

**Isle au Haut Planning Board
Minutes of Meeting of November 12, 2015**

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

Alternate Members Present: none

Applicants Present: Laura Jacobus and attorney Diane O'Connell regarding Moore's Harbor zoning interpretation appeal (via conference call-in); Bob Leone regarding permit for accessory structure on Long Pond lot (via conference call-in); William Barter regarding permit for accessory structure on his lot

Public Members Present: Tucker Runge

The Meeting was called to order by the Chair, Bob Gerber, at 6:00 PM at the Town Offices. It was noted that there was a quorum of 3 of the 5 regular Board members present.

Old Business:

Approval of the Minutes of the October 7, 2015, Meeting

It was moved by Bill Calvert and seconded by Bill Clark to accept the minutes of the October 7, 2015, meeting without change. Voted to approve: 3-0

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. Communications, review and rebuttal to attorney briefs in reply to my 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. Communications and review and approval of application as complete from William Barter for an Accessory Structure on his lot (application attached).
4. Posted notices, sent out letter notices to affected landowners and abutters and advertised the second public hearing on the proposed zoning ordinance amendments (documented separately).
5. Communications and review and approval of application as complete from Robert and Carol Leone for an Accessory Structure on their lot on Long Pond (application attached).
6. Sent Town Zoning Ordinance to Dept. of Health and Human Resources to put them on notice of zoning restrictions in the Town's Moore Swale and Long Pond Resource Protection buffer zones
7. Continuing communications with Robin Tannenbaum, architect for Davidson Trust, on zoning limitations on Moore's Harbor property where the owners are considering expansion to some buildings.
8. Received letter from Selectmen authorizing me, in my capacity as Chairman of the Board and with the permission of the Board in specific instances, to negotiate consent agreements to resolve zoning ordinance compliance issues (attached).

Request of Laura Jacobus (“Appellant”) to the full Planning Board to vote to reverse Chair’s decision as to her ability to construct a septic system in the Moore’s Swale Resource Protection buffer area

This item of business, which was tabled during the past meeting, was lifted off the table and discussed. Since the last meeting, Laura Jacobus purchased the property from the Bergesons so she is now the sole appellant to the Chair’s interpretation of the Town Zoning Ordinance.

The Chair had previously offered an opinion on this matter (attached), saying that a proposed new septic system for the property 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, requested that the Board table the matter during the last meeting so she could submit a legal brief in support of her client’s request to overturn the Chair’s ruling. Since the last meeting, Attorney O’Connell provided a legal brief, to which the Chair responded (both documents attached). Attorney O’Connell then provided a second legal brief, which the Chair also responded to in writing (both documents attached). All four of these documents were submitted via email to the Board members in advance of the meeting.

Attorney O’Connell provided a brief verbal summary of her arguments, emphasizing again the protections offered in Section III of the Town Ordinance to grandfathered buildings. She clarified that the “100’ setback line” on the surveyor’s preliminary plan was indeed meant to indicate the Plumbing Code setback for a new septic system in the Shoreland Zone. The Chair noted that to the extent the Appellant wanted the Board to rely on the surveyor’s plan, it should not be marked as “Preliminary” and it should be stamped by the surveyor taking responsibility for the plan.

Attorney O’Connell also wanted to note for the record two types of objections:

- a) objections to the overall process, feeling that all the information provided relative to the proceeding should be presented and discussed in open Planning Board meetings.
- b) objections to the Chair issuing rebuttals to the applicant’s legal briefs.

The Chair described the origin of the process by which the Chair issues initial zoning interpretations to applicants between Planning Board meetings, subject to reversal if the appellant requests the full Board to review the opinion and the Board votes to overrule it. The Board only schedules meetings at which substantive votes are required and it is difficult to obtain Board quorums even then. In order to assist the Board in being prepared for its meetings, all relevant documents are submitted to Board members via email in advance and all of which are available to be discussed and questioned when the Board meets¹. The lack of an active Codes Enforcement Officer, who would normally issue zoning ordinance interpretations under the Zoning Ordinances in many other communities, has placed the burden on the Chair to provide these opinions and provide justification for his interpretations. This is the first instance in any Board member’s memory when a zoning ordinance interpretation might be appealed to the Board of Appeals. The Chair noted that any objections to the Planning Board process or determinations should be made to the Board of Appeals.

¹ The Chair notes, as an aside, that its process is similar to most judicial processes where legal pleadings and rebuttals are made in writing and in advance of any judicial hearing and decision on a matter. Most inquiries to the Chair to interpret the Ordinance are at the early stage of project conception before applications are submitted and accepted as complete. The Chair acts promptly on these requests to minimize project delays. Delays occur if parties that seek interpretations have to wait until a Planning Board meeting is scheduled.

There being no more discussion or questioning between Appellant and the Board, the Chair closed the discussion between the Board and the Appellant and moved into the deliberation phase during which the Board considers the matter among its members and eventually acts on the Appellant's request. The Chair asked for a motion to reverse the Chair's ruling of Aug. 4, 2015, to prohibit a private sewage disposal system to be located in the Moore's Swale Resource Protection buffer zone. It was so moved by Bill Calvert and seconded by Bill Clark. All of the Board members agreed that they wanted to make it possible for a new septic system to be located on the former Bergeson property at Moore's Harbor. The Chair noted that there are several paths forward: a) designing a system within the Town's Accessible Shoreland Zone where septic systems are permitted and requesting the required variances from the Maine Department of Health and Human Services (DHHS) for a system in that zone; b) getting a decision by the Board of Appeals that would permit the original design to be constructed in the Town's Resource Protection Buffer Zone; c) securing a vote at the 2016 Annual Town Meeting to amend the Town Zoning Ordinance to permit septic systems and appurtenant piping, tanks, and electrical connections to be put in the Town's Resource Protection Buffer zone to benefit dwellings that were in existence as of March 1975. Bill Clark asked the Chair (who is a former Site Evaluator) what the Chair thought were the chances of obtaining DHHS variances to build a system outside of the Resource Protection buffer zone but on the Accessible Shoreland portion of the property and whether it would make sense to table the vote until the Appellant could determine if DHHS variances could be obtained for a system in the Accessible Shoreland Zone. The Chair responded that he had not made a specific examination of the facts and situation but he felt there was a reasonable chance, given his knowledge of the history of DHHS issuance of variances to replace overboard discharges. However, the Chair added that he did not think that the outcome of that application had relevance to the decision as to whether or not the zoning interpretation in the Moore's Swale Resource Protection buffer zone was correct. The vote on the motion was taken with Bill Clark voting for the motion and Bill Calvert and the Chair voting against the motion to overturn the Chair's ruling. Vote to overrule fails 1-2.

The Chair said he would put the record together for the Appellant and the Board of Appeals, find out who the current members of the Board of Appeals are, and forward this information to the Appellant and Board of Appeals² to both the Appellant and her attorney.

New Business:

Application to approve construction of an Accessory Structure on land of Robert and Carol Leone on their lot on Long Pond

The application was for an "after-the-fact"³ permit for construction of a 12'x14' wooden tent platform on Tax Map 4, Lot 4E (3.7 acres) in the location as shown in the attached application. The platform was built approximately 5 years ago in an open area and set on wooden posts. It is located in the Town Accessible Interior Zone (B) and on a contiguous area >2 acres in size of >20% slopes

² As an aid to the Board of Appeals, which has not met in recent years, the Chair notes that the procedure it should follow is set out in 30-A M.R.S.A. §2691(3). The Board of Appeals may be asked to either interpret the Town Zoning Ordinance differently than the Planning Board (30-A M.R.S.A. §4353(2)(A)) or grant a use variance (30-A M.R.S.A. §4353(2)(C)) in compliance with the four criteria for issuing a variance under 30-A M.R.S.A. §4353(4).

