

**Isle au Haut Planning Board Meeting  
Minutes of Meeting of November 9, 2016**

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

Public Members Present: Wendy Pomeroy (by phone)

The meeting was called to order by the Chair, Bob Gerber, at 6:00 PM at the Town Offices.

**Agenda:**

Old Business:

1. Approval of the Minutes of the September 29, 2016, Meeting

It was moved by Bill Clark and seconded by Bill Calvert to approve the minutes of the September 29, 2016, meeting as written. Motion carried 3-0.

2. Report of the Chair or CEO on issues he has dealt with since the past meeting

The following issues have been dealt with since the previous meeting:

- a) Davidson Trust work at Moore's Harbor: i) visited the site with Bill Stevens to go over proposed earthwork and erosion and sediment control requirements; ii) Negotiated a Consent Agreement (attached) over past Shoreland Zone vegetative cutting violations. The agreement restricts cutting for a period of 10 years going forward in the Shoreland Zone. The agreement has been signed by the owners and I am waiting for the original signature pages in the mail before executing on behalf of the Town.
- b) Pomeroy driveway construction on Birch Point: i) Received several complaints from neighbors that the permitted driveway was not being constructed in the position approved by the Planning Board. Conducted site visit and found that no road construction had started but that Bill Stevens had brought an excavator in to pull dead trees into windrows for later burning. Issued letter (attached) to Pomeroy and copied it to those abutters who made the complaints; ii) Went to the site at the request of Wendy Pomeroy to review a proposed re-alignment of the driveway. I recorded the new route with GPS and plotted it out and requested Wendy to ask for a permit modification to alter the proposed driveway re-alignment.
- c) Nathan Clark and Rachael Dugan Accessory Structure Permit: In accordance with the Town Zoning Ordinance, issued a permit for a 12'x16' shed at 195 Main Road (attached).
- d) Filler Accessory Structure Permit: In accordance with the Town Zoning Ordinance, issued a permit for an 8'x12' woodshed at 90 Birch Point Road (attached).
- e) Assisted Selectmen in preparing Warrant Articles for Town Meeting on the Floodplain Management Ordinance and the 911 Addressing Ordinance and presented the warrant articles and answered questions on them in the Town Meeting. Both Ordinances were passed at Town Meeting. I finalized the Ordinances for Certification by the Town Clerk and sent them to the respective agencies.

New Business:

1. Review of the Application for construction of a workshop on property of Bill Clark. This application is being taken up by the Planning Board under Section V(8)(b) of the Town Zoning Ordinance. The land in question is not located in the Shoreland Zone. The application is for a 12'x16' workshop at 5 Annis Hill on Tax Map 2, Lot 10C. No ground will be disturbed as the shed will sit on precast concrete footings set on the ground surface. This lot currently has a residence and two existing sheds on it and is 1.65 acres in size in a Town zone requiring a 2-acre minimum lot size for a residence. However, a permit was issued by the Planning Board for the residence on October 14, 2004, and the issuance of the permit was not appealed. The Town Zoning Ordinance sets no minimum lot size for "cottage industries", which this shed falls under. The Board reviewed the application (attached) and deemed that the criteria for approval of the permit request had been met. It was moved by Bill Calvert and seconded by the Chair to approve the issuance of the permit. The vote was 2 for approval (Calvert; Gerber) and one abstention (Clark). Motion passed based on a majority vote of those voting. The Chair will prepare and send the written permit approval.
2. Permit modification request by Wendy Pomeroy for driveway location on Birch Point. The permit for construction of a new driveway was originally approved to be issued at the Planning Board meeting of August 25, 2016. The earthworks contractor, Bill Stevens decided that a slight alteration of the originally-permitted driveway location would result in a lower construction cost. Although the route change was not great, the Chair requested that a permit modification request be submitted to document the revised location, given the interest of the neighbors in the project. Ms. Pomeroy submitted the request on 11/7/16. The Board considered the re-location request and decided it met all the Ordinance requirements and was not significantly different from the original route. It was moved by Bill Clark and seconded by Bill Calvert to approve the re-location plan but keep all other stipulations and conditions of the original permit in place. Motion was seconded by Bill Calvert. Motion passed 3-0. The Chair will prepare and send an approval for the permit modification.
3. The Board briefly discussed the scheduled Special Town Meeting for November 15, 2016 to consider selling additional Town land on Coombs Mountain to the Power Company. There is no current application pending before the Planning Board, but the Board wondered why the Power Company wanted to purchase additional land before it had obtained title to the Lamson lot on which the Planning Board had previously approved a permit for a building foundation that would eventually serve the Power Company.

There being no other business before the Board, it was moved by Bill Calvert and seconded by Bill Clark to adjourn. Motion passed 3-0 at 6:40 PM.

Respectfully submitted,

Robert G. Gerber, Chair  
Attachments as noted above

## Consent Agreement

- Whereas:** The owners of Isle au Haut Tax Map 9, Lot 13, are currently identified as Trustees of the Davidson Moores Harbor Trust as detailed in deeds at the Knox County Registry of Deeds, Volume 4777, pages 49-52;
- Whereas:** The Trustees of the Davidson Moores Harbor Trust ("Landowner") have been communicating with Robert Gerber, CEO and Chair of the Town of Isle au Haut Planning Board, through their agent, Robin Tannenbaum of Kaplan Thompson Architects of Portland, Maine, for the past year in regards to a request for Planning Board and CEO approval for various proposed improvements to the subject property;
- Whereas:** As part of the communications between Gerber and Tannenbaum, Gerber stated that he believed that tree cutting may have occurred sometime in 2014 within 75 feet of the Normal High Water line of Moores Harbor (Attachment A) in violation of the Shoreland Zoning Ordinance Section 15(O)(1) which states: "Within the strip of land extending 75 feet inland from the normal high-water line there shall be no timber harvesting, except to remove safety hazards". Gerber also believes that some cutting was done in the Shoreland Moore's Swale Resource Protection Zone. In that zone the Shoreland Zoning Ordinance requires a permit from the CEO prior to cutting but no CEO permit was issued. Also, there may have been a violation of the Town Zoning Ordinance, Section V, where no Timber Harvesting is permitted in the Town Moore's Swale Resource Protection Zone;
- Whereas:** In an email of October 7, 2015, Gerber described to Tannenbaum the Town's ability to resolve violations and proposed to resolve this violation as part of the building permit approval process and to set the date of the notice of violation as of October 6, 2015, in the event that no consent agreement could be agreed upon;
- Whereas:** Gerber was authorized by the Isle au Haut Selectmen on November 2, 2015, to negotiate administrative consent agreements on behalf of the Town and the Shoreland Zoning Ordinance establishes the Town's ability to negotiate administrative consent agreements in Section 16(I)(3&4);
- Whereas:** Gerber proposed that the remedy should be a total ban for 10 years on all vegetative cutting within 75 feet of the Normal High Water line on Moore's Harbor and within the Town Moore's Swale Resource Protection Zone;
- Whereas:** The Trustees indicated their agreement with the proposed remedy to resolve the violation;

**NOW, THEREFORE,** the Town and the Landowner agree as follows:

1. The Landowner agrees voluntarily to refrain from cutting any vegetation, either personally or through any other agent, for a period of 10 years from the date of this agreement, within 75 feet of the Normal High Water line of Moore's Harbor and within the Town designated Moore's Swale Resource Protection Zone and also agrees to obtain a CEO permit for any future cutting in the Shoreland RP zone;

RDA 12/14/16

10/26/2016 JYC

2. This agreement shall be recorded in the Knox County Registry of Deeds and apply to all present and future landowners; and,
3. The Town agrees to relinquish its right to prosecute the Landowner for violating the Ordinances in consideration for the Landowner's promise to abide by the terms stated herein; EXCEPT THAT, if the Landowner or any successor or assign breaches the terms of this Agreement, the Town may then institute appropriate court proceedings to enforce the provisions of the Ordinances.

Done and dated at Isle au Haut, Maine  
 This 14<sup>th</sup> day of December, 2016

State of Maine  
 County of Knox  
 Robert G. Gerber appeared  
 before me on the 14<sup>th</sup> day of  
 December 2016, at Isle au Haut, Maine,  
 and signed this  
document.

By: /s/ Robert G. Gerber  
 Robert G. Gerber, CEO and Planning Board Chairman  
 Town of Isle au Haut, Maine

Kendra P. Chubbuck

KENDRA P. CHUBBUCK  
 NOTARY PUBLIC, MAINE  
 COMMISSION EXPIRES  
 OCTOBER 27, 2018

Accepted and dated at 33 Murray St., Lexington, MA 02420  
 This 26<sup>th</sup> day of October, 2016

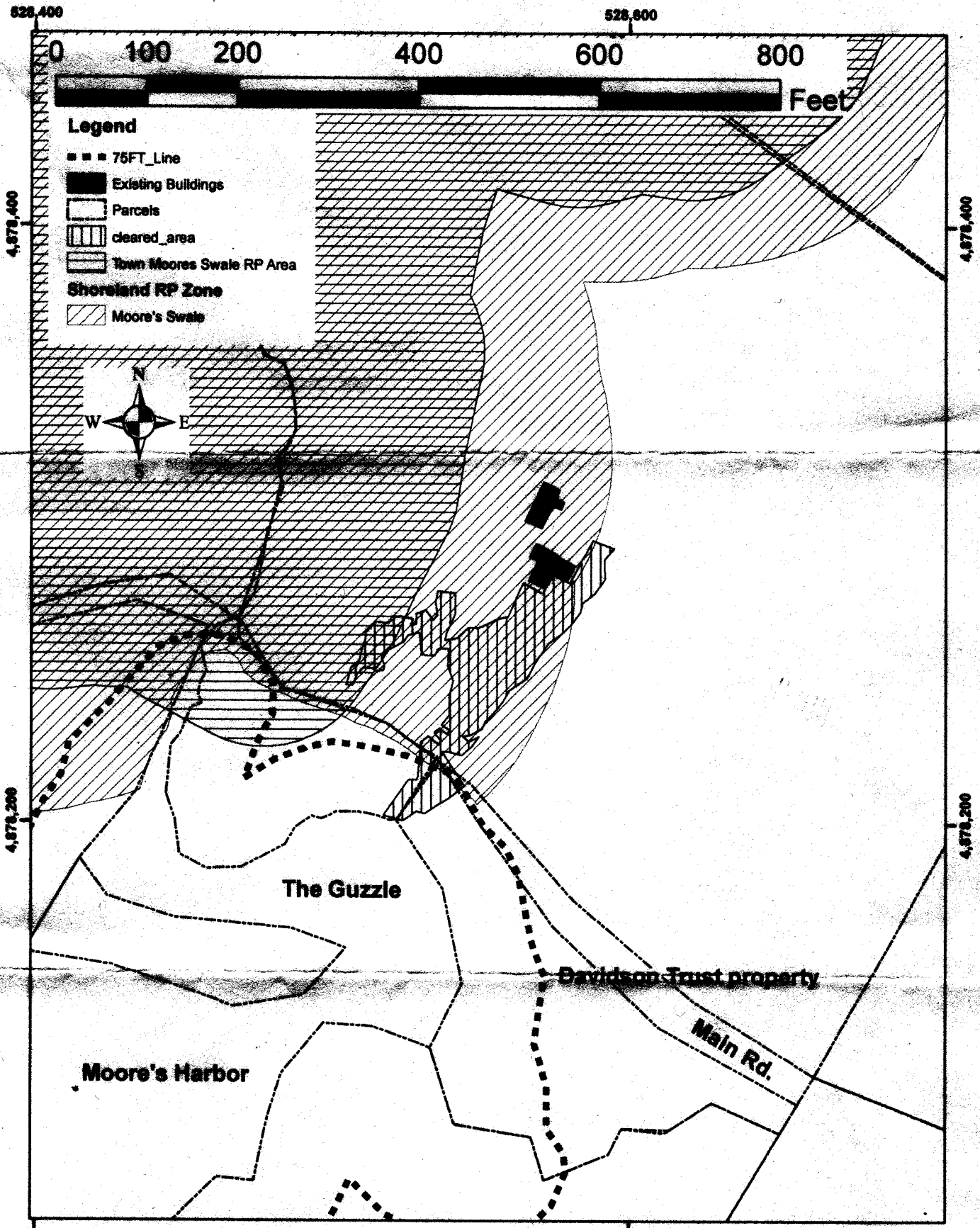
By: /s/ John Campbell  
 John Y. Campbell, Trustee  
 Davidson Moores Harbor Trust



