Bill Stevens to put his land on the east side in either marine or GD II District. The Board felt that was too far afield from the emphasis in the current re-zoning effort that was focused on the Thoroughfare area and that it would be too late in the current re-zoning effort to propose what would be a major new re-zoning in a part of the island where similar rezoning was not proposed.

Next the Board went through all of the comments received and the previous written or proposed responses of the Chair to see if the Board agreed with the Chair's responses. The Board agreed unanimously with the Chair's responses so they were not modified.

The Chair noted that as part of the changes to the Town Ordinance that will be submitted to the Selectmen for consideration on the next annual Town Meeting warrant, the maps he has produced in ArcGIS with a reference to the specific "shapefiles" that define the zones so that the "official" zoning map can be available in as accurate a format as possible. (Note: the Town attorneys have stated that it is the "map" that rules rather the text description of where the zone lies.)

The Chair said that he would now: 1) finalize the written responses and post them on the website; 2) send the responses via email to each person who filed written commons with the Board; 3) prepare a new map for review and notice purposes; 4) prepare a revised text for review purposes; 5) prepare the formal notices to be sent to people who are affected or abutters; 6) prepare the newspaper legal advertisements; 7) pick a date for the hearing in November. The Chair noted that the subject of the hearing would only be changes in the proposed map and text of the Town Zoning Ordinance made since the original proposal.

There being no other business to come before the meeting, it was moved by Dan MacDonald, seconded by Bill Clark to adjourn the meeting at 8:40 PM. Approved 5-0.

Respectfully submitted,

Robert G. Gerber, Chair

Attachments as noted above



Robert Gerber <aframe73@gmail.com>

from laura jacobus moore's harbor

Bob Gerber <aframe73@gmail.com>

Tue, Aug 4, 2015 at 3:28 PM

To: "Laura R. Jacobus" <lrjacobus@aol.com>

Cc: "William F. Stevens" <wmstevens@tds.net>

I have reviewed the materials with my Planning Board Chair hat on. It appears that the proposed location of the septic system (based on the application and variance application forms) is in a Resource Protection Zone under the current Town Ordinance as shown on the attached map. The pertinent ordinance sections are copied and pasted below:

Section IV, Zone E--Resource Protection Districts include areas in which development would adversely affect water quality, productive habitat, biotic systems, or scenic and natural values; as follows:

9. Moore's Harbor Swale, Isle au Haut, spruce bog and fresh water marsh and belt of land 125 feet in width surrounding swale, Northwest side of Isle au Haut. Furthermore, no filling or earth-moving is permitted in the Town Resource Protection Zones.

Section V of the Ordinance contains a table of allowable land uses and Item 15 under "Resource Protection zone" indicates that "Private Sewage Disposal systems" are not permitted in this zone. I am quite certain of the map extent of the resource protection zone because it is contained on previous maps issued by the Town to accompany the Zoning Ordinance text. I am also quite certain that there is no appeal or variance that could be acquired to locate a septic system in a Town-designated Resource Protection Zone. This issue was debated previously by the Planning Board in regard to subdivisions on the east side of Long Pond which also had land that lay in a similar resource protection zone.

Another constraint under the Town Ordinance is that "no filling or earth moving" is permitted in a Resource Protection Zone (Table in Section V, Item 16).

It would appear that you would have to move east from the house site over to the Davidson property, and then go north onto land of Davidson, or go west, keeping south of the Town Road, and go onto or across the abutting property to the west.

