

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

Regular Members Present: Bob Gerber (Chair), Dan MacDonald, Bill Calvert  
Alternate Members Present: Jeff Burke

Public Members Present: none

The Meeting was called to order by the Chair, Bob Gerber, at 7:00 PM at the Town Offices.

There not being a full complement of regular Board members, the Chair made Jeff Burke a voting member for the purposes of this meeting.

**Old Business:**

Approval of the Minutes of the April 21, 2016 Meeting

It was moved by Bill Calvert and seconded by Dan MacDonald to approve the minutes of the April 21, 2016, minutes. The motion was approved 4-0.

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

1. Report on the results of the April 25, 2016, Town Meeting votes on proposed changes to the Town Zoning Ordinance: all changes approved except the change of zone on the Bowditch property. The changes to the Ordinance have been made and the revised Ordinance is now posted on the Town website.
2. Correspondence with Alison Richardson regarding her house construction permit application (see attachments, and discussion below and action taken on the application).
3. Received and reviewed a new survey plan for a split to the Scrivani/Fedosh lot on the east side. Approved the proposed lot dimensions and sent some guidance on the type of letter that the Planning Board would entertain to establish that the Board had reviewed the dimensional aspects of the proposed lot division for conformance with the Town Zoning Ordinance and State Subdivision Statute. (see attachments)
4. The Selectmen appointed Bob Gerber to be Codes Enforcement Officer of Isle au Haut, effective April 18, 2016.
5. Based on the Board approval at the last meeting, the Chair prepared a final draft of the Floodplain Management Ordinance, distributed it to the Board, and posted it on the website. After preparing this draft, the Chair was notified that one more additional change requested by the Chair but denied by the State and Regional FEMA representatives was approved by FEMA Headquarters so those changes would be implemented after the official ordinance hearing. The draft ordinance is posted on the website.
6. The Selectmen directed the Planning Board to get the Town enrolled in the 911 addressing scheme. The Selectmen appointed Bob Gerber to be the "Addressing Officer" for the Town as of 5/25/16. The Chair prepared a 911 addressing ordinance using a model ordinance distributed by the State Public Utilities Commission and distributed this draft to the Board for their review.
7. The Chair issued an opinion (see attachments) to Rudi Graf concerning building expansion rights on the Pond at the Turner camp property. Subsequently, the Chair visited the site of the proposed purchase with Rudi to discuss in more detail what could be done with the land and buildings based on the Town Ordinances.

8. The Chair received initial inquiries from Peter Thompson of Yarmouth who is now the prospective buyer of the Horseman Point property. The Chair provided some draft maps he had prepared for a previous party that had the property under option last September, plus answered some other inquiries as to what could be done with the property. (see attachments)

9. The Chair noted that a bill in the past Maine legislative session that would have banned municipal board members from calling in to vote on board matters was voted "ought not to pass" so we can continue our present practices.

#### **New Business:**

1. Applicant Alison Richardson was present via conference call-in to answer questions from the Board concerning her Building Permit application for construction of a 24'x28' saltbox single family dwelling on Tax Map 2, Lot 17 . The Chair had declared the application complete on May 24, 2016. There was a short discussion, then the Board went down through the checklist criteria one-by-one to insure all the required material was present, then voted on each of the 5 criteria in the Town Zoning Ordinance, to find that application would be in compliance with all Ordinance requirements. It was moved by Bill Calvert and seconded by Dan MacDonald to approve the application. The Board voted 4-0 to approve the motion. The Chair said he would send the letter to Alison granting the permit.

2. The Chair discussed the 911 Addressing Ordinance and why it was needed (attached). He proposed to hold the public hearing on the Ordinance on the same date on which the Floodplain Management Ordinance would be held. The Chair stated that he was almost through in completing the ArcGIS requirements of the 911 system and compiling the new addresses that everyone would have. He noted that the names of individual roads could be changed up until 30 days following the date of the hearing. After that, the names would be submitted to the County and State officials and become final. It was moved by Dan MacDonald and seconded by Bill Calvert to send the draft 911 addressing ordinance to public hearing. The Board approved the motion 4-0.

3. There was discussion as to when to hold the public hearings on the Floodplain Management Ordinance and the 911 Addressing Ordinance. The Chair said that he had prepared legal notices to be sent out in the 2015 tax bill mailing which would go out probably in the middle of next week. It was decided that if the tax bills will be sent out next week that the hearings would be held on Thursday, July 7<sup>th</sup> with the first hearing on the Floodplain Ordinance being held from 6 to 8 PM and the second hearing on the 911 Addressing Ordinance would be held from 8 PM onward. The Chair said that he would bring large maps to aid in the review of both draft ordinances.