Accepted and dated at \_\_\_\_\_  
 This \_\_\_\_\_ day of \_\_\_\_\_, 2016

By: /s/ \_\_\_\_\_  
 Ann Hampson, Trustee  
 Davidson Moores Harbor Trust

Attachment: Attachment A



Area cleared of shrubs & trees between June 2008 and June 2015  
 Davidson Moores Harbor Trust Property, Isle au Haut, ME  
 Grid is UTM, NAD83, Zone 19N (m)  
 RGG 10-24-16

RDD 12/18/16

10/26/2016

JYC

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Ash 10/26/16

RSS 12/14/16

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Done and dated at Isle au Haut, Maine

This 14<sup>th</sup> day of December, 2016

By: /s/ Robert G. Gerber  
 Robert G. Gerber, CEO and Planning Board Chairman  
 Town of Isle au Haut, Maine

State of Maine  
 County of Knox  
 Robert G. Gerber appeared before me on the 14<sup>th</sup> day of December 2016, at Isle au Haut, Maine, and signed this document.  
 Kendra P. Chubbuck

KENDRA P. CHUBBUCK  
 NOTARY PUBLIC, MAINE  
 MY COMMISSION EXPIRES  
 OCTOBER 27, 2018



Accepted and dated at \_\_\_\_\_  
 This \_\_\_\_\_ day of \_\_\_\_\_, 2016

By: /s/ \_\_\_\_\_  
 John Y. Campbell, Trustee  
 Davidson Moores Harbor Trust

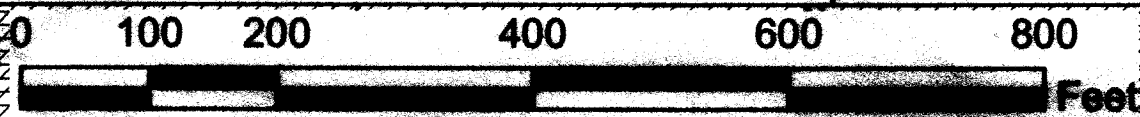
Accepted and dated at Saunderstown, RI  
 This 26<sup>th</sup> day of October 2016

By: /s/ Ann Hampson  
 Ann Hampson, Trustee  
 Davidson Moores Harbor Trust

Attachment: Attachment A

528,400

528,600



**Legend**

- ■ ■ 75FT\_Line
- Existing Buildings
- Parcels
- ▨ cleared\_area
- ▨ Town Moores Swale RP Area
- ▨ Shoreland RP Zone
- ▨ Moore's Swale

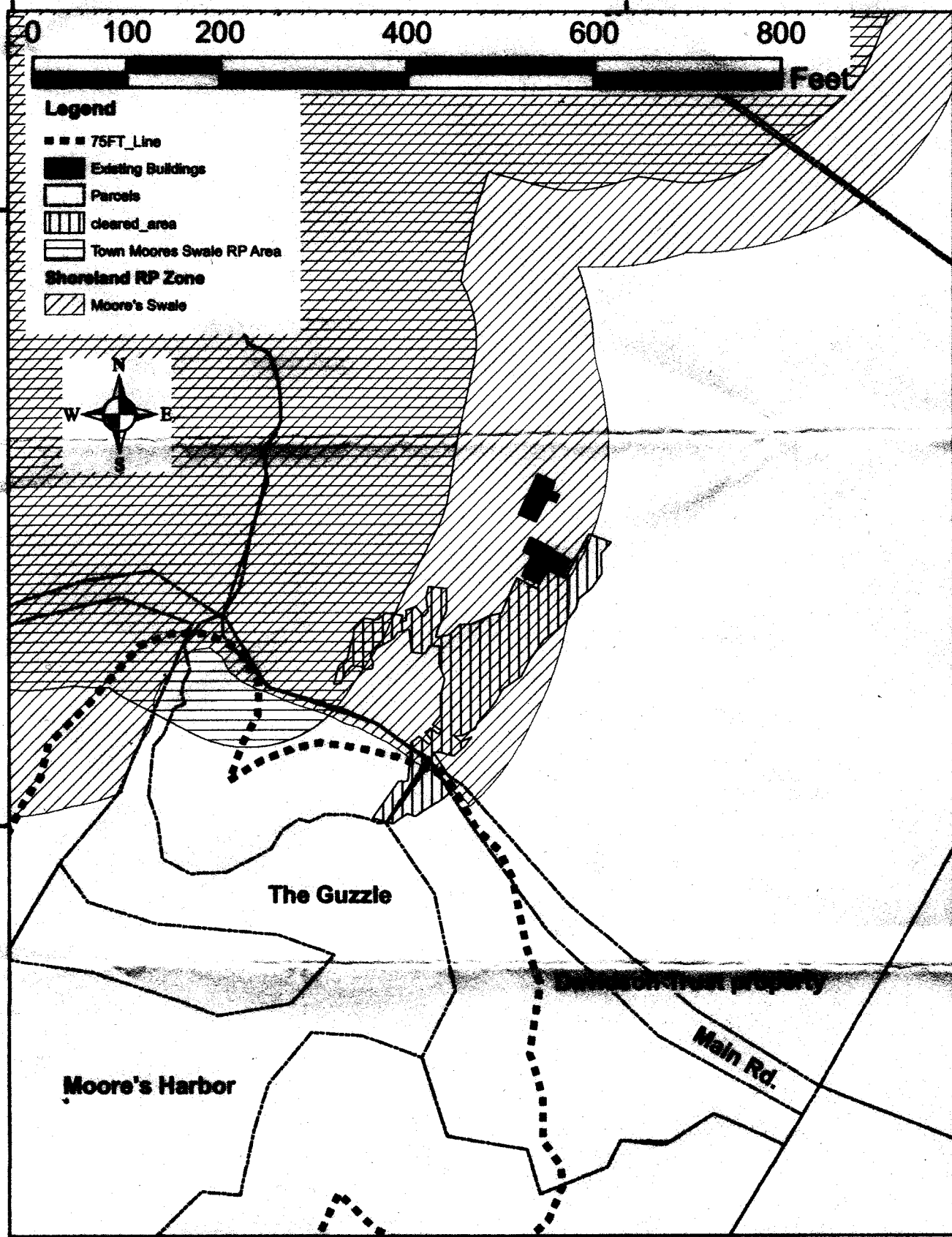


4,878,400

4,878,400

4,878,200

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528,400

528,600

**Area cleared of shrubs & trees between June 2008 and June 2015**  
**Davidson Moores Harbor Trust Property, Isle au Haut, ME**  
 Grid Is UTM, NAD83, Zone 19N (m)  
 RGG 10-24-16

*ASH 10/26/16*

*RDD 12/14/16*



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



October 11, 2016

Wendy Pomeroy  
One Salt Marsh Lane  
Kittery Point, ME 03905

sent via email: wmpom@comcast.net

Re: Site Visit to Birch Point, Tax Map 1, Lot 7B, on October 11, 2016

Dear Wendy:

In response to concerns of your neighbors, I made a visit to your site today to document what was taking place at the site. On August 25th, the Planning Board issued a permit for driveway construction on your property and across that of Filler and Mathias. Your neighbors became concerned that what is currently "timber harvesting" under ordinance definitions was in fact the construction of your driveway as approved at the August Planning Board meeting.

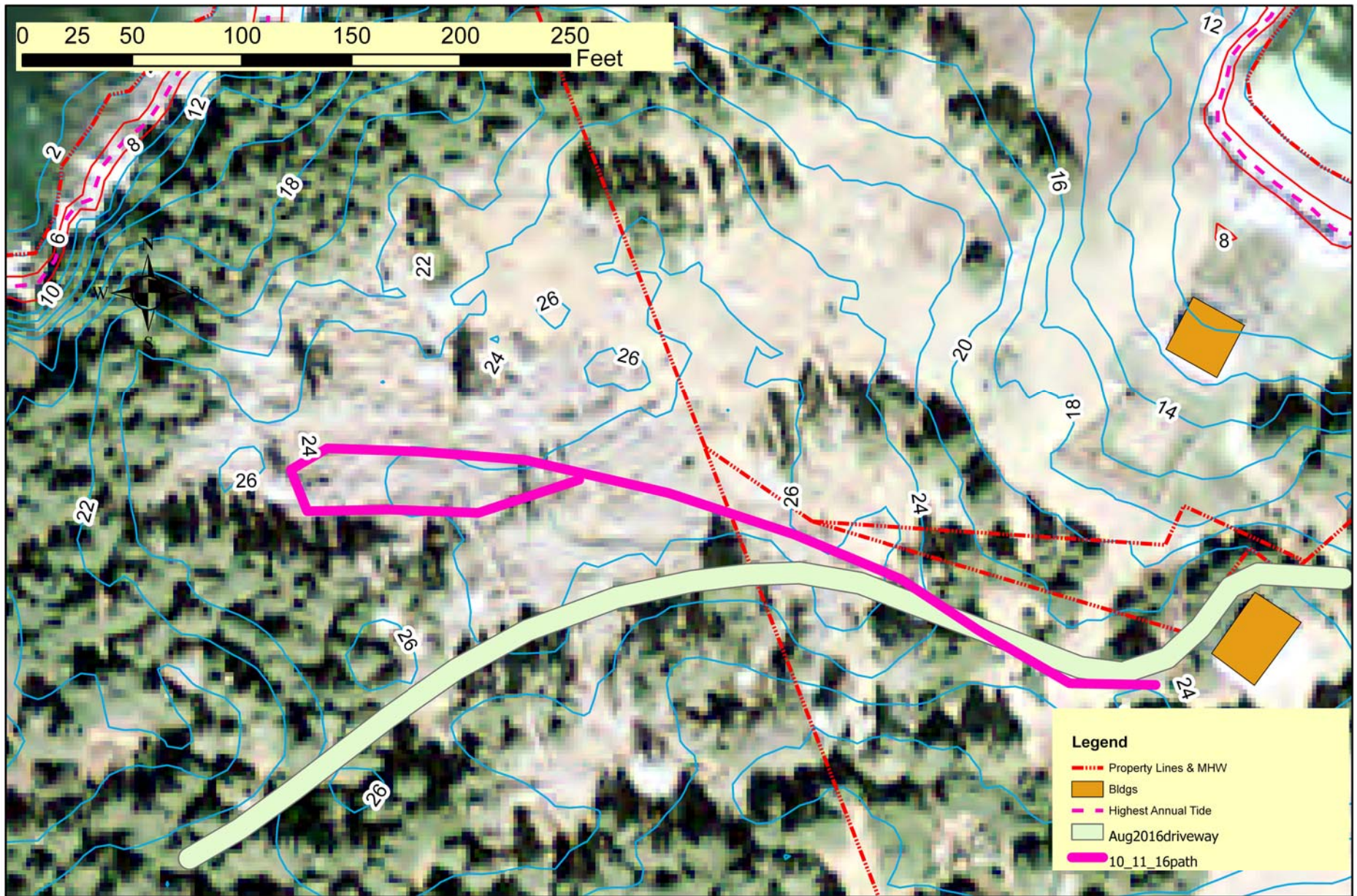
You were present at the site along with your contractors Bill Stevens and Matthew Skolnikoff today during my site visit which started at 10 AM. I used a handheld Garmin GPS receiver to locate approximately the path that has been created by Stevens' excavator as he was pulling the trees that had died and been blown down into a windrow for burning and/or chipping. The approximate location of that path is shown on the attached plan, which also shows the location of the proposed road.

No bulldozing has occurred and no gravel spread and, to date, there has been no driveway construction. My conclusion is that what is currently occurring is a clean-up of a large blowdown area of trees that died and fell prior to 2013, which is the date of the aerial photo on the attached plan. Some topsoil has been disturbed by the turning movement of the excavator and you should stabilize that exposed soil with either a planting of winter rye this fall, or spreading of wood chips over the disturbed areas.