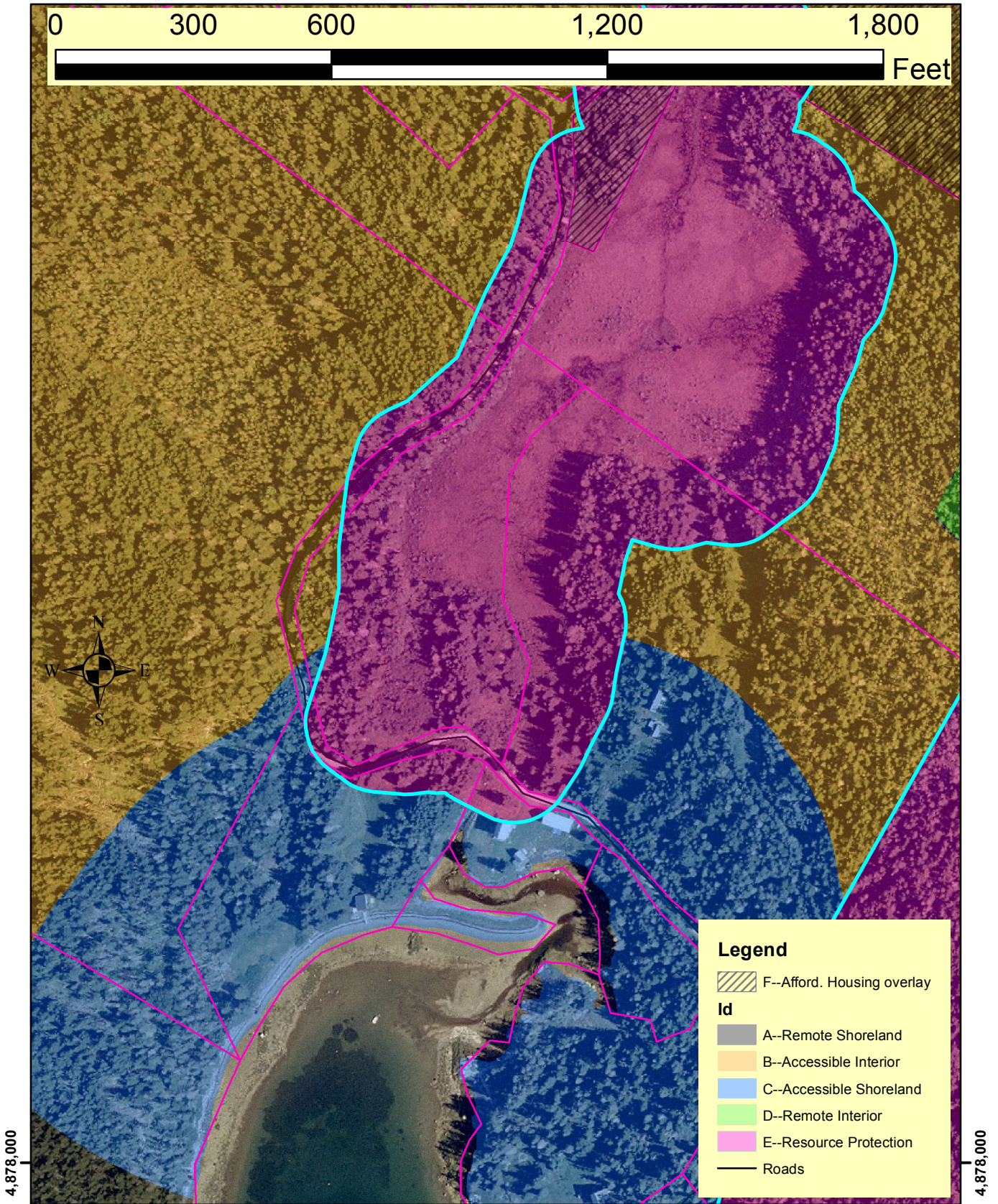
Although this may be moot at this point, it appears that the Town right-of-way is just that. According to research done by Bill Stevens in the past, most of the Town road is not owned by the town but rather is a prescriptive easement. Your surveyor should confirm this. Assuming this to be true, you would not need a permit from either the town or the Planning Board to cross under the road with a pipeline. However, if your pipeline was long enough that more than 10 cubic yards of material would have to be excavated to place the pipe, then a permit from the Town Codes Enforcement Officer would be required. If this is in the Shoreland Zone, then the CEO would be Douglas Stover of Blue Hill. If it is outside of the Shoreland Zone, I am presently Codes Enforcement Officer ex officio.

I am sure this is not what you wanted to hear, but these are the facts as they currently stand. I note that the State Shoreland Zoning Ordinance does allow septic systems in Resource Protection zones (provided all other environmental permitting conditions are met), but that Ordinance also states that the stricter of the two ordinances—Town or State—controls.