³ Before construction, the Leones notified Al Gordon, then Chair of the Planning Board, of the intent to build the platform and Mr. Gordon did not indicate a need to get a permit. Therefore, the Chair does not see any need for compliance action due to the fact that the Applicants acted in good faith on the Chair's response.

so, by definition, in a Resource Protection Zone of the State-mandated Shoreland Zoning Ordinance. Under the State Shoreland Zoning Ordinance, the Planning Board is required to issue a permit for an Accessory Structure in the Resource Protection Zone (Section 14, Table 1). An application was received by the Chair on October 18, 2015. It was reviewed and declared to be complete by the Chair on October 21, 2015. Documentation of ownership is contained in previous Planning Board files dealing with the subdivision created when the lot was sold to the Leones.

The Chair briefly described the history of the project, the salient features of the application, and the fact that no soil was disturbed nor trees cut as part of the construction. The project meets all required setbacks. The Board then went down through both the Town and State Zoning Ordinance criteria for approval and determined that all criteria were met or not applicable. It was moved by Bill Calvert and seconded by Bill Clark to approve the application as submitted without conditions. The vote was 3-0 to approve the application. The Chair told Bob Leone (who was available by phone) that he would send him a letter documenting the granting of the permit.

Application to approve construction of an Accessory Structure on the lot of William and Bernie Barter

This application was submitted on 10/13/15 by William and Bernie Barter for the construction of a 10' x 16' woodshed to be built in an existing cleared area on the south side of the right-of-way through the Barter property, opposite to their house, as shown in the attached application. The project is an "after-the-fact"⁴ permit for the construction on Tax Map 10, Lot 23. The project is located in the Town Accessible Shoreland Zone and the State Limited Residential Zone. The project meets all required setbacks on a lot of 2.25 acres in size. The Chair declared the application complete on 10/15/15.

The Chair briefly described the history of the project, the salient features of the application, and the fact that no soil was disturbed nor trees cut as part of the construction. The project meets all required setbacks. The Board then went down through both the Town and State Zoning Ordinance criteria for approval and determined that all criteria were met or not applicable. It was moved by Bill Clark and seconded by Bill Calvert to approve the application as submitted without conditions. The vote was 3-0 to approve the application. The Chair told William Barter (who was present in person) that he would send him a letter documenting the granting of the permit.

There being no other business to come before the Board it was moved by Bill Clark and seconded by Bill Calvert to adjourn the business meeting at 6:55 PM. Vote to adjourn 3-0.

Respectfully submitted,

Robert G. Gerber, Chair (and Secretary)

Attachments as noted above

⁴ Mr. Barter began construction on the project on the belief that no permit was required, based on his discussions with another town resident. The Chair approached Mr. Barter and explained that a permit was needed and Mr. Barter immediately agreed to apply for a permit as required. Due to the immediate compliance and the fact that no tree cutting nor soil disturbance was involved, the Chair does not see any reason to institute compliance action.

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October 7, 2015

Town of Isle Au Haut
Planning Board Members
P.O. Box 71
Isle Au Haut, Maine 04645

Atten: Bob Gerber, Chair Town Planning Board

RE: Application by Laura Jacobus/Henry Bergeson for a replacement Wastewater Disposal System

Dear Planning Board Members:

I represent Laura Jacobus, who is under contract to purchase the property owned by members of the Bergeson family under the record name of Moore Farm LLC. I have attached a letter from Henry Bergeson confirming the authorization of that LLC to Laura Jacobus.

I see from the Agenda for the October 7th meeting that the Board is to decide whether to uphold or reverse the Chair's decision regarding whether a septic system can be placed on the Bergeson property since most of it is classified as resource protection for zoning purposes. This letter is submitted in support of reversing the Chair's decision. Laura Jacobus and I will participate in tonight's meeting by phone, and we thank the Board for the opportunity to do so.

If the Board decides they require more time to review these materials, we ask that this matter be put on the November meeting agenda before any decision is made, and reserve the right to provide additional materials.

Background: As part of her due diligence, Laura Jacobus had soil scientist William (Bill) Labelle visit the property and inspect the current wastewater and grey water systems. Bill prepared a design for a replacement system, together with a variance request from the State Plumbing Rules with respect to setbacks. The application and variance request was submitted to the Town's Plumbing Inspector, however, by an email dated Aug 4, 2015, Mr. Gerber gave his opinion as Chair of the Planning Board, that private sewage disposal systems are not allowed in an area designated as Resource Protection for zoning purposes.

Issue: The issue for the Board to decide is whether the owners of a residence that existed prior to the adoption of the Zoning Ordinance in 1975, can have installed a replacement wastewater disposal system on property that is now classified as Resource Protection as a result of that 1975 Ordinance?

Legal Argument: The Bergeson property is partially located in the shoreland zone, and the State's Shoreland Zoning Ordinance, which applies to Isle au Haut, does allow new and replacement subsurface waste water disposal systems to be placed in Resource Protection zones - see Section 14 Table of Uses, number 20.

Compare this Ordinance to the Town's Zoning Ordinance, specifically Sections III and V. While Section V.15 lists a private sewage disposal systems as not permitted in Resource Protection, this should be read and applied subject to Section "III Exclusions" which states in part:

"All structure[s] built, and any new land use activity undertaken after the effective date of this ordinance, shall conform to the provisions of this ordinance. *The continuing use of buildings and subdivisions already in existence when this ordinance is passed, shall not be adversely affected by this ordinance.* Their existence and use may continue, even if non-conforming, subject to restrictions or suppressions lawfully imposed by the Federal government, State government or Town government acting independently of this ordinance.

Such non-conforming buildings may be maintained or improved." [Emphasis added].

The first sentence in Section III specifically states that new structures after the effective date must comply with the ordinance, and then in the next sentence states that pre-existing buildings shall not be adversely effected. The title to that Section is "Exclusions". A reasonable interpretation of this Section III is that pre-existing buildings do not have to comply with the ordinance so long as they comply with other regulations. Otherwise, if a pre-1975 residence is required to replace a malfunctioning septic system, it would not be able to do so because it would either have to dig in a different location or bring in fill, both of which are not strictly allowed under the Zoning Ordinance (no earth moving or fill in Resource Protection). This would result in every pre-1975 house eventually being rendered unlivable when a well or wastewater disposal system failed. I do not believe that the Town residents ever intended this result or the Ordinance to be interpreted so narrowly. Ordinances must be interpreted reasonably to avoid an absurd result. *Lippman v. Town of Lincolnville, 1999 ME 149, 739 A.2d 842;*

One of the roles of a Planning Board is to interpret provisions of an ordinance, and the Maine Law Court has issued judgments over the years that assist in that role. For example, an ordinance provision should be interpreted in harmony with the overall scheme envisioned by the municipality when it enacted the ordinance. *Aydelott v. City of Portland, 2010 ME 25, 990 A.2d 1024.* Allowing a pre-1975 residence to install a replacement septic system is in harmony with the purpose of the Ordinance as set out in the preamble. It is also in harmony with the purposes of resource protection, which includes protecting water quality. A replacement disposal system that brings the grandfathered systems into compliance with current state regulations clearly is better for the water quality.