There being no other business, it was moved by Dan MacDonald and seconded by Bill Calvert to adjourn the business meeting at 7:52 PM. Motion carried 4-0. The next meeting date will be set once business that requires us to act is properly brought to the Board for review and action. Other than holding hearings on the proposed two ordinances, there are no pending matters requiring action.

Respectfully submitted,

Robert G. Gerber, Chair  
Attachments: as noted above

## RE: building permit application

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From: Ali <arichards26@hotmail.com>  
To: planningboard@isleauhautmaine.us  
  
Priority: Normal  
Date: 05-19-2016 03:06 PM

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Thank you so much, Bob. I will rework and resend in pdf form.

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Date: Mon, 16 May 2016 17:11:13 -0500  
From: planningboard@isleauhautmaine.us  
To: arichards26@hotmail.com  
Subject: building permit application

I presume you got my earlier email. I just looked at your application and here are the things that need refinement before I can declare the application complete:

- 1) on the application form, page 1, you are Tax Map 2, Lot 17. The Town Ordinance zones are C (0.9 acres) and B (3.1 acres). The State Ord. Zone is "N/A"
- 2) on Item 5 of the Town checklist, you actually did submit the HHE-200 forms for the septic, which we require, so that should just be checked and not "N/A"
- 3) your narrative is not sufficient to tell me exactly where the new 24'x28' building will be placed relative to the existing remnant of the old house. I have put a location on the attachment called "Richardson House Plan" where I am guessing it might go, but if that is wrong, draw it in where it will be going (see attachment)
- 4) any time earthwork is done (you indicate a crawlspace will be created) a sediment and erosion control plan must be submitted in accordance with Section VI(D) of the Town Ordinance. I am attaching the pertinent DEP guidelines that are referenced in that section of the Ordinance (the plan requirements and the section on sediment barriers). The main thing is to create a barrier to catch silt on the downhill side of the house construction and as close to the construction as practical, allowing for room to move to build the house. I drew in a suggested location of a barrier but you should consult your contractor and move it if this is not satisfactory. On Isle au Haut the traditional sediment barriers have either been silt fences consisting of staked filter fabric, or filter barriers consisting of staked hay bales. Now that Bill Stevens has a chipper on the island, we would also accept a continuous line of wood chips that is about a foot high. So figure out what you want to do in this regard and revise the narrative to include a sediment and erosion control plan.

I took all your Word documents and jpg files and converted them all to PDF format and combined them into one convenient file that is much smaller in size than the sum total of MB that you sent to me, so this is the general format we will be using and emailing around to Board members once you fix these items above and I declare the application "complete". I will be back on the island a week from today (May 23rd).

Best regards,

Bob Gerber  
Planning Board Chair  
CEO

## Richardson Narrative of Proposed Construction

May 13, 2016

The residential home to be constructed is of 24x28 foot dimension. It is a two story saltbox style home with two bedrooms. It will be located between the remaining cabin structure and the existing well. It is oriented lengthwise (28' long) east to west, and (24') lengths north to south. It will not be connected to the remaining cabin structure. (See the revised perimeter and erosion control map for location). There will be a crawlspace insulated poured foundation of sufficient elevation for drainage. Drainage is anticipated to travel from the site to the low point north east. (See elevation map and attached erosion and Sediment control plan). The proposed structure is not within shoreland zones.

Currently existing on the property is a clearing and yard area that will not need enlargement, a gravel driveway to the site from the main road, and a well and septic already in place. See boundary map for locations of well and septic. There is power to the site. Richardson is living in an 18x18 foot cabin on the property (a portion of the previous homes original footprint) that will be her residence until completion of the new home. Upon completion of the home, the cabin structure will be removed. There is a one bay garage and small attached work space existing on the site, a grandfathered outhouse, and a small woodshed. (Refer to attached boundary survey and/or site plan for locations).

There is a septic easement site on the west side of the gravel driveway for neighboring property of Erica Wallstrom. The septic easement is described in Deed page 2 and is seen on boundary map.

An estimated daily water demand is 30-40 gallons. The current well provided a steady flow for past needs.

All hazardous building materials will be removed from the island to the proper disposal site. Non-hazardous materials will be disposed of on island.