Best regards, Bob Gerber, Planning Board Chair

[Quoted text hidden]

 **Zoning2015 near Moores Hbr.pdf**
2231K



Town Zoning Map as of 2015
 Isle au Haut Comprehensive Plan
 Grid is UTM, NAD83, Zone 19N (m)
 RGG 7-27-15

Map

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'

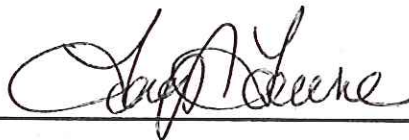
To: Isle au Haut Planning Board

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. TOOME

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.

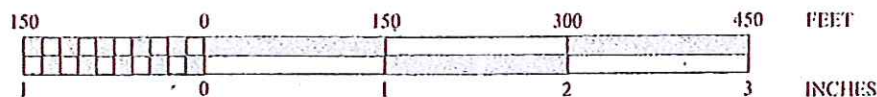
THIS PLAT AND SURVEY WERE PERFORMED UNDER MY SUPERVISION TO THE LOCAL STANDARDS OF CARE AND SUBSTANTIALLY MEETS THE STATE OF MAINE BOARD OF PROFESSIONAL LAND SURVEYORS STANDARDS WITH THE FOLLOWING EXCEPTIONS:

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

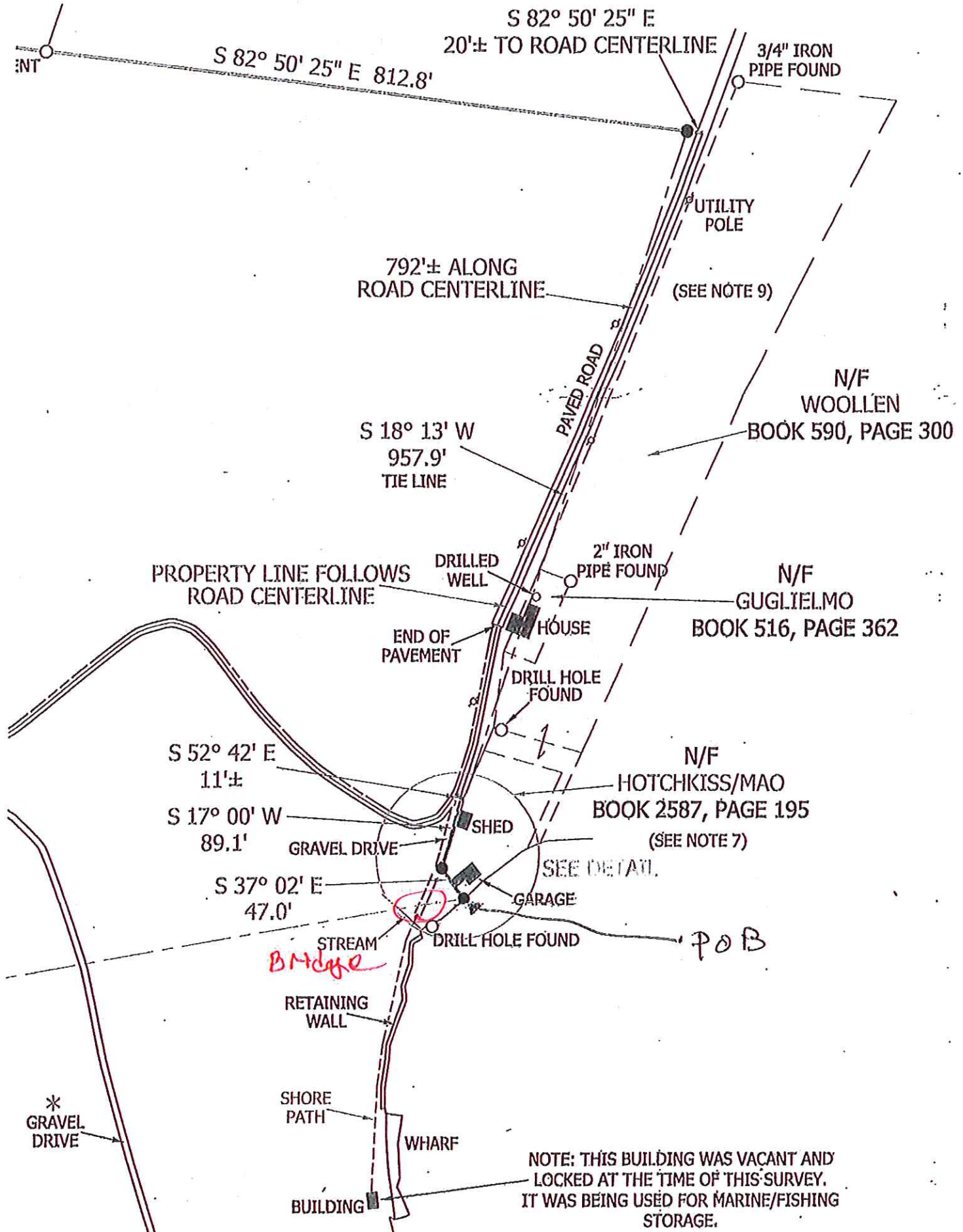
TOWN ROAD,
ISLE AU HAUT,
KNOX COUNTY,
MAINE