If you decide prior to actually constructing your driveway that you wish to relocate some or it, you will have to file a revised plan for portion of the revised driveway location with the Planning Board and receive their approval prior to starting on that revised portion.

Sincerely,  
**Town of Isle au Haut**

Robert G. Gerber, CEO  
Attachment: Site plan with new excavator path  
Cc: Fillers and Mathiases



Approximate Location of Tractor Path Cleared through Blowdown Area  
 Lands of Filler, Mathias, and Pomeroy  
 Aerial photo from 2013  
 RGG 10/11/16

Birch Point  
 Town of Isle au Haut

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



October 10, 2016

Nathan Clark and Rachael Dugan  
195 Main Road  
Isle au Haut, ME 04645

via email: [denaliclone187@gmail.com](mailto:denaliclone187@gmail.com)

Re: Application for accessory use building permit (12'x16' shed) at Tax Map 9, Lot 34

Dear Nate & Rachael:

I received your application today for construction of a 12x16' shed on your property at Main Road. As the Town's appointed Codes Enforcement Officer I have approved your application submitted today. This letter serves as your permit for your project. The lot area is approximately 2.05 acres, which exceeds the minimum lot size requirements for this zone. The specifics of the application and location of the project within your property are shown on the attachments. This project is located in Zone B, Accessible Interior, of the Town Zoning Ordinance. You are not located in the Shoreland Zone. This is an accessory structure to serve a single family dwelling unit that is served by an existing well and existing septic system. I have gone down through all of the application submission requirement of the Town Ordinance and find that the application is complete. I have also gone through all of the decision criteria of the Town ordinance and made a determination that each of the criteria are either Not Applicable (N/A), are met, or will be met if the condition described below is met. This approval is conditional on keeping a clean work site and properly managing the combustible materials generated during the building construction so as to minimize the fire hazard in conformance with Town Ordinance decision criterion in Section VII(6)(c).

This approval is given based on the facts submitted and if any of these facts are later found to be incorrect, this approval may be modified or rescinded in order to insure compliance with the Town of Isle au Haut Zoning Ordinance in effect at the time of initial permit issuance. In addition, by your acceptance of this permit and initiation of construction, you grant permission to the CEO to come onto your land to inspect the construction and uses to which the building will be put. Such inspections will be done at reasonable times with advance notice to you. If you have to change the location or dimensions of the building to something other than shown here, you must obtain permission from the CEO prior to doing that.

Sincerely,  
**The Town of Isle au Haut**

Robert G. Gerber, Code Enforcement Officer  
Attachment: Building Permit Application

**Town of Isle au Haut Application Processing Documentation & Checklist**

Applicant Name: Nathan Clark & Rachael Dugan Agent Name: N/A \_\_\_\_\_

Applicant Address: 195 Main Road, P.O. Box \_\_\_\_\_

Isle au Haut, ME 04645 \_\_\_\_\_

Applicant Phone & Email: denaliclone187@gmail.com, Phone \_\_\_\_\_

Tax Map No. 9 Tax Map Lot 34 \_\_\_\_\_

Town Ord. Zone B—Accessible Interior State Ord. Zone N/A \_\_\_\_\_

Proposed Land Use: Accessory Structure—12'x16' Shed \_\_\_\_\_

Subdivision: Yes \_\_\_\_\_ No X If yes, see other checklist

Date of First Written Application Submission: 10/10/16 ; Rev1 \_\_\_\_\_ Rev2 \_\_\_\_\_

Date of First Response on Completeness: 10/10/16 ; 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)	X
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	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	Abuts Main Rd
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	no ground disturbance
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	<b>probability of such adverse and material effect exists.</b>	
2	That significant air pollution would NOT occur in violation of either primary or secondary standards established by the Federal Government or the State Government NOR that a high probability of such air pollution would exist	N/A
3	A public nuisance or a fire hazard would NOT be created	condition
4	Access from public rights- of- way or from the shore would be NOT inadequate for the traffic likely to be created	✓
5	A proposed land use would NOT, based on the Planning Board's review of the evidence presented, be seriously destructive of the present character of the island.	✓

to manage wood waste

**Application Approval Checklist for State Ordinance**

1	<b>Will maintain safe and healthful conditions;</b>	
2	<b>Will not result in water pollution, erosion, or sedimentation to surface waters</b>	
3	<b>Will adequately provide for the disposal of all wastewater;</b>	
4	<b>Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;</b>	
5	<b>Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;</b>	
6	<b>Will protect archaeological and historic resources as designated in the comprehensive plan</b>	
7	<b>Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;</b>	
8	<b>Will avoid problems associated with flood plain development and use;</b>	
9	<b>Is in conformance with the provisions of Section 15, Land Use Standards.</b>	

N/A

Date of Public Hearing: N/A

Notice to Abutters? Yes  No

Advertisement in Newspaper? Yes  No

Date of <sup>CEO</sup> Board Decision on Approval/Denial: 10/20/16

Application Approved w/o Conditions? Yes  No

Application Denied? Yes  No

Reasons for Denial, if any: (attach denial reasons, if necessary) N/A *see approval letter*

Application Conditions, if any: (attach approval conditions, if necessary)

Note: For all development subject to State Ordinance, Sections 15 P & Q will be standard conditions; for Town Ord., Sections VI(L)1-6 unless waived

Date of Signing of Final Subdivision Plan: N/A

Record of Appeals Board Decision, if Applicable: Attach relevant Appeals Board Record

**Nathan Clark & Rachael Dugan**  
**P.O. Box \_\_**  
**Isle au Haut, ME 04645**

Robert Gerber, Code Enforcement Officer  
Town of Isle au Haut  
P.O. Box 71  
Isle au Haut, ME 04645

via email: [planningboard@isleauhautmaine.us](mailto:planningboard@isleauhautmaine.us)


Application for ~~12~~x16' Shed

Bob:

This letter and attachments constitute an application to the Code Enforcement Officer for an Accessory Structure within the Town Accessible Interior Zone (Zone B). This structure will be built on Tax Map 9, Lot 34. The lot is 2.05 acres in size and the minimum lot size for Zone B is 2 acres. The shed will be located generally at the end of the existing driveway and as shown on the attached Plan. The shed will be ~~12~~ 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 not be located in the Shoreland Zone. A Plan showing the existing house and driveway, roads, property line, well, and septic system locations is attached at a scale of 1: = 100'.

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.

  
\_\_\_\_\_  
Nathan Clark

10-10-16  
Date

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

Real Estate Transfer Tax Paid

**WARRANTY DEED**



**ISLE AU HAUT COMMUNITY DEVELOPMENT CORPORATION, of**

Isle Au Haut, Knox County, State of Maine, for consideration paid, grants to **NATHAN A.**

**CLARK and RACHAEL DUGAN**, of Isle Au Haut, Knox County, State of Maine, with

Warranty Covenants, as **JOINT TENANTS**, the land, together with any buildings or

improvements thereon, in Isle Au Haut, Knox County, State of Maine, described as follows:

A certain lot or parcel of land, together with any and all buildings and structures built or placed upon the same, situated on the southeasterly side of the Public Road leading from Moore's Harbor to the Thoroughfare, so called, in said Town of Isle au Haut, and being more particularly bounded and described as follows:

Beginning at an iron rod set in the ground on the southeasterly side of said Public Road and the northwesterly most corner of lot numbered 9-1c shown as "2.06 +/- Ac" on a plan of "PROPERTY SURVEYED FOR THE TOWN OF ISLE AU HAUT, MAINE" prepared by Richard A. Buxton, dated December 1980, revised October 1981 and December 1982, and recorded in the Knox County Registry of Deeds in Cabinet 5, Sheet 80; thence S 37° - 41' 32" E by and along said lot number 9-1c, a distance of 325.76' to an iron rod set in the ground; thence N 14° 27' 40" E a distance of 410.94 feet to a drill hole in a rock; thence N 6° 23' 07" E a distance of 204.65 feet to an iron rod set; thence N 66° 47' 22" W a distance of 63.21 feet to an iron rod set on the southeasterly side of said Public Road; thence S 27° 21' 11" W a distance of 32.82 feet to an iron rod set along the southwesterly side of said Public Road; thence S 32° 15' 00" W a distance of 223.57 feet to an iron rod set; thence S 54° 36' 23" W a distance of 113.81 feet to a point; thence S 25° 00' 41" W a distance of 93.02 feet to the point of beginning, containing 2.05 acres more or less.

Meaning and intending to convey Lot B as shown on Property Plan of Moore Harbor Road for Isle au Haut Community Development Corporation, Isle au Haut, Maine, approved by Isle au Haut Planning Board on June 3, 1994 and recorded in the Knox County Registry of Deeds on June 14, 1994 in Cabinet 11, Sheet 50.

Subject to a right-of-way in perpetuity for vehicle access through the above described property from said Public Road to the Town Land abutting the Eastern boundary of said property. See Agreement as to Placement of Easement dated June 29, 1994 and recorded in the Knox County Registry of Deeds in Book 1838, Page 301, Shared Driveway Maintenance Agreement dated July 30, 2010 and recorded in the Knox County Registry of Deeds in Book 4342, Page 322, and

Amendment to Shared Driveway Maintenance Agreement dated September 21, 2010 and recorded in the Knox County Registry of Deeds in Book 4342, Page 325.

Also subject to a Declaration of Covenants and Restrictions dated January 26, 2016 and recorded of substantially even date.

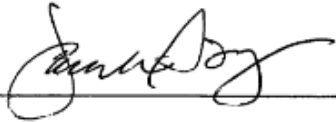
Any and all other rights, easements, privileges and appurtenances belonging to the granted estate are hereby conveyed.

For source of title, reference is made to the deed conveyed by the Municipality of Isle au Haut to Isle au Haut Community Development Corporation dated August 10, 1992 and recorded in the Knox County Registry of Deeds in Book 1621, Page 092. See also the deed from the Municipality of Isle au Haut to Isle au Haut Community Development Corporation dated July 26, 1993 and recorded in the Knox County Registry of Deeds in Book 1729, Page 334. See also a Corrective Deed from the Municipality of Isle au Haut to Isle au Haut Community Development Corporation of recent date to be recorded in the Knox County Registry of Deeds, releasing a right of reverter as described in the said deeds at Book 1621, Page 92 and Book 1729, Page 334.

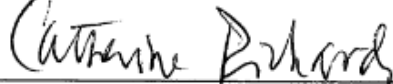
The Grantees' mailing address is 82 Annis Hill Road, Isle Au Haut, Maine, 04645.

WITNESS my hand and seal this 12<sup>th</sup> day of February, 2016.