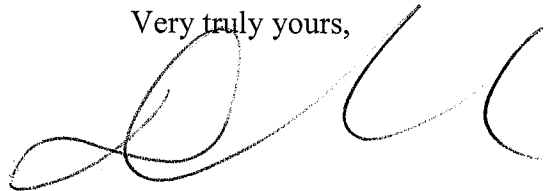
The Maine Law Court has held that if ambiguity exists, an Ordinance should be interpreted in favor of a property owner. *Forest City, Inc. v. Payson, 239 A.2d 167 (Me.1968).*

Section III clearly states that the passage of the Ordinance shall not adversely affect pre-existing buildings, and furthermore, allows existing buildings to be improved. The word "improved" is not defined in the Ordinance, and therefore should its common and generally accepted meaning. *Jade Realty Corp. v. Town of Eliot, 2008 ME 80, 946 A.2d 408*. The common dictionary definition is "to make better", and synonyms include "to update, upgrade and enhance". Clearly a replace disposal system falls within the definition of an improvement on the current system.

As pointed out in the August 4th email, if a provision of the State Shoreland Ordinance conflicts or is inconsistency with any other ordinance, the stricter provision shall control. However, because we believe that pursuant to Section III, the Town's Zoning Ordinance does allow a pre-1975 residential property to have a replacement wastewater disposal system installed in the Resource Protection zone, there is no conflict between the two Ordinances in this particular instance.

We therefore urge the Board members to vote that under the Zoning Ordinance, a sewage and wastewater disposal system is allowed in an area designated as Resource Protection for a pre-1975 residence.

Very truly yours,

A handwritten signature in black ink, appearing to read "Diane S. O'Connell". The signature is fluid and cursive, with a large initial "D" and "O".

Diane S. O'Connell

DSO/
Encls.

pc: Laura Jacobus

Response to Diane O'Connell letter of October 7, 2015 which presented legal arguments in support of the idea that the Planning Board should permit a new septic system to be built in the Moore's Swale Town Resource Protection 125' Buffer Zone

This letter presents some legal arguments that I do not agree with. It concludes that the Planning Board should allow the proposed new septic system in the Moore's Swale Resource Protection 125-foot buffer because of general language in Section III of the Town Zoning Ordinance that discusses the protections offered to non-conforming buildings and subdivisions that were in existence at the time of the passage of the original ordinance.

Based on what I have been told by those originally involved in the development of the March 1975 Ordinance, the intents of the Moore's Swale and Long Pond 125 foot Resource Protection zones were to maintain a natural habitat to provide for animal movement to and from and along the transition strip from land to water, to preserve a natural vegetative buffer from upland uses for aesthetic purposes, and to minimize the chance of damaging the water quality in these resources. Cutting trees and maintaining land in a grassed condition for a septic system and wastewater line that connects it to a house, and putting out septic leachate into an area that currently has none will obviously work against several of the original intents in establishing these zones.

All of the parts of the Town Ordinance that Ms. O'Connell cites in support of her arguments specifically use the term "building", such as the sentence ending with "...non-conforming buildings may be maintained or improved." The Ordinance does not define the term "building" so we must default to the ordinary dictionary meaning. The Merriam-Webster dictionary defines "building" as "a structure (such as a house, hospital, school, etc.) with a roof and walls that is used as a place for people to live, work, do activities, store things, etc." The Town Ordinance defines "structure" as "anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind." The Town Ordinance also provides definitions for "principal structure", "accessory structure", and "residential dwelling unit". In the Ordinance, Section V, the Land Use table, item 8, the structures are subdivided into "(principal) residential dwelling unit", "commercial, industrial and cottage domestic industry", "residential dwelling units less than 600 square feet with no more than one bedroom", "structures (accessory) to permitted uses, additions and alterations to existing structures." The Town Ordinance, Section V, Table of Land uses also has a category 15, "Private Sewage Disposal Systems". The latter category of private sewage disposal systems is not a sub-item under Section 8, structures. It does not meet the common dictionary definition of "building", either, because it does not have a roof and walls in the common meaning of those terms. Therefore, one cannot link the language of the Ordinance that relates specifically to "buildings" to septic systems.

Although the Town Ordinance does not set limits on what can be done with non-conforming lots, uses, and structures, the State Shoreland Zoning Ordinance does give a number of rules and limitations in Section 12. Since the land in question is in the State Shoreland Zone and since the State Ordinance requires that the Town apply the more restrictive of the State and Town Ordinances, the Planning Board applies the rules for non-conformance from the State Ordinance for any property and structures lying in the State Shoreland Zone.

The letter from attorney O'Connell refers to the septic system proposed to be located in the Moore's Swale buffer zone as a "replacement septic system." I would disagree with that characterization. There is no current "septic system" under the common definition of septic system as consisting of a treatment tank and filter field that allows leachate to percolate into the soil. As I understand it, the

current blackwater treatment system is a composting toilet and the current graywater system is a direct discharge to the ground surface. Under our Ordinances, the Planning Board would permit the replacement of the composting toilet with another type of composting or self-contained toilet system such as the "Incolet" system that was just installed at the Isle au Haut store. Options for the disposal of the graywater system have not been fully explored, but it is possible that there is a system that could be approved with variances from the Maine Department of Health and Human Services without intruding into the Moore's Swale Resource Protection 125' buffer zone. In any event, a "mal-functioning" wastewater disposal system only becomes that in a legal sense when the Local Plumbing Inspector identifies it as such and orders correction. Until that happens, the existing system can continue to operate.

In other cases where there is an existing in-ground septic system within either Long Pond or Moore's Swale Resource Protection Zone buffers, the Planning Board would allow the replacement of that system, but not an enlargement of that system, either in the existing location or some other location that is at least as far away from the protected resource as the original system that needs to be replaced.

The statement in the O'Connell letter that a pre-1975 house would "eventually be(ing) rendered unlivable when a well or wastewater disposal system failed" is 1) a value judgment as to what constitutes "unlivable", and 2) incorrect on the face of it. As noted above, if an existing well or existing wastewater disposal system fails, the Planning Board permits the reconstruction of those utilities generally in-place and in-kind. So if the composting toilet fails, another composting toilet can be constructed. As to "livability", there has been a State Plumbing Code in Maine that goes back at least to 1970 that would have permitted a regulation septic system to be built on that property prior to the Town Zoning Ordinance passage in March 1975. The current method of using a Site Evaluator to design a septic system became law in 1974. The landowner elected not to upgrade the wastewater disposal system prior to the passage of the zoning ordinance. Furthermore, to the best of my knowledge, there has been no request for a variance or zoning change request to create the ability to install a regulation septic system since the original ordinance was passed. The current owners obviously found the current systems "livable" during these 40 years since the passage of the 1975 Ordinance. Furthermore, this unusual situation applies to only five pre-1975 houses on the island (the instant case at Moore's Harbor and 4 summer dwellings at the southeast end of Long Pond). This hardly constitutes "every pre-1975 house" on Isle au Haut.

The intent of the Ordinance has been expressed to me by numerous people at various times. No new septic systems were wanted in the Long Pond buffer zone because it could then permit a possible conversion of the dwelling to year-round use. The Town Ordinance is being strictly applied in the Resource Protection 125' buffer zone on Long Pond. At the August 27, 2015, hearing on the proposed zoning changes, when the possibility of changing the Ordinance to permitting "private sewage disposal systems" in the Moore's Swale and Long Pond 125' Resource Protection buffer zones, there were people who were opposed to doing this at Long Pond. As it currently stands, we must treat the Moore's Swale buffer zone in the same fashion as we treat Long Pond buffer zone in the interpretation of the Ordinance.

The Planning Board cannot grant variances to its Ordinance. Applicants must look to the Appeals Board for that. The definitions and plain language of the Town Ordinance makes a distinction between "building" and "private sewage disposal system" so the protections offered to "buildings" that are non-conforming uses do not apply to septic systems. There is no ambiguity. Non-conforming uses in the Shoreland Zone are subject to restrictions defined in the State Shoreland Zoning Ordinance. Putting an in-ground septic system in the Moore's Swale buffer zone would not

be a replacement system. A replacement of existing wastewater systems can be accomplished by replacing the existing composting toilet and graywater system at or near their present locations and the Planning Board would allow that as maintenance of a grand-fathered use. The proper procedure here is for the Planning Board to uphold the Chair's interpretation of the Town Zoning Ordinance and allow the Applicant to go to the Appeals Board and ask for a use variance under the statutory "hardship" provisions.