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



NOTE: THIS BUILDING WAS VACANT AND LOCKED AT THE TIME OF THIS SURVEY. IT WAS BEING USED FOR MARINE/FISHING STORAGE.

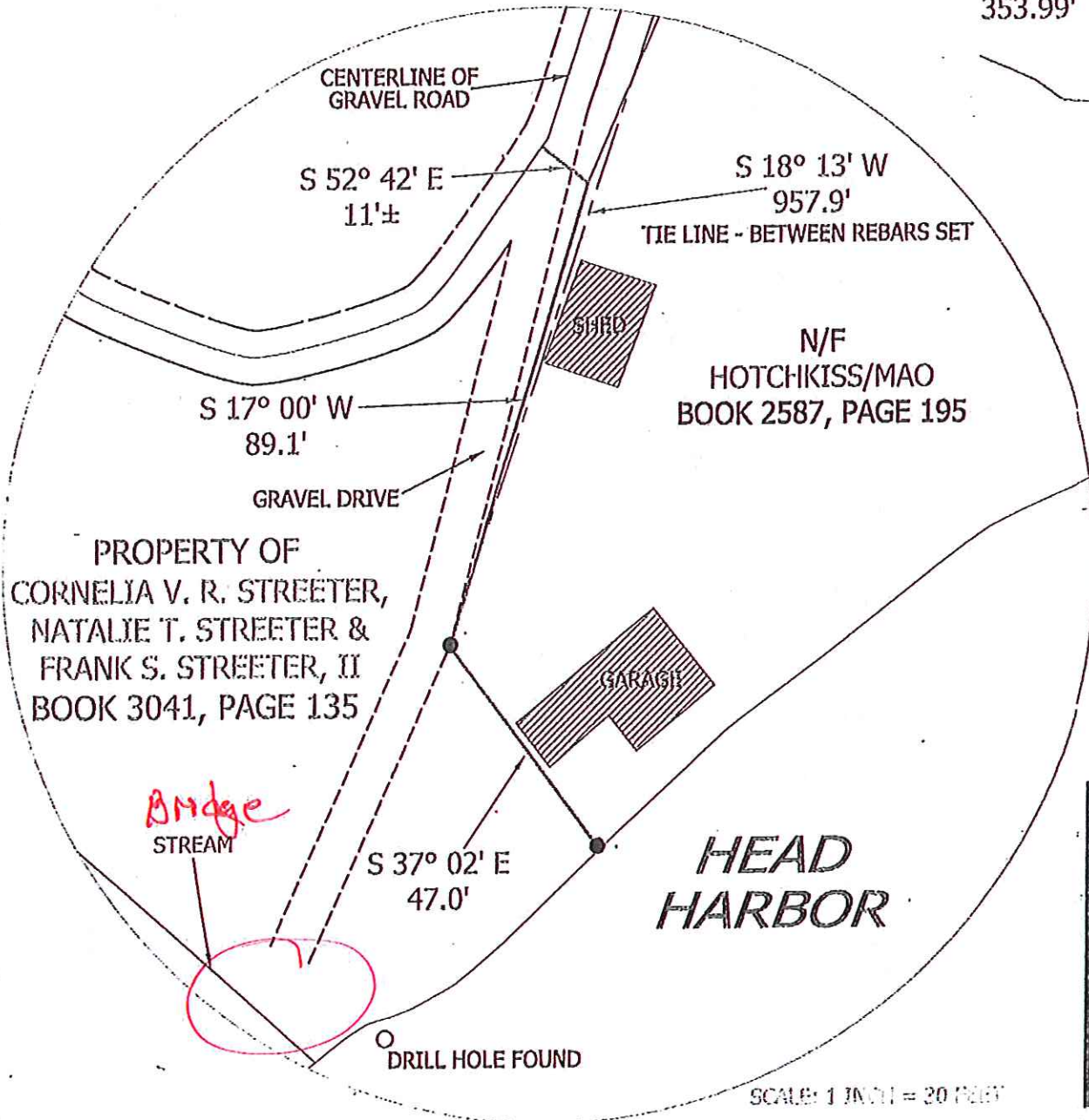
N/F
UNITED STATES
OF AMERICA
BOOK 931, PAGE 6