WITNESS:

  
\_\_\_\_\_

ISLE AU HAUT COMMUNITY  
DEVELOPMENT CORPORATION

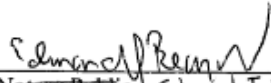
  
\_\_\_\_\_  
Catherine Richards  
Its Board Chair  
Hereunto duly authorized

STATE OF MAINE  
KNOX COUNTY

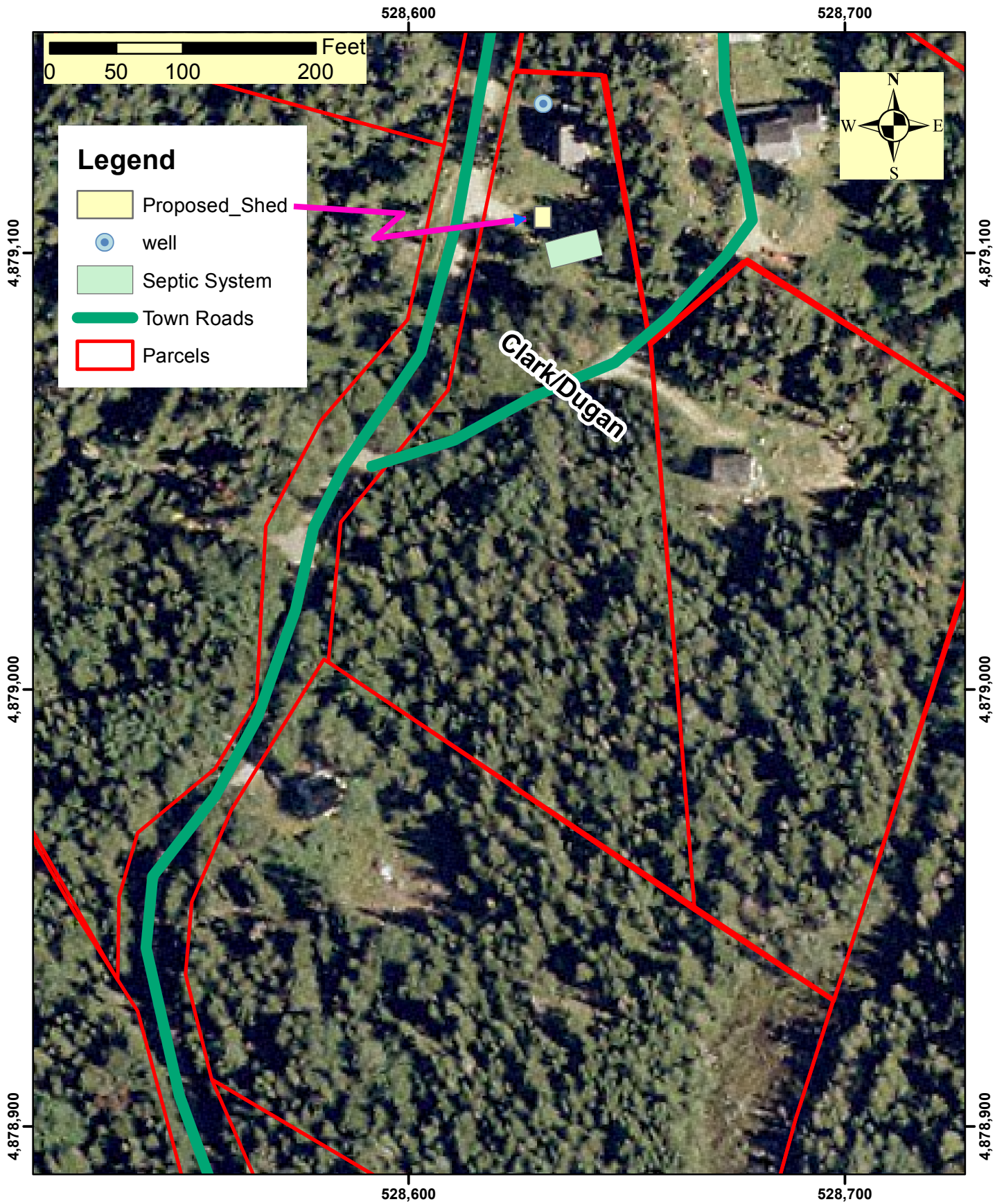
February 12, 2016

Then personally appeared the above-named Catherine Richards, Board Chair of the Isle Au Haut Community Development Corporation and acknowledged the foregoing instrument to be the free act and deed of said corporation.

Before me,

  
\_\_\_\_\_  
Notary Public | Edmund J. Becor  
Att. at Law





**Location of proposed Shed**  
**Property of Nathan Clark & Rachael Dugan**  
**Grid is UTM, NAD83 19N meters**  
**RGG 10/4/16**

**Zoning: Town Zone B--Accessible Interior**

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



October 16, 2016

J. Nicholas and Colleen Teasdale Filler  
POB 16  
Isle au Haut, ME 04645

via email: [j.nicholas.filler@gmail.com](mailto:j.nicholas.filler@gmail.com)

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

Dear Nick & Colleen:

This letter will serve as your official notice that your permit application of October 12, 2016, has been accepted as complete. This letter will also serve as your permit for the proposed woodshed on your land on Birch Point on Tax Map 1, Lot 7 at Birch Point on Isle au Haut. The project is located in the Town Zone C, Accessible Shoreland Zone, and Shoreland Zone LR, Limited Residential. Both zones have a minimum lot size of 0.7 acres and your land area far exceeds the minimum. The proposed shed will be built greater than 75 feet from the Normal High Water Line and will not disturb any soil because it will be set on pre-cast concrete pads. The structure is not located in the FEMA Special Flood Hazard Area. Both the Town and the Shoreland Zone Ordinances authorize me, as the duly appointed Code Enforcement Officer of Isle au Haut, to issue a permit for Accessory Structures in the above-referenced zones. I have been through all the application requirements and the decision factors for each ordinance and find that all requirements are met, or not applicable. The permit is granted without conditions pursuant to your application of October 12, 2016, which is attached to and made a part of this approval. There is no need to post this notice on your building. Just keep the letter in your files for future reference.

Sincerely,

**Town of Isle au Haut**

Robert G. Gerber, Code Enforcement Officer

Attachment: October 12, 2016 Application

**Town of Isle au Haut Application Processing Documentation & Checklist**

Applicant Name: J. NICHOLS AND COLLEEN TEASDALE FILLER Agent Name: N/A

Applicant or Agent Address: 162 BIRCH POINT ROAD PO BOX 16  
ISLE AU HAUT, ME 04645

Applicant or Agent Phone & Email: 207-335-2101 J.NICHOLS.FILLER@GMAIL.COM

Tax Map No. 1 Tax Map Lot 7

Town Ord. Zone C ACCESSABLE SHORELINE State Ord. Zone LIMITED RESIDENTIAL SHORELINE LR

Proposed Land Use: ACCESSORY USE - WOODS SHED

Subdivision: Yes  No  If yes, see other checklist

Date of First Written Application Submission: 10/12/16 ; Rev1          Rev2         

Date of First Response on Completeness: 10/16/16 ; Rev1          Rev2         

Submission Checklist for Town and State Ordinances

Item	Description	Check, if yes
1	Deed, lease, option (e.g., evidence of right, title & interest)	✓
2	Agent Authorization, if applicable	N/A
3	Scaled Plan of lot lines, proposed clearing limits, existing & prop. structures, roads, docks, erosion & sediment control measures	✓
4	Written Narrative 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 "information in the application is complete and correct."	✓

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.	X
---	---	---

2	That significant air pollution would NOT occur in violation of either primary or secondary standards established by the Federal Government or the State Government NOR that a high probability of such air pollution would exist	N/A
3	A public nuisance or a fire hazard would NOT be created	X
4	Access from public rights- of- way or from the shore would be NOT inadequate for the traffic likely to be created	X
5	A proposed land use would NOT, based on the Planning Board's review of the evidence presented, be seriously destructive of the present character of the island.	X

Application Approval Checklist for State Ordinance

1	<b>Will maintain safe and healthful conditions;</b>	X
2	<b>Will not result in water pollution, erosion, or sedimentation to surface waters</b>	X
3	<b>Will adequately provide for the disposal of all wastewater;</b>	N/A
4	<b>Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;</b>	X
5	<b>Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;</b>	X
6	<b>Will protect archaeological and historic resources as designated in the comprehensive plan</b>	X
7	<b>Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;</b>	N/A
8	<b>Will avoid problems associated with flood plain development and use;</b>	X
9	<b>Is in conformance with the provisions of Section 15, Land Use Standards</b>	X

Date of Public Hearing: \_\_\_\_\_ N/A

Notice to Abutters? \_\_\_\_\_ Yes  No

Advertisement in Newspaper? \_\_\_\_\_ Yes  No

Date of ~~XXXX~~ Decision on Approval/Denial: 10/16/16

Application Approved w/o Conditions?  Yes \_\_\_\_\_ No

Application Denied? \_\_\_\_\_ Yes  No

Reasons for Denial, if any: (attach denial reasons, if necessary)

Application Conditions, if any: (attach approval conditions, if necessary)

Note: For all development subject to State Ordinance, Sections 15 P & Q will be standard conditions; for Town Ord., Sections VI(L)1-6 unless waived

Date of Signing of Final Subdivision Plan: \_\_\_\_\_

Record of Appeals Board Decision, if Applicable: Attach relevant Appeals Board Record

J. Nicholas and Colleen Teasdale Filler

162 Birch Point Road  
PO Box 161 Isle au Haut,  
Maine 04645

Robert Gerber  
Code Enforcement Officer  
Planning Board  
Town of Isle au Haut  
PO Box 71  
Isle au Haut, ME 04645

Re: Application for 8' x 12' Wood Shed

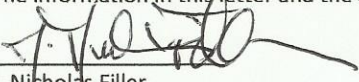
Mr. Gerber:

This letter and attachments constitute an application to the Code Enforcement Officer (and, if necessary, the Planning Board) of the Town of Isle au Haut, ME for an Accessory Structure within the State Limited Residential Shoreland Zone and the Town Accessible Shoreland Zone. This structure will be built to the north of an existing shed and to the west of an existing house, both on our property as described in a deed of Wendy Pomeroy to us dated December 3, 2015 and recorded in the Knox County Registry of Deeds at Book 4992, Page 156, a copy of which is attached, and will consist of a standard wood frame construction. No trees are required to be cut down to construct the building and no soil will need to be disturbed as the foundation will consist of four pre-cast, circular concrete pads measuring 6 inches thick and 18 inches in diameter and set directly on the ground surface. The building will be built more than 75' from the normal high water line. A general lot plan at a scale of 1" = 80' showing zoning boundaries and building and road locations, as well as our septic field, is attached. A more detailed plan showing the location and dimension of the shed to scale is shown on an attached plan at a scale of 1" = 30'.

This shed is located on Tax Map No. 1, Lot 7. There are no utilities connected to the shed.

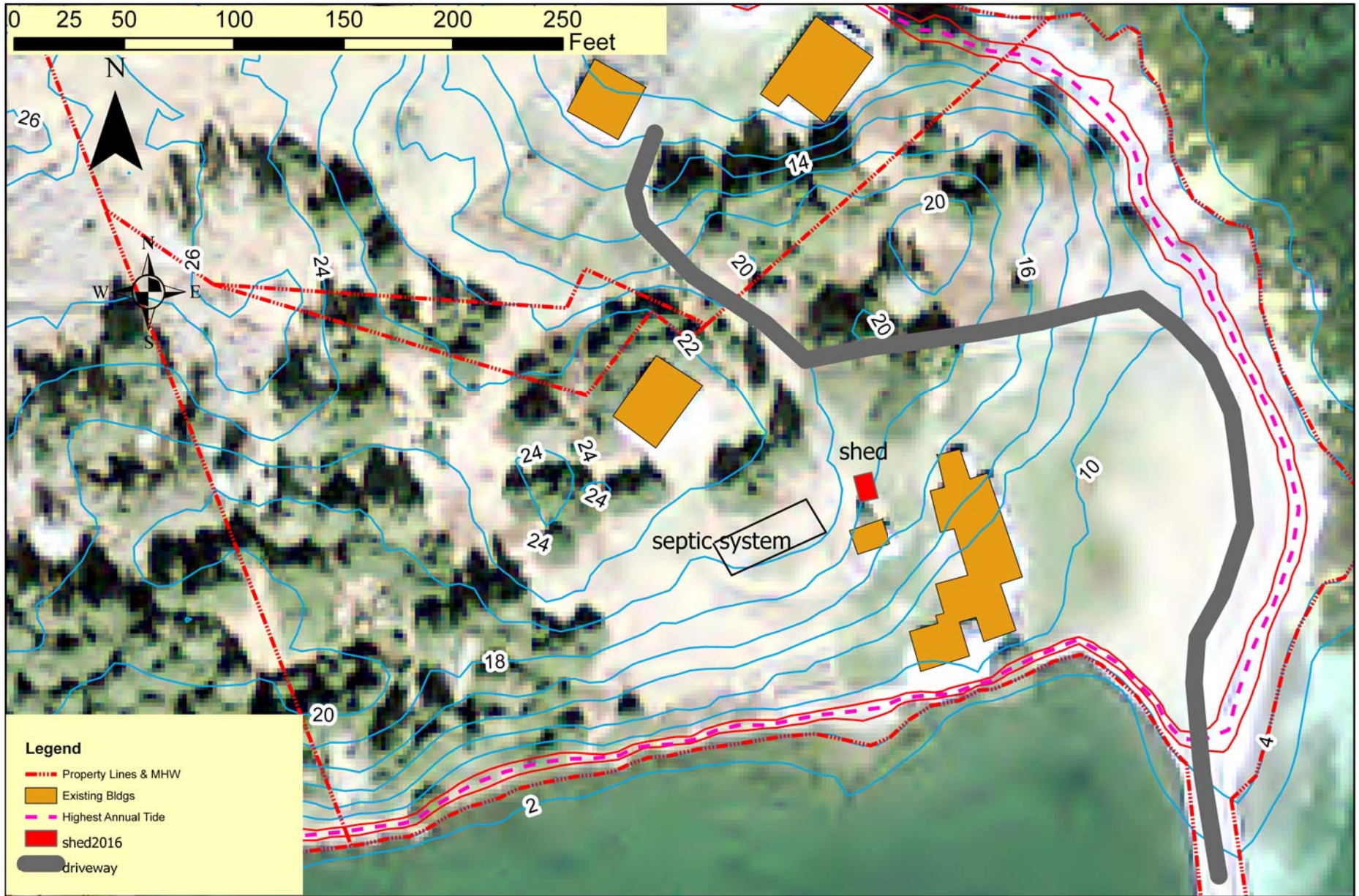
A copy of the Deed referred to above that gives evidence of our right, title and interest in the property upon which the shed is to be constructed is attached.