Robert G. Gerber, Chair
Isle au Haut Planning Board

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November 5, 2015

Town of Isle Au Haut
Planning Board Members
P.O. Box 71
Isle Au Haut, Maine 04645

Atten: Bob Gerber, Chair Town Planning Board

RE: Application by Laura Jacobus/Henry Bergeson for a replacement Wastewater Disposal System

Dear Planning Board Members:

This is a following up to my letter of October 7th, 2015, and is submitted for consideration prior to your planning board meeting on November 12, 2015 to decide on the above-captioned application. Laura Jacobus, the applicant, is now the owner of the property that is the subject of the application, known as Moore Harbor Farm. I have also enclosed a preliminary survey of the property that shows both the limits of the resource protection and the 100 foot set back from the shore, which together encompass practically all of her property.

The question for each member to decide is whether the interpretation of Section III of the Town's land use ordinance to this particular property allows Laura's application for the installation of a subsurface wastewater disposal on the Moore Harbor Farm property within an area classified by the Ordinance as resource protection.

When interpreting an ordinance, the members are limited to reviewing the text of ordinance in question, and any other relevant ordinance, and a Town's comprehensive plan. Members are not to take into account antidotal comments from third parties as to their belief of the intention of ordinance implementation 40 years ago. Most importantly, an ordinance must be interpreted reasonably to avoid an absurd result. *Lippman v. Town of Lincolnville*, 1999 ME 149, 739 A.2d 842. In any event, a subsurface waste water disposal system located on Moore Harbor Farm would not be adverse to the reasons why the Ordinance was enacted in 1975 according to members of the public involved at that time (as listed in paragraph two of Robert Gerber's October 15th, 2015, memo). In fact, such a system will only act to enhance the purpose to minimize an adverse effect on water quality by improving the waste water systems currently existing on that property. The disturbance of vegetation would be minimal. Most importantly, installing such a system is completely in line with the Section I Preamble of the Ordinance which states quit clearly what the purpose is. I have reviewed the on-line version of the Town's draft comprehensive plan, and allowing the installation of a subsurface wastewater disposal system compliments the vision to "build a sustainable year round community and to preserve the natural

beauty and unique character of the island”. The residence at Moore Harbor Farm is certainly part of that unique character.

Mr. Gerber takes that position that Section III only applies to the actual building or structure in existence in 1975, and not to any necessary support systems that go along with the *use* of such buildings or structures. However, I urge the board members not to adopt this approach because it makes no sense and yields an absurd result. For example, the full sentence of Section III states: “The continuing *use* of buildings and *subdivisions* already in existence when this ordinance is passed, shall not be adversely affected by this ordinance. ... Such non-conforming buildings may be maintained or improved.” It is clear just from the language itself that the *use* of existing buildings and the development of subdivisions lots can continue post-1975 in resource protected areas. The development of a subdivision lot would require the installation of a well and some type of waste water disposal system and electricity and phone lines if available all of which are not buildings or structures under the Ordinance, and all of which are clearly allowed for grandfathered subdivisions. In addition, if an existing building required a new well, a well is not a building, but clearly the Section III allows for a well to be replaced so a residence can continue being used, and common sense dictates that a new well would likely have to be located in a new location, or may be required in a new location to meet current set back rules. The same applies to waste water disposal. It is the continued use of a building or a subdivision lot that Section III speaks to. The continued use of the residence at Moore Harbor should allow not only the installation of an improved wastewater disposal system, but also a new well, an arguably and other current facilities that are now common place for the use of a residence. Again, this interpretation supports the vision for a sustainable year round community.

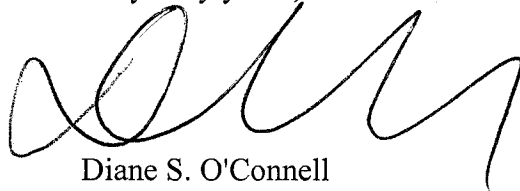
There is nothing in the Shoreland Zoning Ordinance, Section 12 that would prohibit the installation of a subsurface wastewater disposal system, in fact it allows such systems in resource protection. Under the definitions, it is only the *use* of Moore Harbor as a residence in a resource protection area that is non-conforming (the structure itself or the lot itself are conforming under the definitions of that Ordinance). The use of the property is not changing, although it is worth mentioning that the Shoreland Zoning Ordinance does allow a non-conforming residential use to be expanded.

The proposed subsurface wastewater disposal system is for the purpose of replacing the current waste water disposal systems, which while grandfathered, are not up to current code. In those terms it is a replacement system, and designated as such by the soil scientist who prepared the application to be submitted to the plumbing inspector if the Board determines this replacement system is allowed. You will see from the survey plan that there is no area outside the resource protection that is also outside the 100 foot set back that is available to locate a replacement waste water system.

Town of Isle Au Haut
Planning Board Members
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It is irrelevant that a prior owner could have put in an subsurface wastewater disposal system before 1975, and completely irrelevant that members of the public have expressed to Mr. Gerber that the purpose of the Ordinance was to prevent Long Pond residences form becoming year round. The duties of the Board members is to interpret the Ordinance as it applies to this particular property. I urge you to interpret the language of Section III as it applies to this property and allow the upgraded waste water system to be installed as designed in the permit request.

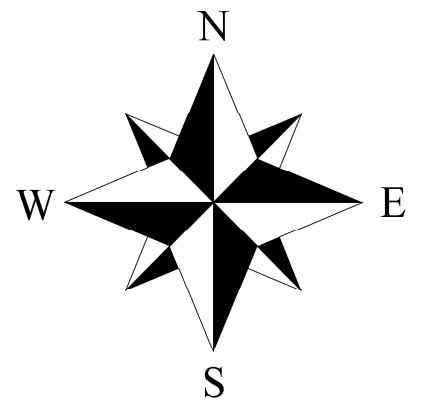
Very truly yours,

A handwritten signature in black ink, appearing to read "Diane S. O'Connell". The signature is fluid and cursive, with a large initial "D" and "S".

Diane S. O'Connell

DSO/
Encls.

pc: Laura Jacobus



DAVIDSON MOORES HARBOR TRUST
February 18, 2014
Book 4777 Page 49

DAVIDSON MOORES HARBOR TRUST
February 18, 2014
Book 4777 Page 51 (Parcel 1)

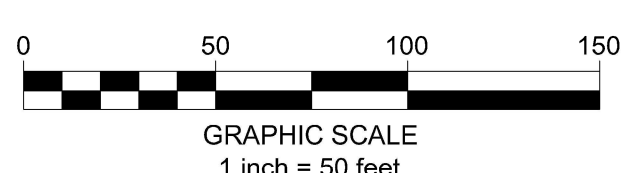
JACOBUS FAMILY ISLE AU HAUT TRUST
August 6, 2012
Book 4557 Page 147

DAVIDSON MOORES HARBOR TRUST
February 18, 2014
Book 4777 Page 51 (Parcel 2)