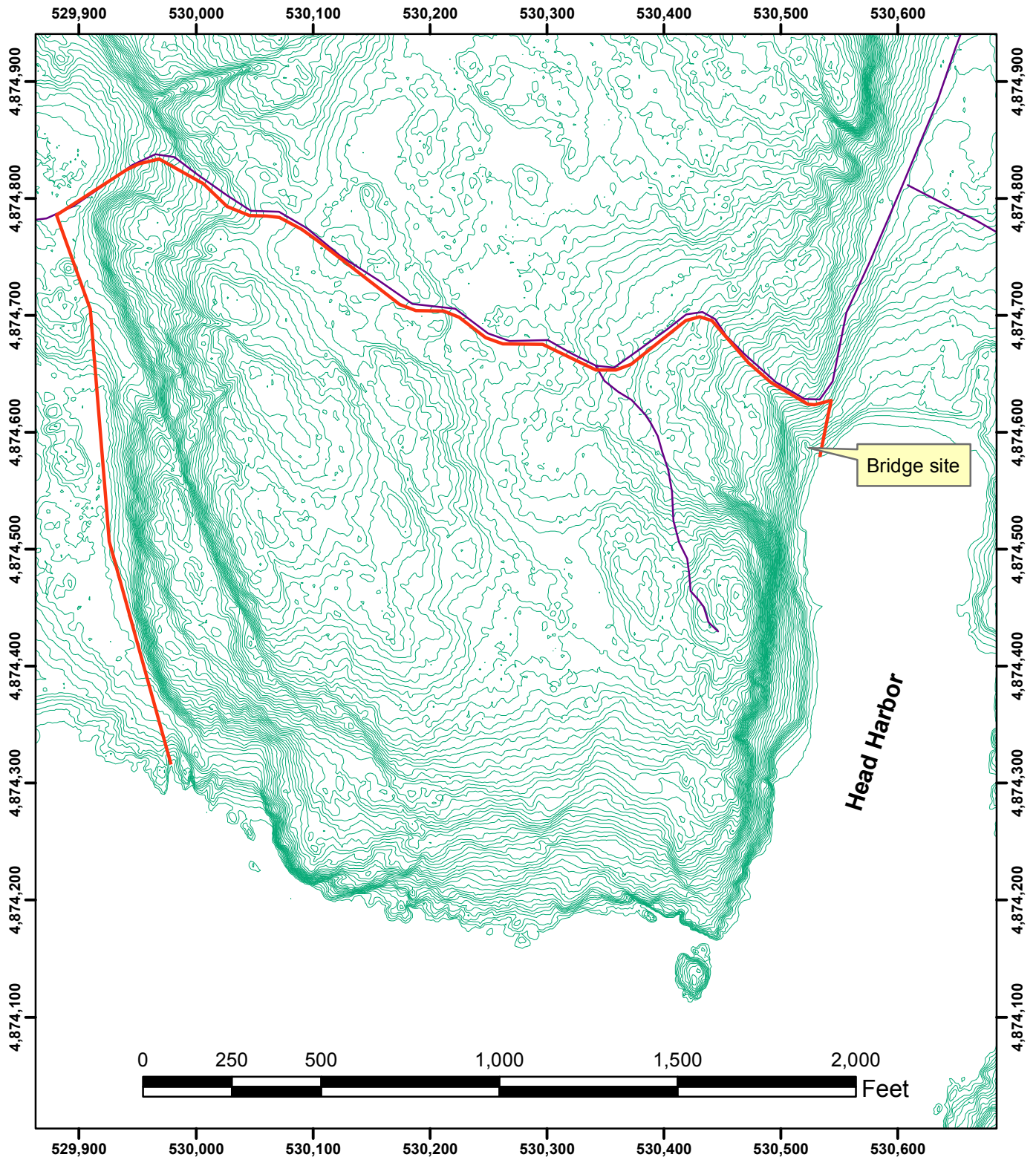
*
IRON
PIPE FOUND

S 13° 19' 45" E
200.00'