The information in this letter and the application and attachments is complete and correct to the best of our knowledge.

  
October 12, 2016  
J. Nicholas Filler

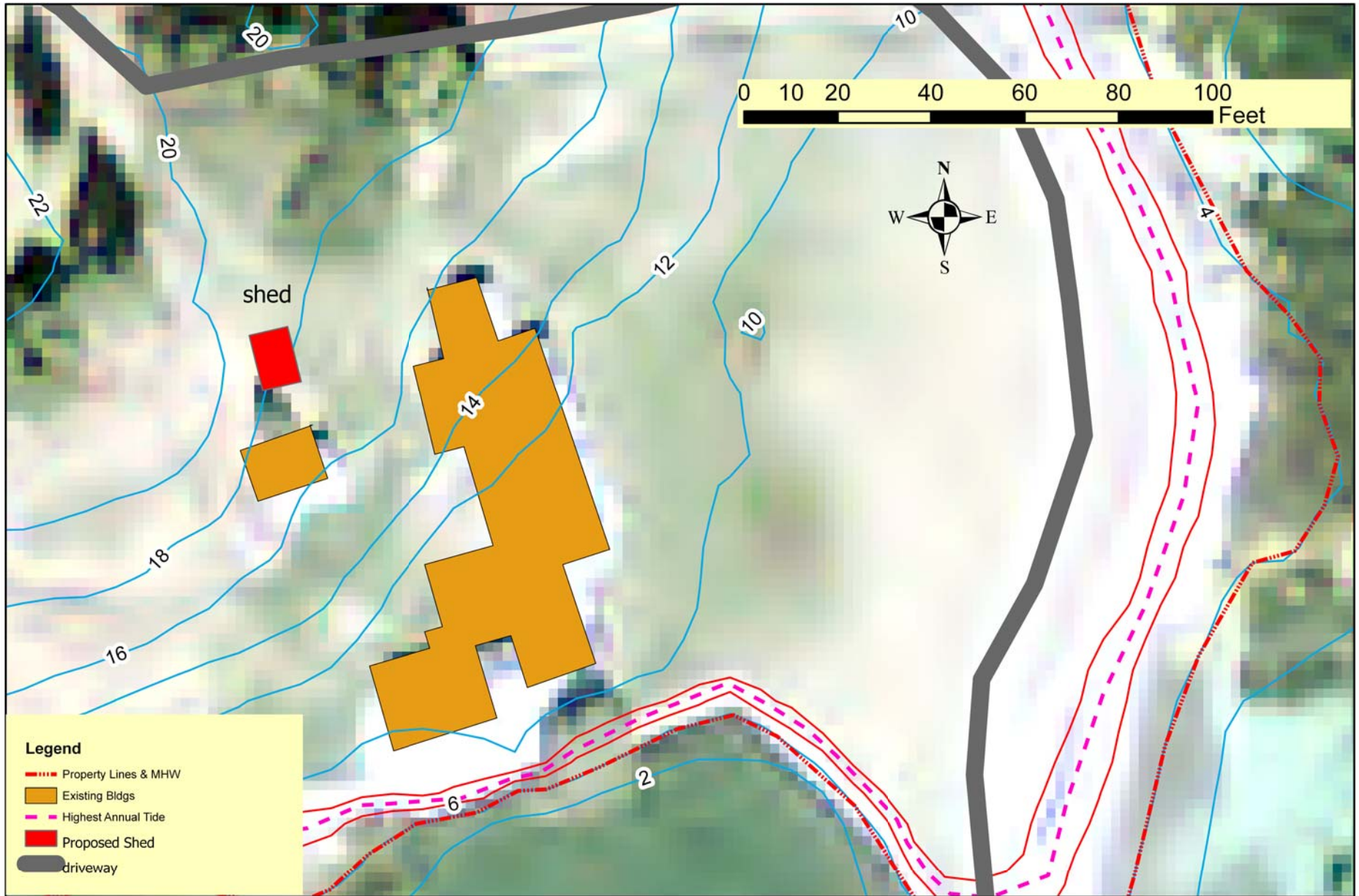
  
October 12, 2016  
Colleen Teasdale Filler

Attachments : Application Processing Form; copy of Deed; overall site plan, detailed plan of shed location.



Location of Proposed Shed  
 Land of Filler  
 Aerial photo from 2013  
 RGG 10/11/16

Birch Point  
 Town of Isle au Haut



**Detail of Shed Location  
Land of Filler  
Aerial photo from 2013  
RGG 10/11/16**

**Note that Mean High  
Water (MHW) and Highest  
Annual Tide (HAT) determined  
from LiDAR-based topography**

**Birch Point  
Town of Isle au Haut**



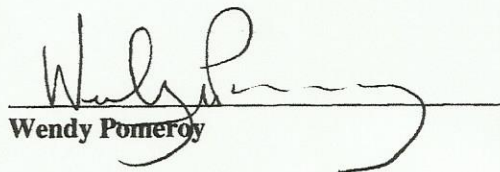
### QUITCLAIM DEED WITH COVENANT

WENDY POMEROY, of Kittery Point, York County, Maine for consideration paid, grants to J. NICHOLAS FILLER and COLLEEN TEASDALE FILLER, both of Conway, Franklin County, Massachusetts, whose mailing address is 455 Matthews Road, Conway, Massachusetts 01341, as joint tenants, with QUITCLAIM COVENANT, a certain lot or parcel of land, together with any improvements thereon, in **Isle au Haut, Knox County, Maine**, more particularly bounded and described in Exhibit A attached hereto and hereby incorporated by reference, together with and all easements, rights and appurtenances thereto.

IN WITNESS WHEREOF, Wendy Pomeroy has hereunto set her hand and seal this 3rd day of December, 2015.

Witness:

  
Russell B. White, Esq.

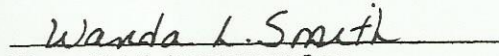
  
Wendy Pomeroy

STATE OF MAINE

York County

December 3, 2015

Personally appeared the above named Wendy Pomeroy and acknowledged before me the foregoing instrument to be her free act and deed.

  
Notary Public/Attorney at Law  
My Commission Expires: May 1, 2021  
Wanda L. Smith  
Print or type name as signed

SEAL

REAL ESTATE TRANSFER TAX PAID



## Exhibit A

Certain lots or parcels of land situated in Isle au Haut, Knox County, Maine more particularly bounded and described as follows:

### PARCEL A:

Beginning at a drill hole in ledge above high water line at the shore of Burnt Island Thorofare at land of these grantors shown as Parcel B on a plan entitled "Property surveyed for Orvel and Margaret D. Sebring, Birch Point, Isle au Haut, Me." Dated Oct. 1988, revised Nov. 1988 by Richard A. Buxton, RLS, said drill hole being located North 11° 57' 44" East, five hundred seventy-six and forty-one hundredths (576.41) feet from an iron bolt in ledge or rock in the bank of the shore of the Salt Pond marking the most northerly corner of other land of these grantors, described as Parcel 2 in a deed from Z. Rita Parker to Orvel and Margaret Dulles Sebring dated January 5, 1968, and recorded in Book 471, Page 317, of the Knox County Registry of Deeds and also shown as Parcel C on the aforementioned Plan; thence North 66° 58' 40" East to high water line of said Thorofare; thence generally southerly, westerly, northerly, westerly, northerly, easterly and southeasterly along high water line of Burnt Island Thorofare, the Salt Pond and Penobscot Bay in its various turnings and windings to a point located North 44° 49' 23" East from a drill hole in ledge at land of the aforementioned Parcel B; thence South 44° 49' 23" West along land of said Parcel B to said drill hole in ledge; thence South 44° 49' 23" West, a distance of two hundred seventy-two and fifty-one hundredths (272.51) feet along land of said Parcel B to a brass pipe in the ground; thence South 38° 21' 18" East, a distance of one hundred thirty-seven and ninety-eight hundredths (137.98) feet along land of said Parcel B to a brass pipe in the ground; thence North 45° 00' 00" East, a distance of nineteen and eighty-one hundredths (19.81) feet along land of said Parcel B to a brass pipe in the ground; thence South 46° 10' 05" East, a distance of sixty-one and forty hundredths (61.40) feet along land of said Parcel B to a brass pipe in the ground; thence North 66° 58' 40" East, a distance of one hundred seventy-six and twenty-three hundredths (176.23) feet along land of said Parcel B to the place of beginning. Containing 10.0 acres, more or less; the courses refer to magnetic North.

### PARCEL C:

Beginning at an iron bolt in ledge or rock in the bank of the shore of the Salt Pond, said bolt being located on a course of South 11° 57' 44" West, a distance of five hundred seventy-six and forty-one hundredths (576.41) feet from a drill hole in ledge near the shore of Burnt Island Thorofare and at the easterlymost corner of other land of the grantors herein shown as Parcel B on a plan entitled "Property Surveyed for Orvel and Margaret D. Sebring, Birch Point, Isle au Haut, Me." Dated Oct. 1988, revised Nov. 1988 by Richard A. Buxton, RLS; thence South 10° 44' 56" West, by and along land now or formerly of one Richardson, a distance of three hundred twenty-three and ten hundredths (323.10) feet to an iron rod set in the ground or in rock adjacent to the edge of the traveled roadway (said iron rod is further situated on a course of North 11° 07' East a distance of one hundred fifty-five and fifty-three hundredths (155.53) feet from a square stone post with a tall iron witness rod); thence South 79° 00' 44" East, by and along land now or formerly of one Knight, a distance of one hundred fifty and no hundredths (150.00) feet to an upright stone in a pile of stones at a corner in said Knight land; thence North 10' 44' 56" East, on

a line parallel to and one hundred fifty and no hundredths (150.00) feet distance from in all its parts the first course hereinabove described, and by said Knight land to the high water mark of Burnt Island Thorofare; thence generally westerly, northerly, westerly, northerly, westerly, southerly, westerly, northerly, and westerly by and along the high water mark of said Burnt Island Thorofare and by and along the causeway located between said Thorofare and the Salt Pond and by and along high water mark of said Salt Pond to a point in said high water line which intersects with the course of North  $11^{\circ} 57' 44''$  East lying between the iron rod in ledge or rock at the point of beginning and the drill hole in ledge at the easterly corner of said Parcel B as shown on said Plan; thence South  $11^{\circ} 57' 44''$  West to the iron rod in ledge or rock and the point of beginning.

The Premises are shown as Parcel A and Parcel C on the plan by Richard A. Buxton entitled "Property Surveyed for Orvel & Margaret D. Sebring, Birch Point, Isle au Haut, Knox County, Maine" dated October 1988 and last revised November 1988.