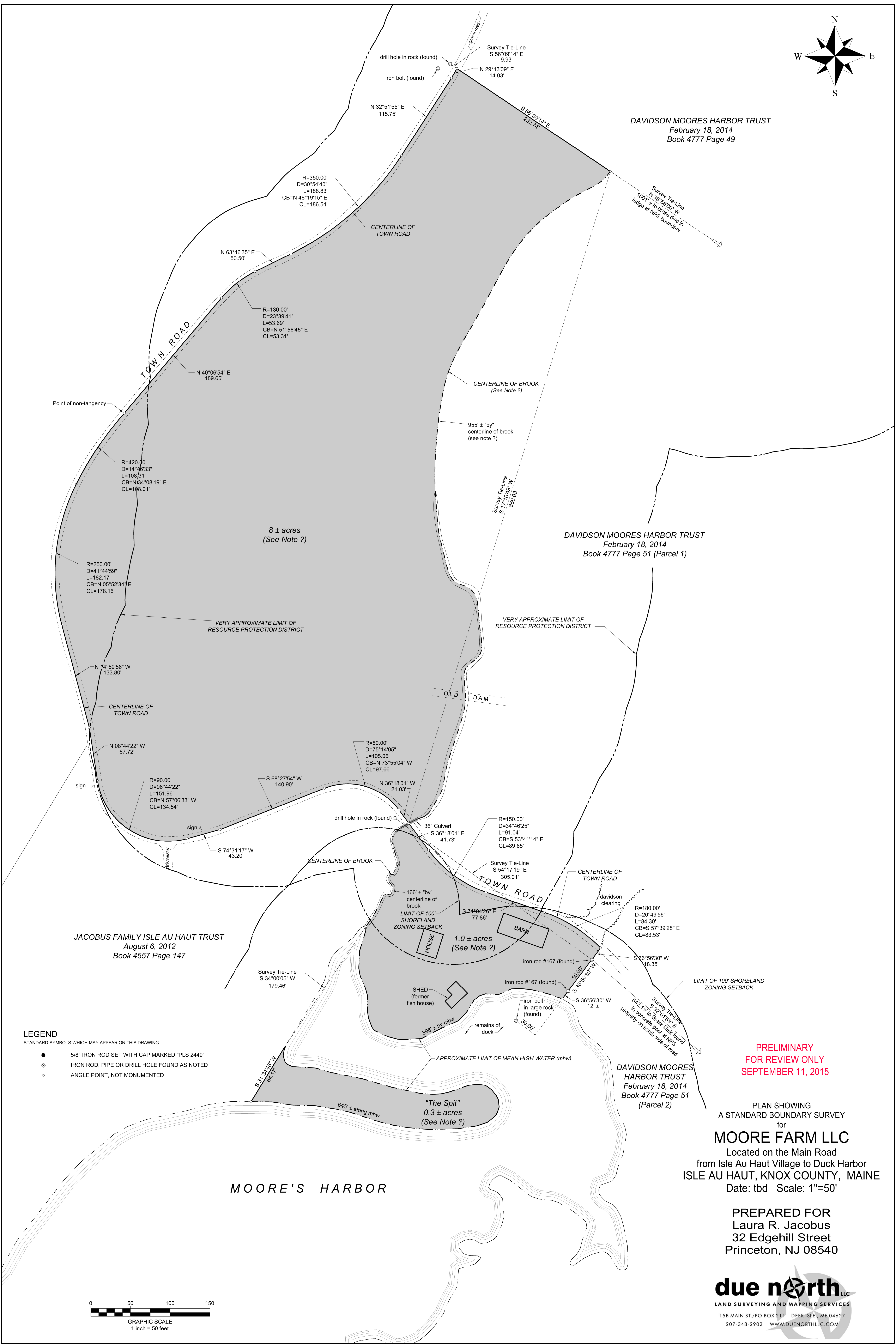
PRELIMINARY
FOR REVIEW ONLY
SEPTEMBER 11, 2015

PLAN SHOWING
A STANDARD BOUNDARY SURVEY
for
MOORE FARM LLC
Located on the Main Road
from Isle Au Haut Village to Duck Harbor
ISLE AU HAUT, KNOX COUNTY, MAINE
Date: tbd Scale: 1"=50'

PREPARED FOR
Laura R. Jacobus
32 Edgehill Street
Princeton, NJ 08540



MOORE'S HARBOR



- LEGEND**
STANDARD SYMBOLS WHICH MAY APPEAR ON THIS DRAWING
- 5/8" IRON ROD SET WITH CAP MARKED "PLS 2449"
 - IRON ROD, PIPE OR DRILL HOLE FOUND AS NOTED
 - ANGLE POINT, NOT MONUMENTED

Isle au Haut Planning Board Chair's Response to O'Connell letter of November 5, 2015, re: Jacobus request for interpretation of Zoning Ordinance in Moore's Harbor area

Attorney for Laura Jacobus (Laura Jacobus is the "appellant") has provided rebuttal to Chair Gerber's memo of October 15th in response to a previous letter by O'Connell of October 7th. The most recent letter also included some additional information such as a survey by Due North, marked "Preliminary", that shows the surveyor's interpretation of the positions of the Moore's Swale Resource Protection Zone with 125' buffer. My interpretation of the location of the 125' buffer line is not as extensive as shown by the surveyor (see the attachment, which is the map I provided to Jacobus on Aug. 4, 2015). I draw the line just north of the existing house instead of the south side of the house. The way I constructed the map is to follow the State Ordinance language that refers to a specific defined area available as a GIS polygon on the Maine Geographic Information System, which are marshes rated as "moderate" or "high" value by the ME Dept. of Inland Fisheries & Wildlife. I downloaded the most recent delineation and added the 125' buffer using the GIS tools. Since neither the paper map that is the "official" town map nor the "official" State Shoreland Zoning Map is decipherable when zoomed in to show detail, it is my opinion that the edge of the swale is best described for the time being by the State IF&W GIS polygon. If the appellant wants to go to the Board of Appeals and argue that the zone is more extensive than my interpretation, she is free to do that, although I do not see any benefit to her to do that.

The surveyor's map also shows a line called "limit of 100' Shoreland Zoning setback" but I am not clear what it is supposed to represent. The Town Ordinance does not have "setback" dimensions. Only the State-mandated Shoreland Zoning Ordinance has Shoreland Zoning setbacks and the setback for structures here is 75', not 100' (State Ordinance, Section 15(B)(1)). This may refer to the setback required for new septic systems in both the Town and the State Ordinances.

As to the O'Connell rebuttal to my previous memo of October 5th and other new legal arguments. I offer the following new rebuttal and comments:

Ms. O'Connell opines that the Planning Board should not attempt to interpret the intent of the zoning ordinance (1st page, 3rd par., 2nd sentence). However, she then goes on to repeat an argument she provided in her original letter that the wording of Section III of the Town Ordinance must be interpreted broadly and that the original Ordinance language did not really intend to limit the protections afforded non-conforming structures to just "buildings" (see my memo of Oct. 5th on this issue). She also interprets that the Town Ordinance prohibition of new Private Sewage Disposal Systems in the Town Moore's Swale Resource Protection Buffer zone did not really intend what it says (Town Ordinance, Section V, Land Use Table, row 15). Although I pointed out in my previous memo that the Planning Board uses the State-mandated Shoreland Zoning Ordinance language on the restrictions that must be placed on non-conforming structures in the Shoreland Zone¹, Ms. O'Connell seems to dismiss those restrictions either because the State Ordinance allows septic systems in its Resource Protection zones and/or because of her interpretation that the "structure" (I am not sure what structure she is referring to) is conforming under the definitions of the State Shoreland Zoning Ordinance (2nd page, 2nd full par., 2nd sentence). On page 37 of the State Shoreland Zoning Ordinance, the definition of "non-conforming structure" is:

¹ the State Ordinance requires (Section 7) that we apply the more restrictive of the two Ordinances in the Shoreland Zone and the State Ordinance is much more restrictive in dealing with non-conforming structures than Section III of the Town Ordinance

A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

This language seems quite plain and straight-forward to me. The house, shed, and barn are less than the current State Shoreland Zoning setback requirement of 75' to the Normal High Water line and is therefore non-conforming. The composting toilet and graywater discharge are presumably less than 100' from the high water line, so they are presumably non-conforming as to the State Plumbing Code and Section VI(I)(2) of the Town Ordinance.