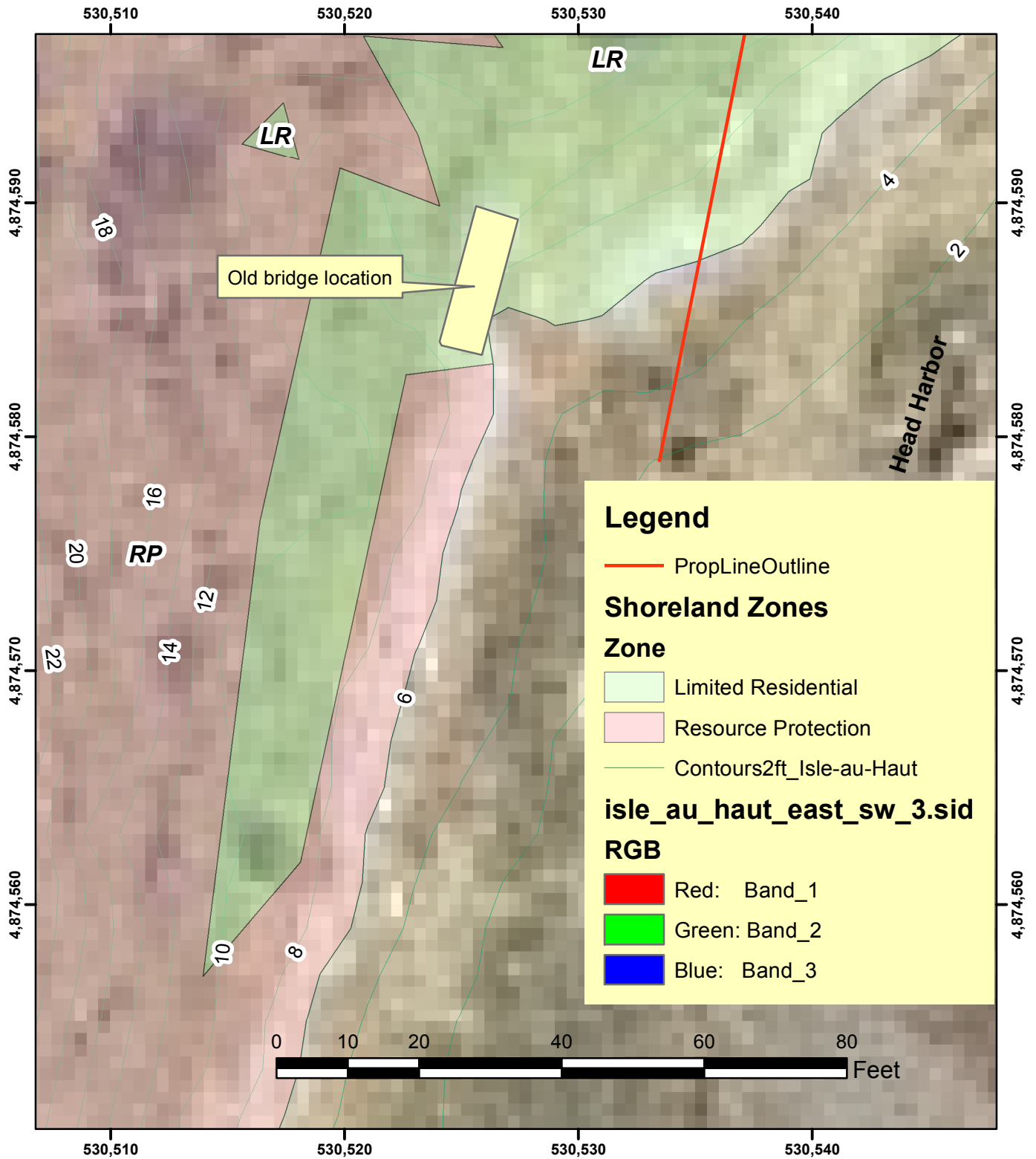
DETAIL

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