Excepting and reserving so much of the above parcels as lies westerly of the following described line:

Beginning at a point on the high waterline of the Burnt Island Thorofare at the northwesterly corner of land described as Lot 2 in a deed to Charles B. Mathias and Robert F. Mathias, Book 4574, Page 158; Thence **S  $1^{\circ} 52' E$  5 feet**, more or less, by and along the westerly line of land of said Mathias, to a #6 rebar set in 1999, said rebar being located, for a tie line, **N  $71^{\circ} 22' W$  316.1 feet** from a drill hole in ledge found; Thence continuing **S  $1^{\circ} 52' E$  292.0 feet**, continuing along the westerly line of land of said Mathias, to a #6 rebar set in 1998, said rebar being at the northwesterly corner of the lot of land being conveyed herein, said rebar being located, for a tie line, **N  $36^{\circ} 22' W$  60.0 feet** from a #6 rebar set in 1998 at a corner of land of said lot to be conveyed; Thence continuing **S  $1^{\circ} 52' E$  305 feet**, more or less, through land of this Grantor, Wendy Pomeroy, to a point on the high waterline of the Salt Pond. Rebars set with Surveyors' caps inscribed "Sage Collins, PLS 1200, Blue Hill, ME". Bearings are magnetic and have been rotated to a plan by Richard A. Buxton entitled "Property Surveyed for Orvel & Margaret D. Sebring, Birch Point, Isle au Haut, Knox County, Maine" dated October 1988 and last revised November 1988.

Further excepting and reserving that parcel of land conveyed by Margaret Pomeroy to Ann B. Mathias by deed recorded in Book 2392, Page 234 and the parcel of land conveyed by the Grantor herein to Charles B. Mathias and Robert F. Mathias by deed of substantially even date to be recorded herewith, but expressly conveying and with the benefit of easements reserved therein.

The parcels being conveyed herein collectively referred to as the "Property".

Together with all of Grantor's right, title and interest in and to the shore, flats and tidewater privileges adjoining the Property to low water line of Burnt Island Thorofare and the Salt Pond and Penobscot Bay between the sidelines of the Property extended to low water line.

The Property is further conveyed together with all buildings and improvements thereon, including but not limited to Grantor's right, title and interest in the stone causeway and bridge connecting the island of Birch Point with the main island of Isle au Haut whereon the Property is located.

The Property is conveyed subject to and with the benefit of the following, to the extent applicable:

- a. Easements set forth in the deed from The Isle au Haut Company to Ruth A. Sturdivant, dated January 3, 1891, and recorded in Book 254, Page 149.
- b. Easements granted to, and right to enforce restrictions imposed upon, Ann B. Mathias by i) deed from Orvel Sebring et al dated January 11, 1989 and recorded in Book 1327, Page 26, and deed from Margaret S. Pomeroy dated August 10, 1999 and recorded in Book 2392, Page 234, as affected by the Restrictive Covenant Agreement by and between Ann B. Mathias and Margaret S. Pomeroy, dated August 10, 1999, and recorded in Book 2392, Page 224.
- c. Restrictions set forth in the deed from Orvel Sebring et al to Margaret S. Pomeroy dated January 11, 1989 and recorded in Book 1327, Page 32 burdening the Property and other lots referenced therein, as affected by the Restrictive Covenant Agreement by and between Ann B. Mathias and Margaret S. Pomeroy, dated August 10, 1999, and recorded in Book 2392, Page 224.
- d. Easement Agreement by and between Margaret S. Pomeroy and Ann B. Mathias, dated January 17, 1989, and recorded in Book 1327, Page 41, as amended by instrument of substantially even date herewith to be recorded.

Grantor hereby excepts and reserves and the Property is conveyed with benefit of, on the terms set forth herein, a 20' wide easement, to be used in common with Grantee, for a driveway to be located behind the existing garage on the Property and on the parcel conveyed to Charles B. Mathias and Robert F. Mathias by deed to be recorded herewith, together with an easement over the existing roadway leading from a public road, across the causeway and across the Property to the point of commencement of the proposed driveway. The easement shall be appurtenant to the Property and to Grantor's retained land but in no event shall it benefit more than one residential dwelling on Grantor's retained land and one additional residential dwelling on the existing Mathias lot, so called, to the extent benefited by the same, and in no event shall Grantor be entitled to alter, remove, demolish or otherwise impair the structural integrity of the existing garage-.

The easement reserved by Grantor shall include the right to install utility services below ground or, in the event installation is impracticable in certain locations due to ground conditions, utility services may be installed above ground at those locations provided that Grantor minimizes the extent to which the same are located above ground, and conceals the same to the extent practicable and to Grantee's reasonable satisfaction. Any such utility services shall be located within the easement area (being the driveway).

The location of the driveway is subject to prior reasonable approval of Grantor and Grantee and shall be depicted on a survey prepared by a licensed Maine surveyor mutually agreeable to Grantor and Grantee and at Grantor's expense. Construction by Grantor of any such driveway shall be in accordance with all applicable laws, rules and regulations and Grantor shall be

responsible for obtaining all necessary permits and approvals and the cost of any such permits, approvals and construction. This driveway shall be used by Grantor for access to Grantor's retained land as described, and may be subject to occasional use by the abutting property owner, Charles B. Mathias and Robert F. Mathias, for access to the back of the Mathias lot, so called, and for future use to not more than one additional dwelling unit on the Mathias lot, as provided in said deed to Mathias to be recorded. Maintenance of the driveway area within the easement shall be by Grantor, to be shared in proportion of use with Charles B. Mathias and Robert F. Mathias and their heirs, successors and assigns.

Notwithstanding anything to the contrary herein, any permitted improvements, utilities and appurtenances thereto of Grantor on the Property shall be located underground or, to the extent impracticable as provided above, utility services may be installed above ground on those terms set forth above.

Grantor hereby further excepts and reserves, on the terms set forth herein, rights to use the well serving Grantee's' property, and Grantor's use of the same shall be limited to one single family dwelling on the land retained by Grantor. This shall include the right to branch off of the existing water line for an underground extension line running to Grantor's retained property for use as described above. Grantor's responsibility for upkeep and maintenance of the well and shared portion of the water line shall be in equal proportion to the other users, including Charles Mathias and Robert Mathias, of the well. The rights granted herein shall run with the Grantor's retained land and continue in perpetuity.

Grantor hereby further excepts and reserves, on the terms set forth herein, the right to connect to electric utility, telephone, and internet landlines, and if any further use of or easement under Grantee's property is required for this in the future, such use or easement must be negotiated upon reasonable terms agreeable to the parties. Any such connections or use shall be located within the driveway easement reserved by Grantor above.

The Property is further conveyed with the benefit of a perpetual easement, appurtenant to the Property, for ingress and egress over the lot to be conveyed to Charles B. Mathias and Robert F. Mathias by deed of substantially even date to be recorded.

The existing walking path known as "the Grassy Lane" that extends from the access road to the property line of Mathias shall continue in perpetual existence for its traditional use by Grantee, Grantor, Charles B. Mathias and Robert F. Mathias, their heirs, successors and assigns, as a limited pedestrian easement over an existing mowed pathway, and shall never be expanded or used for any other purpose than a walking path in its current location.

Notwithstanding anything to the contrary herein, any permitted improvements, utilities and appurtenances thereto shall be located underground or, to the extent impracticable as provided above, utility services may be installed above ground on those terms set forth above.

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



November 10, 2016

William and Brenda Clark  
P.O. Box 52  
Isle au Haut, ME 04645

via email: [doubleBclark@gmail.com](mailto:doubleBclark@gmail.com)

Re: Application for cottage industry workshop building permit (12'x16' shed) at Tax Map 2, Lot 10C

Dear Bill & Brenda:

On November 9, 2016, the Planning Board considered your application for construction of a 12x16' wood-frame shed on your property at 5 Annis Hill Road. Your application was determined by me to be complete on October 10, 2016. This application is being taken up by the Planning Board under Section V(8)(b) of the Town Zoning Ordinance. The specifics of the application and location of the project within your property are shown on the attachments. This project is located in Zone B, Accessible Interior, of the Town Zoning Ordinance. You are not located in the Shoreland Zone. No ground will be disturbed as the shed will sit on precast concrete footings set on the ground surface. This lot currently has a residence and two existing sheds on it and is 1.65 acres in size in a Town zone requiring a 2-acre minimum lot size for a residence. However, a permit was issued by the Planning Board for the residence on October 14, 2004, and the issuance of the permit was not appealed. The Town Zoning Ordinance sets no minimum lot size for "cottage industries", which this shed falls under.

The Board reviewed the application (which is attached to and made a part of this permit) and made a determination that each of the criteria are either Not Applicable (N/A), are met, or will be met if the condition described below is met. This approval is conditional on keeping a clean work site and properly managing the combustible materials generated during the building construction so as to minimize the fire hazard in conformance with Town Ordinance decision criterion in Section VII(6)(c). This letter serves as your permit for your project.

This approval is given based on the facts submitted and if any of these facts are later found to be incorrect, this approval may be modified or rescinded in order to insure compliance with the Town of Isle au Haut Zoning Ordinance in effect at the time of initial permit issuance. In addition, by your acceptance of this permit and initiation of construction, you grant permission to the CEO to come onto your land to inspect the construction and uses to which the building will be put. Such inspections will be done at reasonable times with advance notice to you. If you have to change the location or dimensions of the building to something other than shown here, you must obtain permission from the Planning Board prior to doing that.

Sincerely,

**The Town of Isle au Haut**

Robert G. Gerber, Chair

Attachment: Building Permit Application

**Town of Isle au Haut Application Processing Documentation & Checklist**

Applicant Name: William & Brenda Clark\_ Agent Name: N/A\_\_\_\_\_

Applicant Address: \_5 Annis Hill Road, P.O. Box 82\_\_\_\_\_

Isle au Haut, ME 04645\_\_\_\_\_

Applicant Phone & Email: [doubleBclark@gmail.com](mailto:doubleBclark@gmail.com); Phone 207-335-2979\_

Tax Map No. \_\_\_2\_\_\_\_\_ Tax Map Lot \_\_10C\_\_\_\_\_

Town Ord. Zone \_\_B—Accessible Interior\_\_ State Ord. Zone \_N/A\_\_\_\_\_

Proposed Land Use: Home Cottage Industry Structure—12’x16’ Shed\_\_\_\_\_

Subdivision: Yes \_\_\_\_\_ No \_\_X\_\_\_\_\_ If yes, see other checklist

Date of First Written Application Submission: 10/10/16\_; Rev1\_\_\_\_\_ Rev2\_\_\_\_\_

Date of First Response on Completeness: 10/10/16\_\_\_\_; 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)	X
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	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	Abuts Main Rd & Annis Hill Rd
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

*no adverse water quality impact*

1	probability of such adverse and material effect exists.	✓
2	That significant air pollution would NOT occur in violation of either primary or secondary standards established by the Federal Government or the State Government NOR that a high probability of such air pollution would exist	N/A
3	A public nuisance or a fire hazard would NOT be created	✓
4	Access from public rights- of- way or from the shore would be NOT inadequate for the traffic likely to be created	✓
5	A proposed land use would NOT, based on the Planning Board's review of the evidence presented, be seriously destructive of the present character of the island.	✓

*manage waste  
and other property*

Application Approval Checklist for State Ordinance

1	<b>Will maintain safe and healthful conditions;</b>	
2	<b>Will not result in water pollution, erosion, or sedimentation to surface waters</b>	
3	<b>Will adequately provide for the disposal of all wastewater;</b>	
4	<b>Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;</b>	
5	<b>Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;</b>	
6	<b>Will protect archaeological and historic resources as designated in the comprehensive plan</b>	
7	<b>Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;</b>	
8	<b>Will avoid problems associated with flood plain development and use;</b>	
9	<b>Is in conformance with the provisions of Section 15, Land Use Standards</b>	

*N/A*

Date of Public Hearing: N/A

Notice to Abutters? Yes  No

Advertisement in Newspaper? Yes  No

Date of Board Decision on Approval/Denial: 4/9/16

Application Approved w/o Conditions? Yes  No

Application Denied? Yes  No

Reasons for Denial, if any: (attach denial reasons, if necessary)

Application Conditions, if any: (attach approval conditions, if necessary) *manage waste and other property*

Note: For all development subject to State Ordinance, Sections 15 P & Q will be *mandatory* standard conditions; for Town Ord., Sections VI(L)1-6 unless waived *not*

Date of Signing of Final Subdivision Plan: \_\_\_\_\_

Record of Appeals Board Decision, if Applicable: Attach relevant Appeals Board Record

**William & Brenda Clark**  
**P.O. Box \_\_**  
**Isle au Haut, ME 04645**

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

via email: [planningboard@isleauhautmaine.us](mailto:planningboard@isleauhautmaine.us)


Application for ~~12~~ x 16' Shed

Bob:

*12x16 BC*  
This letter and attachments constitute an application to the Planning Board for 12' x 16' shed to build and repair fishing gear within the Town Accessible Interior Zone (Zone B). This structure will be built on Tax Map 2, Lot 10C. The lot is 1.65 acres in size. There is no minimum lot size requirement for building a structure to support home domestic industries in Zone B. The shed will be located generally at the end of the existing driveway and as shown on the attached Plan. The shed will be ~~12~~ 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 not be located in the Shoreland Zone. A Plan showing the existing house and driveway, roads, property line, and septic system location is attached at a scale of 1" = 60'.