This is not an issue of a grandfathered subdivision lot. If it were, we would have to do a specific analysis of whether a dwelling could be built that could meet the State Shoreland Zoning setback requirements without variances.

Another argument made by Ms. O'Connell is that placement of a subsurface sewage disposal system in the Town Resource Protection Zone buffer constitutes a replacement of "the current waste water disposal systems" (2nd page, last par., first sentence). Having been a Maine Site Evaluator for 40 years, I note that the term "replacement system" as used in The Maine State Plumbing Code (10-144 C.M.R. 241) has the following definition:

A system designed to replace an existing system, an overboard discharge, a malfunctioning system, or any legally existing, nonconforming subsurface wastewater disposal system...

This definition does not restrict where that system can be placed nor what type of system can be used to replace the old system. However, the Plumbing Code does not supersede restrictions in Town Zoning Ordinances on where these systems can be placed (10-144 C.M.R. §241(3)(E)(1)) and "replacement of non-conforming structures" in the Shoreland Zone has a much different meaning than the term "replacement" system under the Plumbing Code. When expanding or replacing non-conforming uses, the general rule is to avoid, if possible, making them more non-conforming than they already are. Thus, if a non-conforming building (due to shore setback requirements) is expanded, it is expanded away from the water side instead of toward the water side. In this instance, I place all the buildings and much of the yard in the part of the Jacobus land that is south of the Main Road in the Accessible Shoreland Zone of the Town Ordinance, where septic systems are not prohibited, provided a Plumbing Permit is issued. Although new systems must be located at least 100 feet from the "normal high water" mark in the Town Ordinance, the Planning Board would allow a replacement septic system anywhere within the Accessible Shoreland Zone as long as a Plumbing Permit could be obtained. There is no current wastewater disposal system in the part of the parcel that is in the Town Moore's Swale Resource Protection Zone buffer, so the objective would be to keep any replacement system out of that zone since no new systems are permitted there.

Ms. O'Connell, in dismissing my explanation of the basis for the delineation of the Moore's Swale Resource Protection Zone buffer in the original 1975 Ordinance, adds, "The disturbance of vegetation would be minimal" (1st page, 3rd par., 6th sentence). An opinion like this, offered by an attorney, is a value judgment and not a legal conclusion and it would typically be an opinion that would be debated by expert witnesses. The only question we are concerned with here is whether or not my interpretation and application of the Town and State Zoning Ordinances as to whether a septic system can be permitted here is agreed with by majority vote of the Planning Board. I will add, however, as an aside, that I do not agree that construction of such a system as proposed would

have a “minimal” impact on vegetation. In fact, the only design I have seen (prepared by William LaBelle, Jr., on July 27, 2015) suggests that trees currently occupying about 2530 square feet will have to be cut down and not permitted to grow back (10-144 C.M.R. §241(11)(G)(7)) and would be directly visible to all traffic moving along the Town Road through Moore’s Harbor.

Besides the prohibition against wastewater disposal systems in the Town Moore’s Swale Resource Protection Zone buffer, I also noted in my original opinion, dated Aug. 4, 2015, that no filling or earthmoving is permitted in that Zone. If this were a true “in-kind and in-place” replacement, that restriction would not apply because we would view the work as maintenance of a grand-fathered system. However, since there is no current system in the Moore’s Swale Town Resource Protection Zone Buffer, this restriction against trenching, earthmoving, and filling also applies.

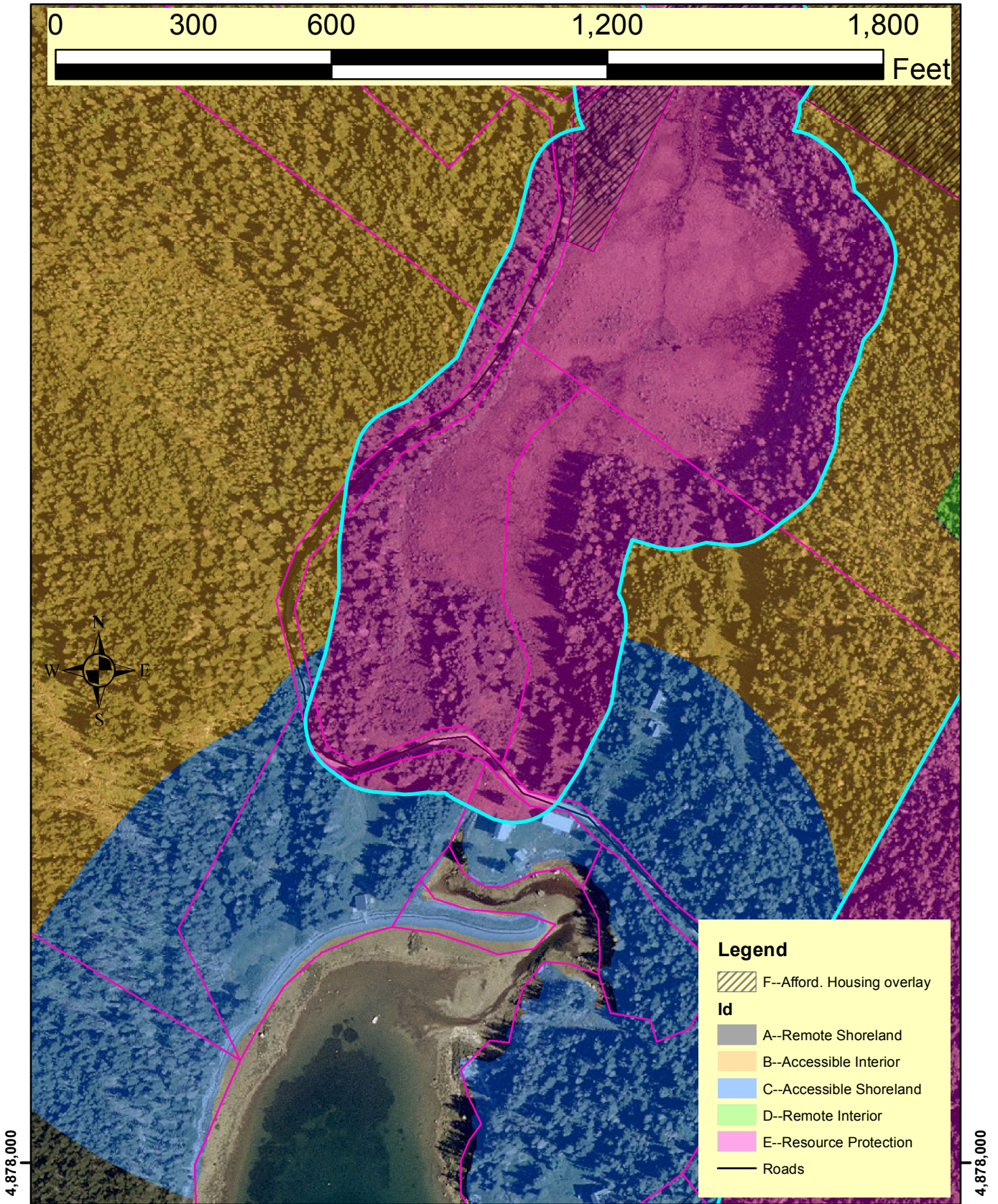
Finally, we have Ms. O’Connell’s arguments that upholding of the Ordinance requirements would result in an “absurd result” (1st page, 3rd par., 3rd sentence). She cites *Lippman v. Town of Lincolnville*, a case reviewed and decided by the Maine Supreme Judicial Court. The Plaintiffs in that case tried to argue that a “Harbor Zone” described in Lincolnville’s Zoning Ordinance, with various permitted and non-permitted land uses, only applied to the intertidal area due to the lack of some specific language and a map that would have made the geographic limits of that zone much more specifically defined. Since the permitted uses in the Harbor Zone were uses that could not have been possible in the intertidal zone, the Court held that the Plaintiffs were asking for an absurd interpretation of the Ordinance and I would agree. We are not dealing here with an absurd interpretation of the Ordinance. The Town Ordinance language is clear in not permitting new wastewater disposal systems in the Moore’s Swale Town Resource Protection Zone buffer and not permitting filling or earthmoving in that zone. The State Shoreland Zoning Ordinance provides how the Town must deal with non-conforming uses in the State Shoreland Zone and it trumps the vague descriptions of protections given in Section III of the Town Ordinance. The existing wastewater disposal systems, although not modern nor even in conformance with the current Plumbing Code, are nonetheless grandfathered and they permit continued use of the house as it has always been used. Further, I do not believe that every possibility for improving the existing systems within the existing ordinances and within the Town Accessible Shoreland Zone has been explored. I have seen remarkable variances to the Plumbing Code granted by the Maine Department of Health and Human Services to dwellings that are converting from overboard discharges to in-ground wastewater disposal systems. This situation is closely parallel to the “overboard discharge” situation, at least as it applies to graywater, so I think the Department would be lenient in granting variances here.