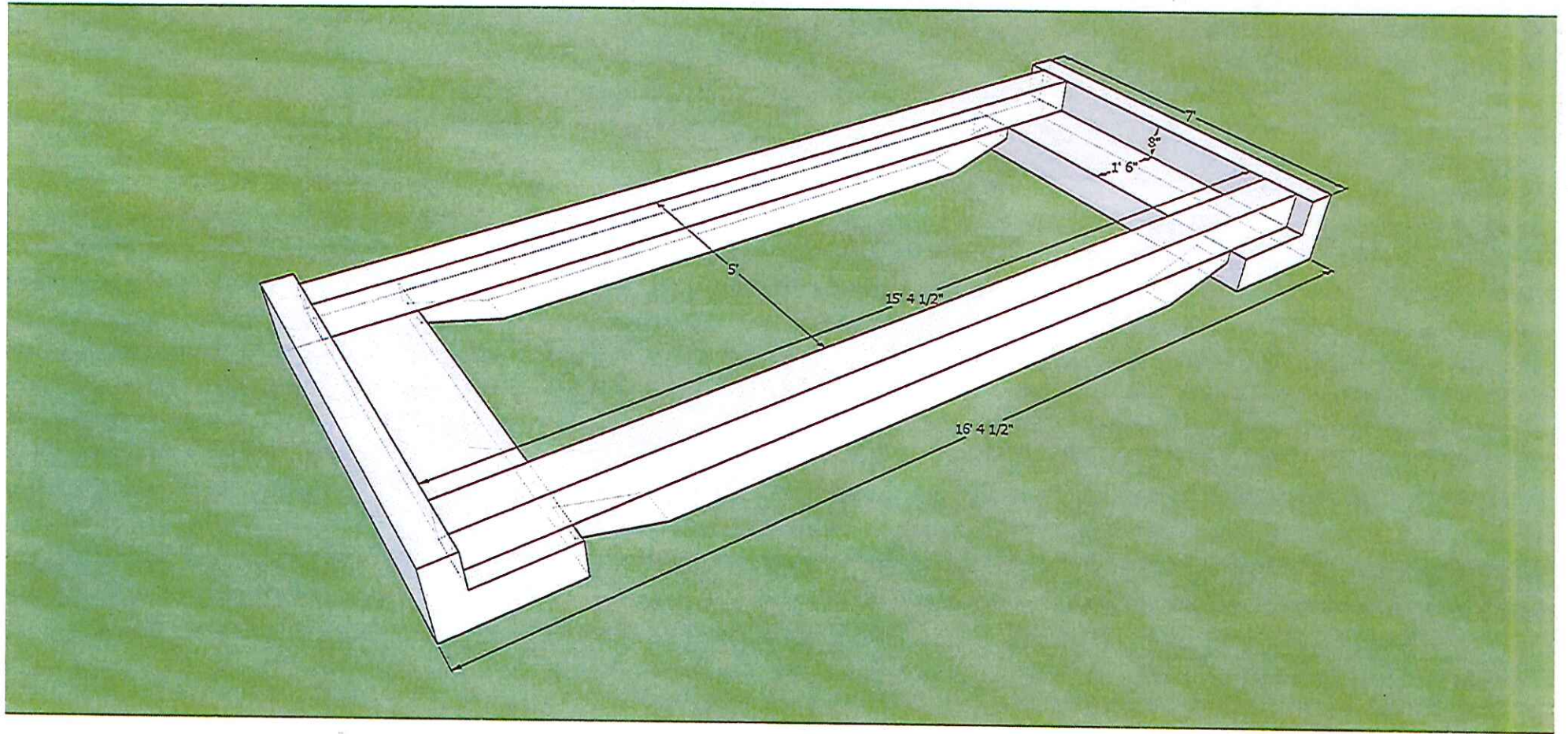
Re: Bridge Reconstruction / Map 5 Lot 2

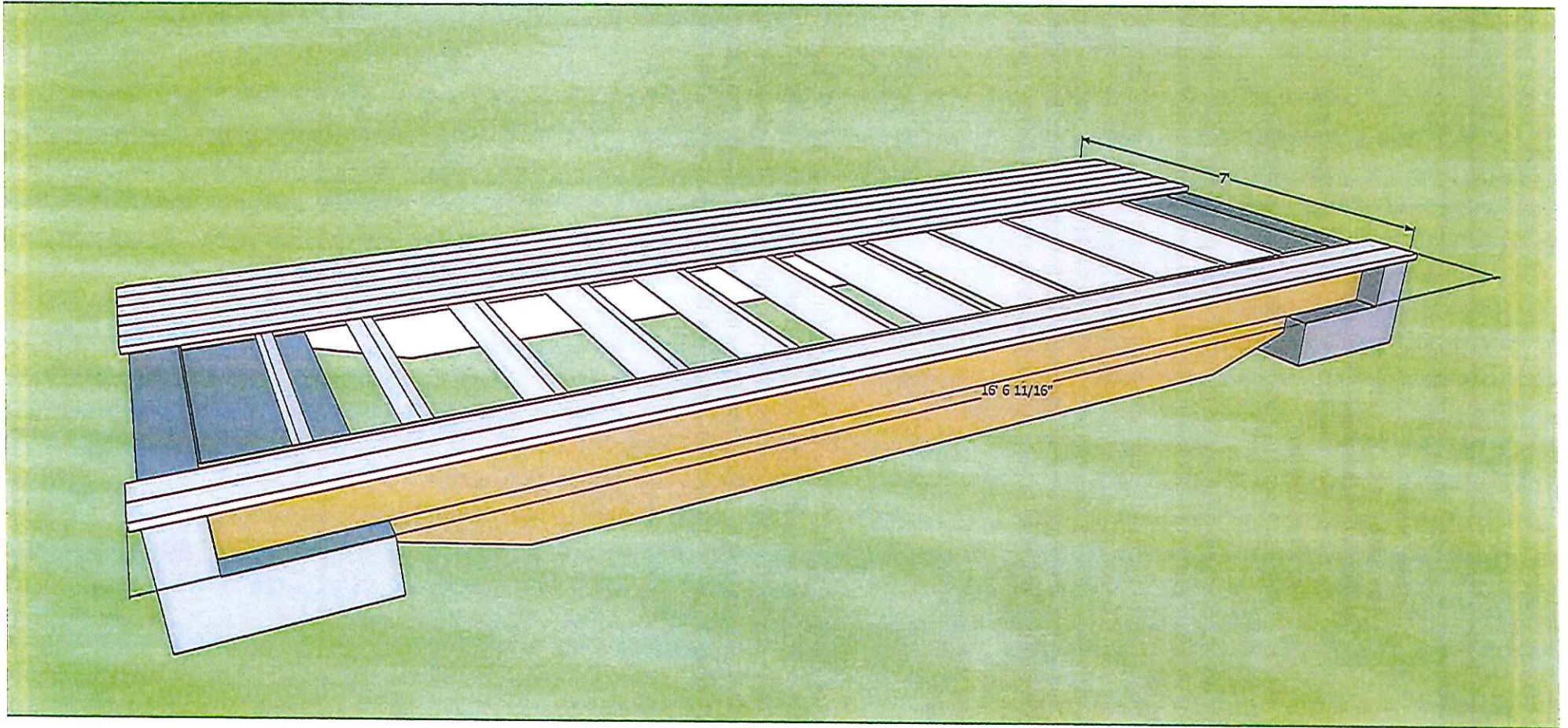
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Terry Towne

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