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 Clark

10-10-16  
Date

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



QUITCLAIM DEED  
with Covenant

Doc# 5263  
Bk: 3204 Pg: 10

KNOW ALL MEN BY THESE PRESENTS that THE INHABITANTS OF THE TOWN OF ISLE AU HAUT, a body politic, for consideration paid, releases to WILLIAM CLARK and BRENDA HOPKINS, whose mailing address is P.O. Box 82, Isle Au Haut, Maine 04645, as joint tenants,

WITH QUITCLAIM COVENANT

A certain lot or parcel of land, situated in the Town of Isle au Haut, Knox County, Maine, bounded and described as follows, to wit:

Beginning at an iron rod found set in the ground at the northeasterly corner of land described in a deed from the Inhabitants of the Municipality of Isle au Haut to Leland and Mary Small, dated July 5, 1991 and recorded in Book 1553, Page 298, at the Knox County Registry of Deeds; thence South 65 degrees 16 minutes 00 seconds West, by and along the northerly line of land of said Small, three hundred seventy-nine and seventy-eight hundredths (379.78) feet to an iron rod found set in the ground on the easterly line of land conveyed in a deed from Doris E. Bowen to Doris E. Bowen and Ruth M. Nygaard, dated April 12, 1971 and recorded in Book 515, Page 46, at said Registry; thence North 14 degrees 36 minutes West, by and along the easterly line of land of said Bowen and Nygaard and the easterly line of land occupied by Charles D. Bowen, Jr. and Sarah Greenlaw Bowen, two hundred and ninety-one hundredths (200.91) feet to an iron rod found set in the ground; thence South 85 degrees 30 minutes 30 seconds East, by and along the southerly line of land occupied by said Bowen, thirty-three and nineteen hundredths (33.19) feet to an iron rod found set in the ground; thence North 6 degrees 39 minutes 25 seconds West, by and along the easterly line of land occupied by said Bowen, ninety-four and sixty-seven hundredths (94.67) feet to an iron rod found set in the ground; thence continuing the same course (North 6 degrees 39 minutes 25 seconds West) by and along the easterly line of land occupied by said Bowen, twenty-six (26) feet, more or less, to the centerline of the traveled way of the town road leading from Isle au Haut Village to Rich's Cove; thence generally easterly, by and along said centerline, one hundred fifty-seven (157) feet, more or less; thence South 25 degrees 45 minutes East, by and along the westerly line of remaining land of said Town of Isle au Haut, one hundred fifty-nine (159) feet, more or less; thence North 80 degrees 47 minutes East, by and along the southerly line of remaining land of said Town of Isle au Haut, one hundred twenty-five and zero tenths (125.0) feet to an iron pipe found set in the ground; thence South 25 degrees 45 minutes East seventy and forty hundredths (70.40) feet to the point of beginning and containing 1.65 acres, more or less.

MAINE REAL ESTATE TRANSFER  
TAX PAID

The above described premises are subject to a Right of Way fifteen (15) feet in width, the centerline of which is described as follows, to wit:

Beginning at a point in the centerline of the traveled way of the town road leading from the Village of Isle au Haut to Rich's Cove, said point being North 89 degrees 57 minutes West and one hundred fifty-three and thirty-eight hundredths (153.38) feet from an iron rod found set in the ground on the southerly side of said town road and in the easterly line of Parcel 2 as described in a deed from the United States of America to the Town of Isle au Haut, dated April 11, 1983 and recorded in Book 901, Page 163, at the Knox County Registry of Deeds; thence by and along the centerline of the traveled way of an existing gravel road the following 6 courses and distances, to wit: South 20 degrees 20 minutes East sixty-seven and forty-one hundredths (67.41) feet; South 34 degrees 09 minutes East thirty-eight and eighty-one hundredths (38.81) feet; South 47 degrees 32 minutes East fifty-five and forty-one hundredths (55.41) feet; South 56 degrees 28 minutes East forty-five and four hundredths (45.04) feet; South 49 degrees 06 minutes East forty-two and sixty-seven hundredths (42.67) feet; South 31 degrees 47 minutes East thirty-four and fifty hundredths (34.50) feet to a point on the northerly line of land described in a deed from the Inhabitants of the Municipality of Isle au Haut to Leland and Mary Small, dated July 5, 1991 and recorded in Book 1553, Page 298, at the Knox County Registry of Deeds, said point being South 65 degrees 16 minutes West and seventy-four and sixty-nine hundredths (74.69) feet from an iron rod found set in the ground at the northeast corner of land of said Small.

Also excepting and reserving from the above described premises a Right of Way twenty (20) feet in width, for all purposes of a way to remaining land of the Town of Isle au Haut, the centerline of which is described as follows, to wit:

Beginning at a point in the centerline of the traveled way of the town road leading from the Village of Isle au Haut to Rich's Cove, said point being North 89 degrees 57 minutes West and one hundred fifty-three and thirty-eight hundredths (153.38) feet from an iron rod found set in the ground on the southerly side of said town road and in the easterly line of Parcel 2 as described in a deed from the United States of America to the Town of Isle au Haut, dated April 11, 1983 and recorded in Book 901, Page 163, at the Knox County Registry of Deeds; thence by and along the centerline of the traveled way of an existing gravel road the following 6 courses and distances, to wit: South 20 degrees 20

minutes East sixty-seven and forty-one hundredths (67.41) feet; South 34 degrees 09 minutes East thirty-eight and eighty-one hundredths (38.81) feet; South 47 degrees 32 minutes East fifty-five and forty-one hundredths (55.41) feet; South 56 degrees 28 minutes East forty-five and four hundredths (45.04) feet; South 49 degrees 06 minutes East forty-two and sixty-seven hundredths (42.67) feet; South 64 degrees 14 minutes 30 seconds East forty-four and thirty-eight hundredths (44.38) feet to a point on the northerly line of land described in a deed from the Inhabitants of the Municipality of Isle au Haut to Leland and Mary Small, dated July 5, 1991 and recorded in Book 1553, Page 298, at the Knox County Registry of Deeds, said point being South 65 degrees 16 minutes West fifty and sixty-nine hundredths (50.69) feet from an iron rod found set in the ground at the northeast corner of land of said Small.

The above described premises are a portion of Parcel 2 conveyed in a deed from the United States of America to the Town of Isle au Haut, dated April 11, 1983 and recorded in Book 901, Page 163, at said Registry.

By acceptance of this Deed the Grantees, for themselves, their heirs and assigns, do covenant with the Grantor as follows:

1. Grantees shall use the premises for the sole purpose of constructing or placing upon the same a year-round personal residence and/or business.
2. Grantor shall have a right of first refusal to purchase the above-described property at a First Refusal Price equal to the price paid by Grantees to Grantor for this conveyance plus the appraised value of any improvements to said property by Grantees, their agents or employees, as determined by an appraiser licensed as such by the State of Maine. If the premises are subject to a bona fide mortgage to a financial institution and the pay-off balance on said mortgage exceeds the price determined by the foregoing formula, then said pay-off balance shall become the First Refusal Price.

Subject to the excluded transactions specified below, the Grantees, their heirs and assigns, will not sell or otherwise voluntarily or involuntarily convey the premises, or any part thereof, to any person other than the Grantor unless the Grantees, their heirs and assigns, shall first have given Grantor the right of first refusal called for above as follows:

- A. The Grantees have:

1. offered to sell the premises to Grantor by written offer in the form of a purchase and sale agreement signed by Grantees, mailed postage prepaid to Grantor, for a price determined as set forth above, and further stating all other terms and conditions of the offer and the encumbrances subject to which the property is to be conveyed, and offering to sell the premises to Grantor on the specified terms and conditions in the bona fide written offer within sixty (60) days from the date of the written offer from Grantees; OR

2. Grantees receive notice of acceleration of any loan secured by a mortgage to a financial institution; AND

B. The Grantor shall not, within forty-five (45) days after receipt of such written offer by Grantees, have returned to Grantees written Notice to Purchase in the form of returning the written offer to sell signed by Grantor including the required deposit, if any, mailed postage prepaid to Grantees at the address as above set forth (or such other address as Grantees may designate by instrument in writing, acknowledged and recorded with the Knox County Registry of Deeds), stating that Grantor agrees to purchase the premises in accordance with offer.

C. Once Grantor gives such Notice to Purchase including the required deposit, Grantees shall deliver the Deed and receive the consideration in accordance with the terms of Grantees' offer providing, however, the Grantor shall tender closing within sixty (60) days of the date of Grantees' bona fide written offer to sell or thirty (30) days of the date of Grantor's Notice to Purchase, whichever is later.

D. If the Grantor does not return such written Notice to Purchase within the time specified, or if Grantor gives such Notice, but fails to tender the purchase price within the time specified, the Grantees shall be free thereafter to sell and convey the premises, or any part thereof, covered by the offer to any third party free of this first refusal covenant without again offering the premises to Grantor in any manner.

3. The provisions in 2 above do not apply to the following transactions:

A. A gift or sale of the premises, or a part thereof, to a party related by blood or marriage, including adopted persons, in which case this covenant of first refusal shall be binding upon the transferee and upon the transferee's heirs and assigns.

B. Descent or devise of the premises, or a part thereof, upon death, in which case this covenant of first refusal shall be binding upon the heirs or devisees and their heirs and assigns; or

C. A bona fide mortgage of the premises, or a part thereof, to a financial institution. Upon default of such bona fide mortgage, completed foreclosure proceeding on the mortgage and sale pursuant thereto shall free the premises and shall not be considered a sale pursuant to the terms of this first refusal and shall free the premises from this first refusal covenant without any further obligation of any owner of the premises under the foreclosure proceeding to offer the premises to Grantor in any manner. A transfer of the premises, or a part thereof, subsequent to a completed foreclosure of such a bona fide mortgage shall be free of this covenant of first refusal; PROVIDED THAT Grantor receives notice of acceleration of any mortgage indebtedness at substantially the same time Grantees receive such notice, so that Grantor may exercise its rights at that time as set out above.

4. Sale to a third party in accordance with the terms hereof shall also be free of this covenant of first refusal if any owner of record of the premises, or a part thereof, shall make and record with the Knox County, Maine, Registry of Deeds an affidavit stating the following:

A. The conveyance made by said owner is made pursuant to a bona fide offer to purchase;

B. That said owner has given the Notice to Grantor required by the provisions hereof;

C. That said owner did not receive a written Notice of Purchase in accordance with the provisions hereof or that such person who gave Notice failed to complete the purchase as required by the provisions hereof and/or the terms of the Notice to Purchase; and

D. That the premises are no longer subject to and are free of this first refusal covenant and that Grantor has not taken any action(s) under this covenant to complete the purchase as specified and conveyance of the premises by said owner is therefore made free of this first refusal covenant.

Such affidavit shall be conclusive evidence of compliance with the provisions hereof with respect to such conveyance in favor of any such third party Grantees and all persons claiming through or under such third party Grantees; and the title shall

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thereafter be free of any encumbrance arising from this first refusal covenant.

5. The Grantor and Grantees herein agree that the First Refusal herein contained supersedes and shall take precedence over any prior agreement between parties regarding such a First Refusal, whether such agreement is of record or not.

IN WITNESS WHEREOF the said inhabitants of the Town of Isle Au Haut, have caused this instrument to be signed this 26 day of April, 2004.

SIGNED, SEALED, AND DELIVERED  
IN THE PRESENCE OF

INHABITANTS OF THE TOWN OF  
ISLE AU HAUT

By: \_\_\_\_\_  
William Clark  
1<sup>st</sup> Selectman

By: Peter Burke  
Peter Burke  
2<sup>nd</sup> Selectman

By: Jason Barter  
Jason Barter  
3<sup>rd</sup> Selectman

County of Knox, ss.