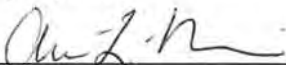
Richardson Home Building Permit 5-21-16

EROSION AND SEDIMENT CONTROL PLAN:

1. The existing site consists of a gravel driveway accessing a wide, very gently sloping grass lawn surrounded by low bush vegetation. During foundation construction, there will be excavator use, cement truck use, and general small vehicle use on the lawn only. There will be no clearing of trees needed to complete the foundation or structure. There are no streams or wetlands or property lines or buildings affected by the grading.
2. Potential erosion may be on the downward slope of the site, but is unlikely. (see erosion control map for elevations)
3. Grading is anticipated to begin late June to early July to avoid wetter seasons. Expected date of stabilization is mid-September. (completion of external structure)
4. A sediment barrier will be implemented prior to any excavation work, anticipated late June. A silt fence will be staked on the downward slope east of the structure. (see erosion control map attachment for approx. location). The silt fence will be maintained and inspected by the contractor and applicant for damage or cleanout throughout its use time and removed after the site is stabilized.
5. Please see the attached elevation maps for land contours.
6. There has been no earth work on the property in the past five years.

# Richardson Building Permit Application

May 11, 2016

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

**Application Processing Documentation**

Applicant Name: Alison Lynn Richardson Agent Name: \_\_\_\_\_

Applicant or Agent Address: PO Box 79  
Isle au Haut, ME 04645

Applicant or Agent Phone & Email: (207) 649-4008 arichards26@hotmail.com

Tax Map No. #2 Tax Map Lot 17

Town Ord. Zone C(.9 acres) B(3.1 acres) State Ord. Zone N/A

Proposed Land Use: Residential

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

Date of First Written Application Submission: 5/13/16 ; Rev1 5/21/16 Rev2 \_\_\_\_\_

Date of First Response on Completeness: 5/16/16 ; Rev1 5/24/16 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	✓
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."	✓

**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.	AR
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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	AR
3	A public nuisance or a fire hazard would NOT be created	AR
4	Access from public rights- of- way or from the shore would be NOT inadequate for the traffic likely to be created	AR
5	A proposed land use would NOT be seriously destructive of the present character of the island and grossly offensive to a majority of the residents and non-resident taxpayers counted as one body	AR

Application Approval Checklist for State Ordinance

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

Date of Public Hearing:       N/A      

Notice to Abutters?        Yes       X       No

Advertisement in Newspaper?        Yes       X       No

Date of Board Decision on Approval/Denial:       

Application Approved w/o Conditions?        Yes        No

Application Denied?        Yes        No

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

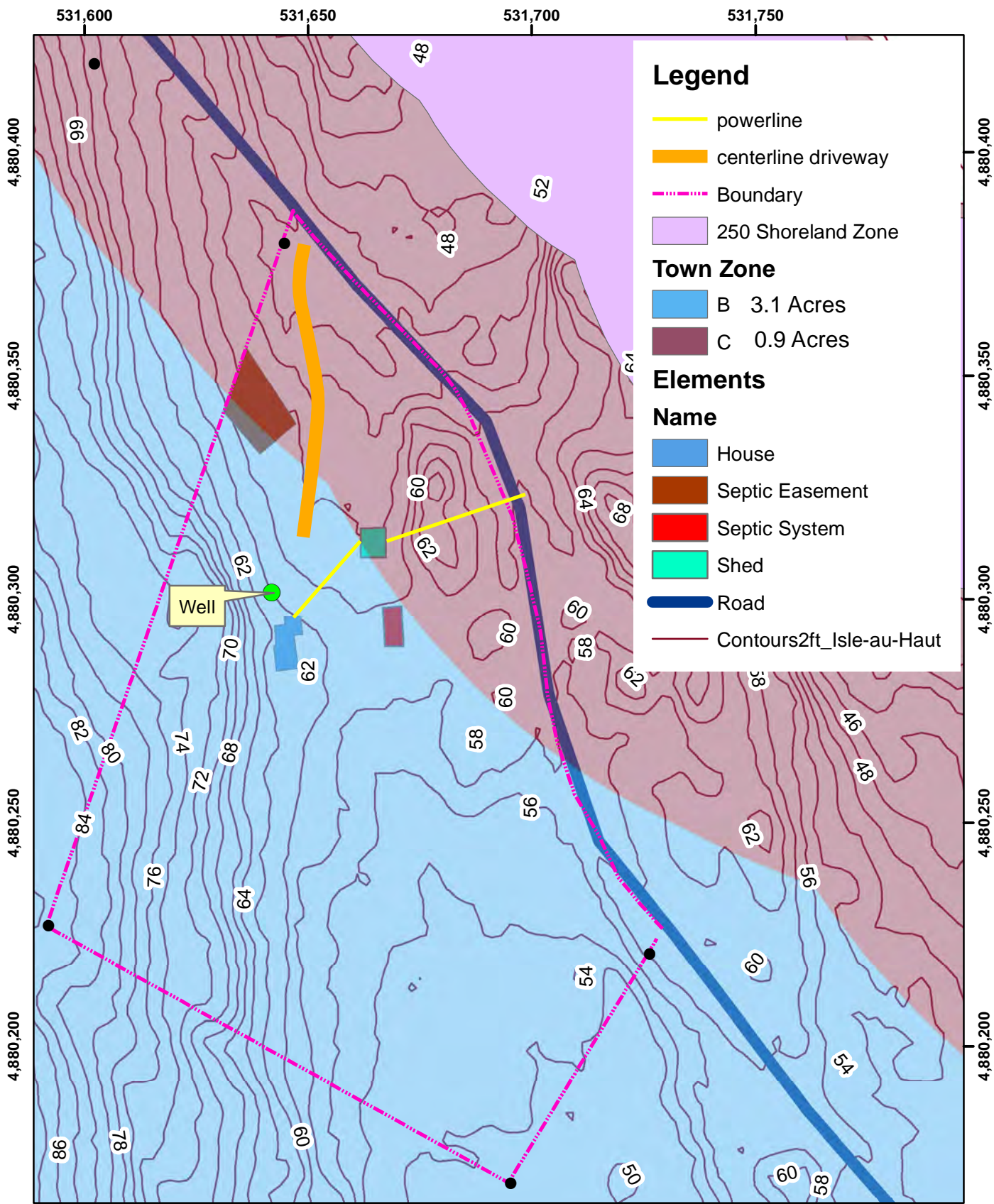
Application Conditions, if any: (attach approval conditions, if necessary)