In summary, the latest information and legal pleadings and rebuttals from Attorney O’Connell on behalf of appellant Laura Jacobus, have not convinced me that my original interpretation is in error. I ask the Planning Board to uphold my original interpretation of the Ordinance so the appellant may move on to the Board of Appeals and ask for a land use variance in the event they do not want to seek a replacement system within the Accessible Shoreland Zone.

Respectfully submitted,

Robert G. Gerber, Chair
IAH Planning Board

Attachment: The Chair’s interpretation of the extent of the Town Moore’s Swale Resource Protection Zone buffer



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

Map

**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 W. P. Carey to Overhang, Inc., dated January 9, 1968 and recorded in the Knox County Registry of Deeds, Book 431, 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:

676 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. Little
Elizabeth C. Little

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

State of Miss. 1st May 7, 1977
 Knox

Personally appeared the above named

JOHN D. C. LITTLE

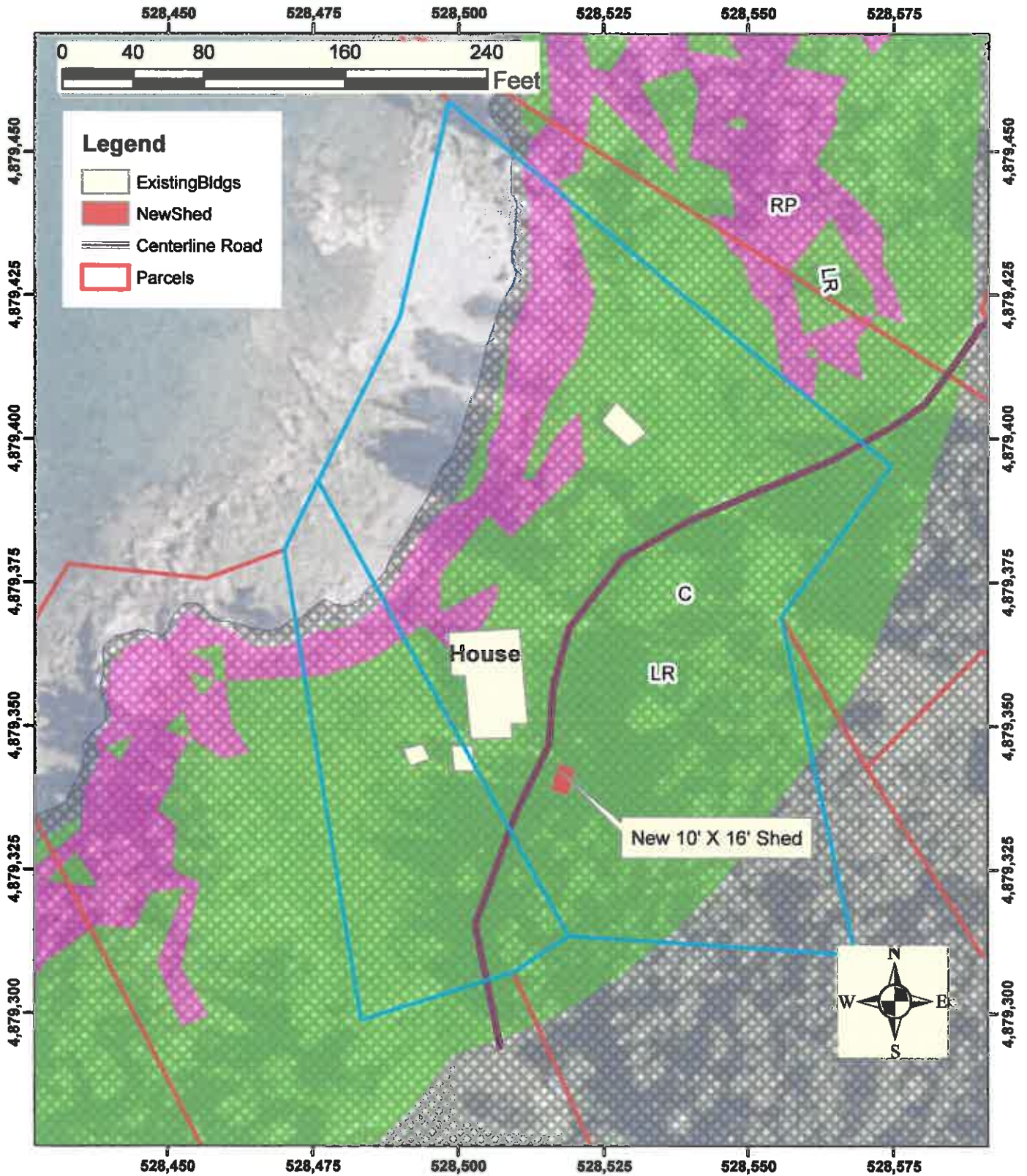
and acknowledged the above

instrument to be his free act and deed.