STATE OF MAINE

April 26, 2004

Personally appeared the above-named Selectman  
and acknowledged the foregoing instrument to be \_\_\_\_\_ free act and deed.

Before me,

Lisa Louise Turner  
Notary Public/Attorney

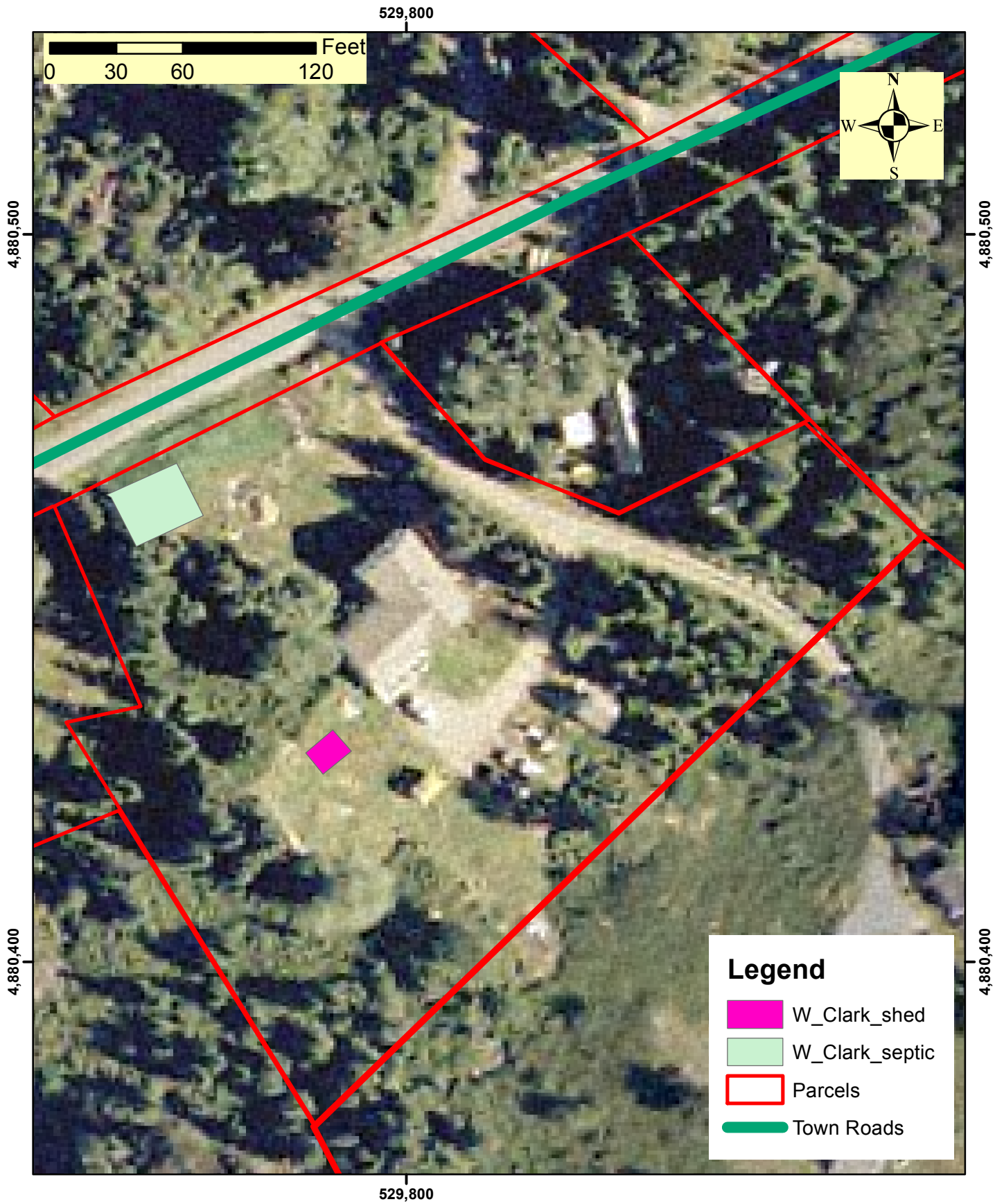
Lisa Louise Turner  
Printed or typed name

My commission expires: 5/22/08

**SEAL**

6

KNOX SS: RECEIVED  
Apr 29, 2004  
at 09:09:21A  
ATTEST: LISA J MORANG  
REGISTER OF DEEDS



**Location of proposed Shed  
 Property of William & Brenda Clark  
 Grid is UTM, NAD83 19N meters  
 RGG 10/4/16**

**Zoning: Town Zone B--Accessible Interior**

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



November 10, 2016

Wendy Pomeroy  
One Salt Marsh Lane  
Kittery Point, ME 03905

via email: [wmpom@comcast.net](mailto:wmpom@comcast.net)

Re: Permit Modification for driveway construction permit at Tax Map 1, Lot 7B

Dear Wendy:

The Planning Board received your Nov. 7, 2016, request for an amendment (attached) to the location of the driveway in the permit issued to you for your Birch Point property. The Planning Board voted on August 25, 2016, to issue the original permit.

The Board considered the re-location request and decided it met all the Ordinance requirements and was not significantly different from the original route. It was voted to approve the re-location plan but keep all other stipulations and conditions of the original permit in place. With the exception of the change in driveway location, all other facts concerning "right, title, or interest", zoning, general location, sediment & erosion control, etc., are the same and not repeated here. It is your responsibility to confirm with the Fillers and Mathiases that the change in location within the Filler property is acceptable to them.

This letter serves as a revision to the permit for your project.

This approval is given based on the facts submitted and if any of these facts are later found to be incorrect, this approval may be modified or rescinded in order to insure compliance with the Town of Isle au Haut Zoning Ordinance and State-mandated Shoreland Zoning Ordinance in effect at the time of this permit issuance. In addition, by your acceptance of this permit and initiation of construction, you grant permission to the CEO to come onto your land to inspect the construction, sediment and erosion control measures, and uses to which the building will be put. Such inspections will be done at reasonable times with advance notice to you.

Sincerely,  
**The Town of Isle au Haut**

Robert G. Gerber, Chair  
Attachment: Application for revised driveway location



Subject **Re: Birch Point driveway location adjustment**

From Pomeroy wendy <wmpom@comcast.net>

To <PlanningBoard@IsleauHautMaine.us>

Cc Deane <deaneryk@comcast.net>

Date 2016-11-07 08:07



Bob,  
Yes, Please proceed with the modification of the driveway that is being created for Birch Point Pomeroy property. I look forward to this most recent permit that will be brought before the Planning Board this Wednesday, November 9th, 2016.  
Thanks you for all your efforts towards getting this built.  
If there is anything else I need to do, please let me know.  
Wendy Pomeroy

On Nov 4, 2016, at 10:53 AM, Robert Gerber <[planningboard@isleauhautmaine.us](mailto:planningboard@isleauhautmaine.us)> wrote:

Wendy, here is a simple site plan showing the driveway location that has previously been approved by the Planning Board, and what I understand to be the more likely location that Bill Stevens intends to follow in construction, based on our site walk yesterday. Please send me an email with this plan as an attachment, if it is OK with you, asking for the Planning Board to approve a modification of the plan showing the route of the proposed driveway. If I get your email within the next few days, the Planning Board will take this up on Wednesday night. We meet at 6 PM. It would probably be safest if you call in on the conference line, so I am attaching those instructions again for you.

Here is what Section 14(O)(2)(ii) of the Shoreland Zoning Ordinance says about clearcutting, as we discussed at the site yesterday:

*At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet apart. Such clearcut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.*

Also, just a reminder that erosion control measures need to be installed before the road bed preparation is done. Once the final gravel for the road surface is placed, the erosion control measures can be removed as soon as any disturbed areas adjacent to the road have been re-seeded and stabilized by new vegetative growth.

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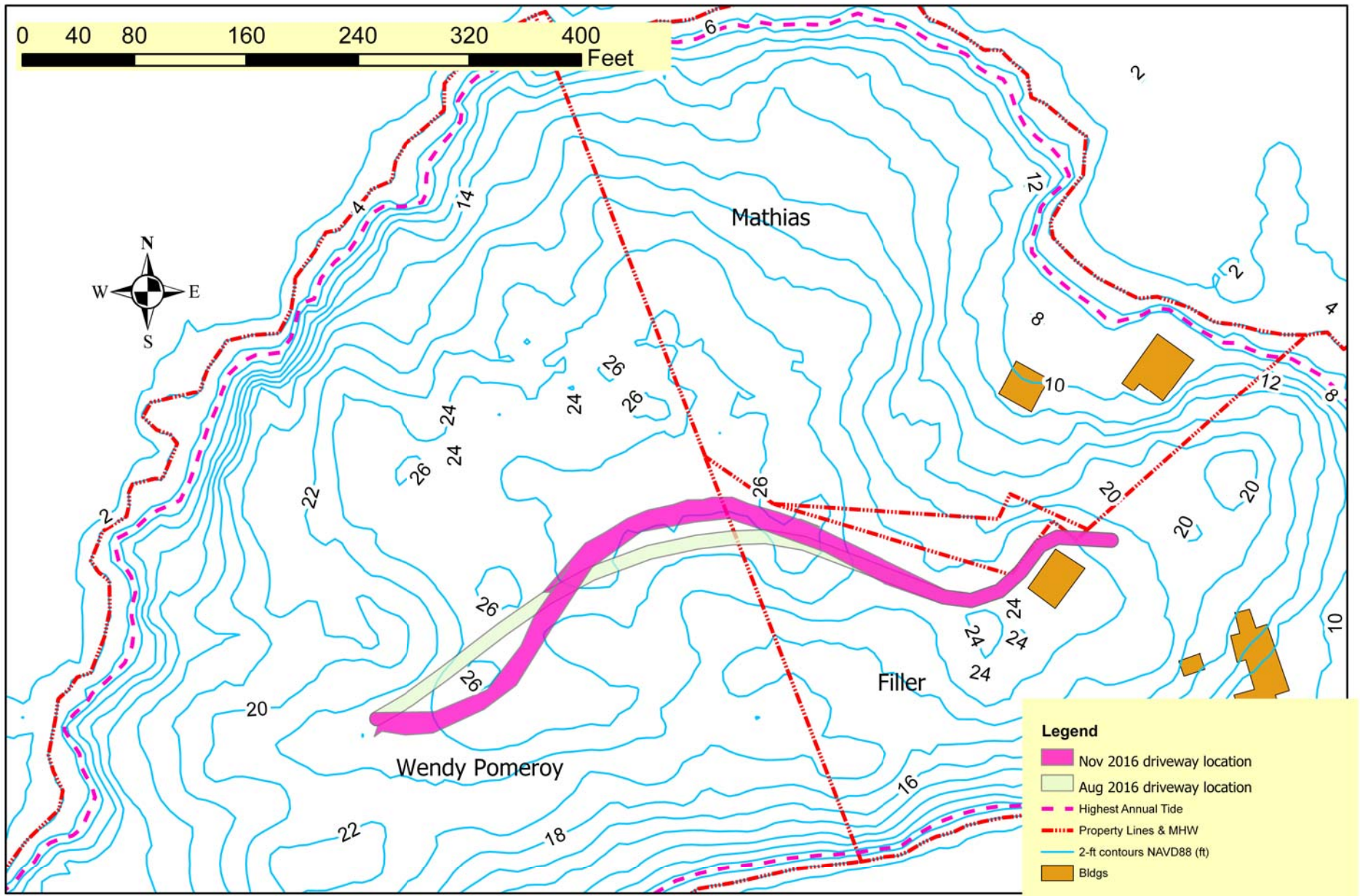
Best regards, Bob Gerber

Planning Board Chair & CEO

<Driveway Location Modification 11-9-16.pdf> <TDS Conference call dial in instructions for participants.docx>

Wendy M Pomeroy  
One Salt Marsh Lane  
Kittery Point, ME 03905

Landscape Design and Consultation  
Garden Structures



**Revised Location of Pomeroy Driveway**  
 Birch Point, Isle au Haut, ME  
 RGG 11/3/16

**Birch Point**  
 Town of Isle au Haut