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

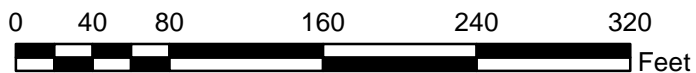
Date of Signing of Final Subdivision Plan:       

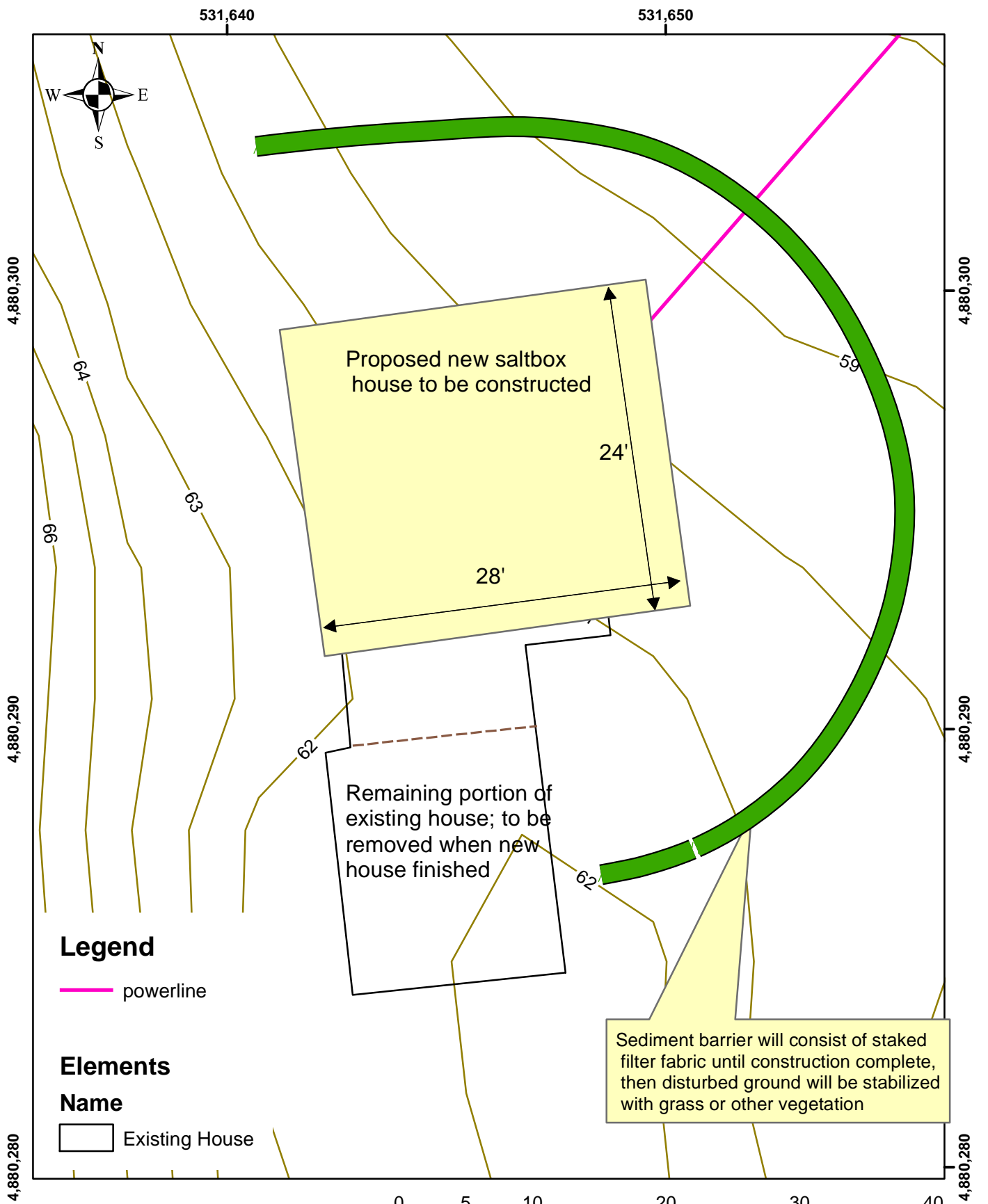
Record of Appeals Board Decision, if Applicable: Attach relevant Appeals Board Record