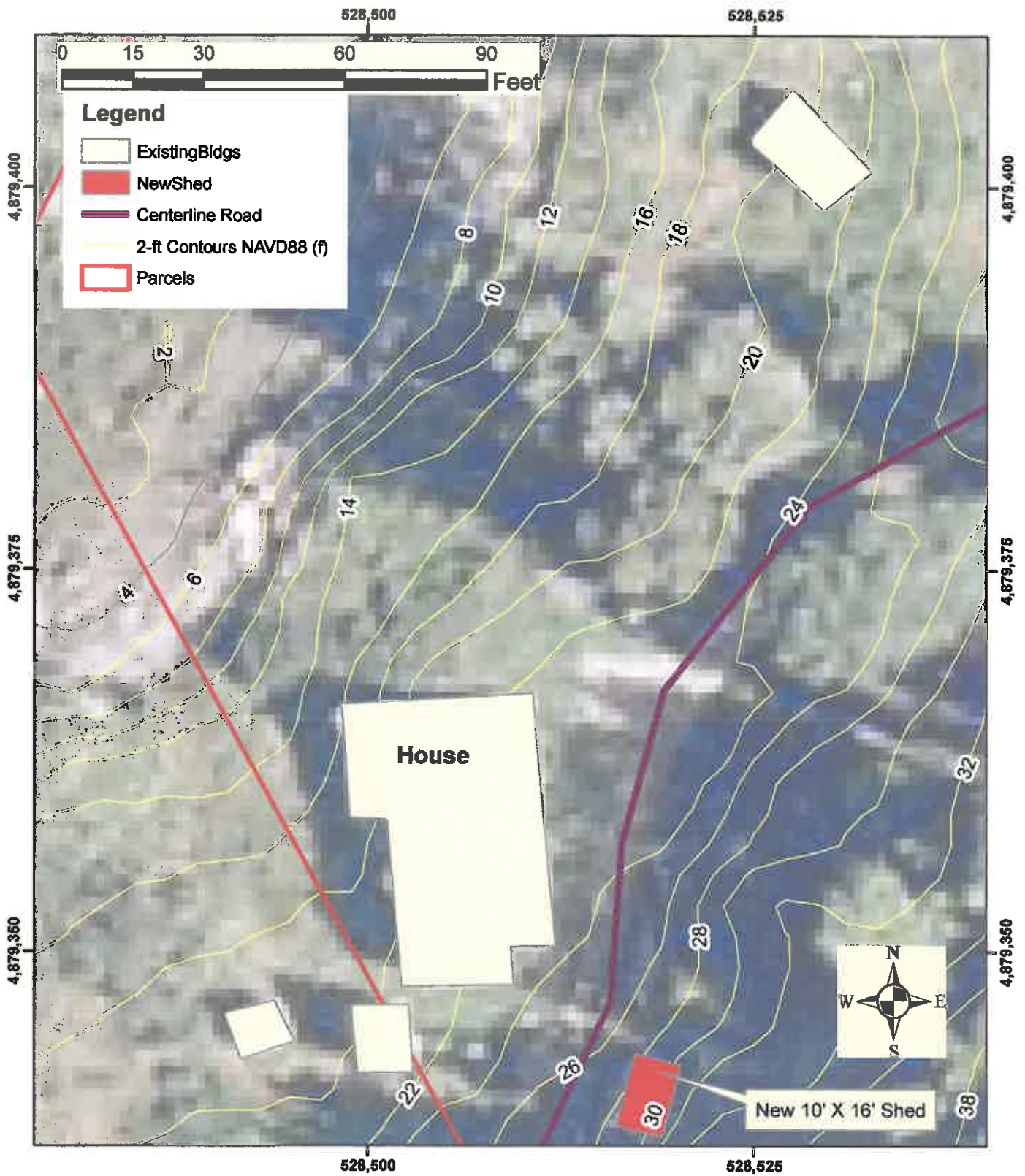
Before me,

Frank B. Thomas
 Justice of the Peace.
 Notary Public.
 Attorney at Law.

My Commission Expires 1977



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

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

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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

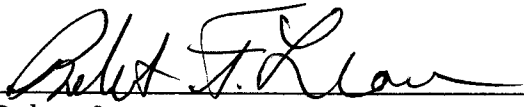
#4 -- Written Narrative of nature of proposed land use and construction:

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.

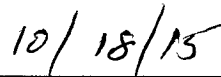
#8 -- Plan and written description of access from public ROW:

Simple footpath through woods provides access to platform site.

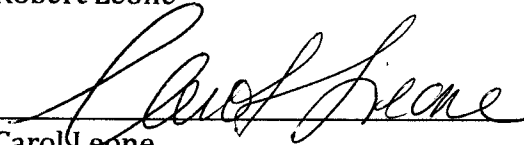
All information included in this application is complete and correct.



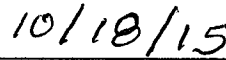
Robert Leone



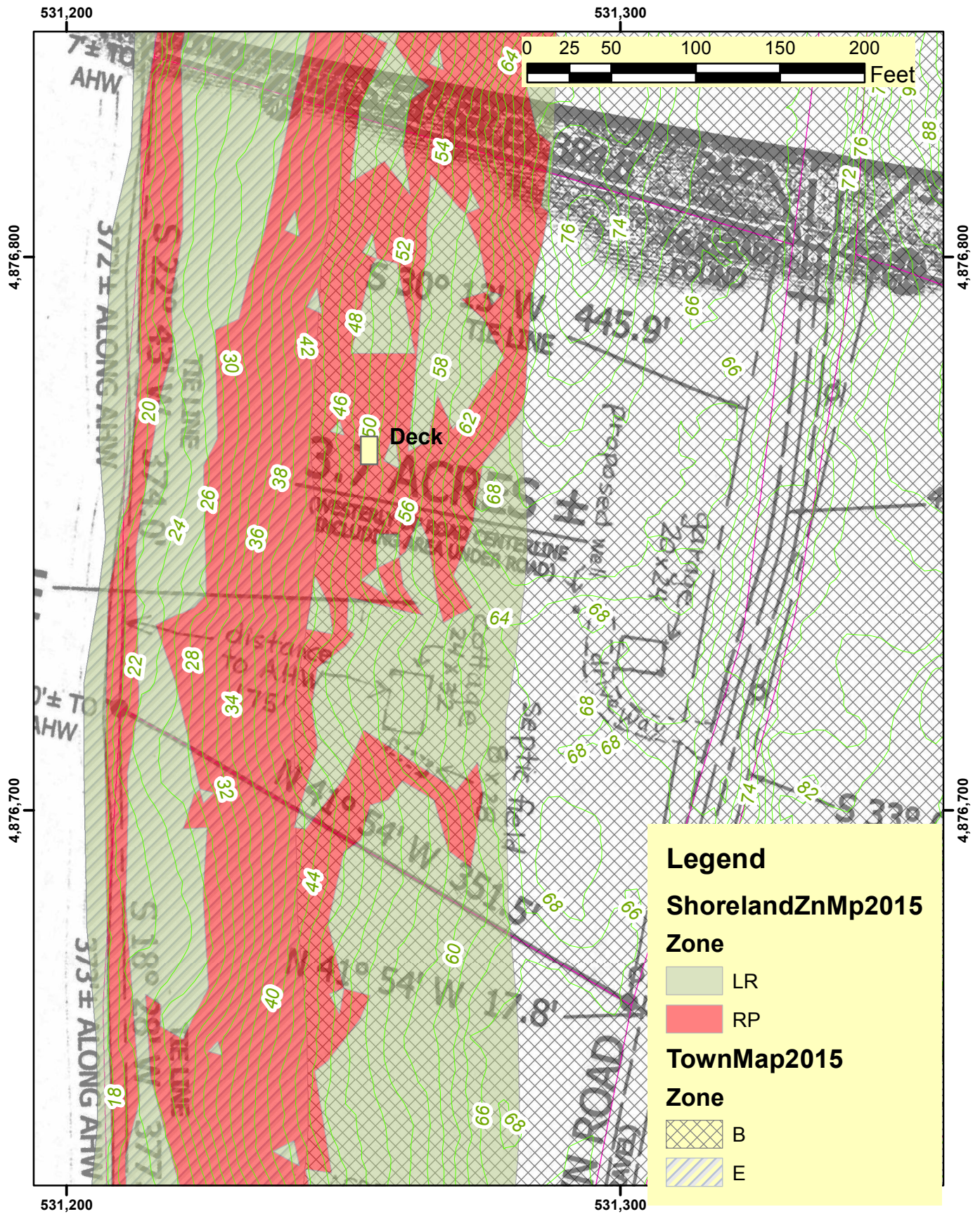
Date



Carol Leone



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

Office of the Selectmen
Isle au Haut
Maine

November 2, 2015

The Selectmen authorize Robert Gerber, acting as Chairman of the Planning Board, and with the Planning Board's authorization in each case, to create administrative consent agreements where he feels they are the appropriate and fair way to manage Ordinance violations.

Robert Gerber

John DeWitt