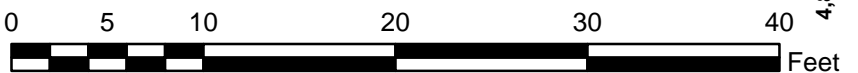


Richardson Property  
 Town of Isle au Haut  
 Topography 2' contours NAVD88, ft.  
 Grid is UTM, NAD83, 19N, meters  
 RGG 9-19-15





**Alison Richardson House Plan**  
**Town of Isle au Haut**  
**Topography 1' contours NAVD88, ft.**  
**Grid is UTM, NAD83, 19N, meters**  
**RGG 5-24-16**



# CORRECTIVE WARRANTY DEED

Know All Men By These Presents

That I, **George B. Richardson, Trustee of the Richardson Family Trust under Declaration of Trust dated September 24, 1987**, recorded in the Knox County Registry of Deeds in Book 3243, Page 237, of Belgrade, County of Kennebec and State of Maine, and **Erica Richardson Wallstrom**, of Rutland, County of Rutland and State of Vermont, in consideration of ONE DOLLAR (\$1.00) and other valuable consideration paid by **Alison L. Richardson**, of Isle au Haut, County of Knox and State of Maine, and whose mailing address is P.O. Box 79, Isle au Haut, ME 04645, the receipt whereof we do hereby acknowledge, do hereby GIVE, GRANT, BARGAIN, SELL, AND CONVEY unto the said Alison L. Richardson, her heirs and assigns forever, certain premises located in Isle au Haut, County of Knox and State of Maine, and being more particularly bounded and described as follows, to wit:

A certain lot or parcel of land, with the buildings and improvements thereon, situated on Isle au Haut, Knox County, Maine, more particularly bounded and described as follows:

Beginning at a point on the centerline of the town road leading past Rich's Cove; thence S 45° 00' W 19 feet, more or less, to a 1/2-inch aluminum pipe found, said pin being located, for a tie line, S 17° 51' E 808.0 feet from a pin in rock found, said pin being on the line of a Boundary Line Agreement between the Richardson Family Trust and Eugene B. Skolnikoff Revocable Trust & Winifred W. Skolnikoff Revocable Trust dated June 16, 2011 and recorded in the Knox County Registry of Deeds in Book 4396, Page 220; thence continuing S 45° 00' W 198.0 feet along the Stanbury property on a boundary determined by a Boundary Agreement between the Richardson Family Trust and John B. Stanbury Jr. and his co-owners, recorded in the Knox County Registry of Deeds in Book 4419, Page 262, to a rebar to be set; thence N 45° 00' W 387.0 feet along the Stanbury boundary to a rebar set in ledge; thence N 28° 23' E 528.3 feet to a rebar set, said rebar being located, for a tie line, South 26° 30' East 190.7 feet from the pin in the rock found, said pin being the same pin referenced in the foregoing mentioned tie line; thence continuing in the same direction 42 feet, more or less, to the centerline of the town road; thence in a general southerly and southwesterly direction along the centerline of said town road 658 feet, more or less, to the point of beginning.

Being the southerly 3.9 acres of the property of the Richardson Family Trust acquired by deed recorded in the Knox County Registry of Deeds in Book 1310, Page 255.

SUBJECT, HOWEVER, to a septic easement for purposes of installing, maintaining, repairing and replacing a septic system for the benefit of the 3.9 acre parcel abutting subject premises to the north as conveyed by deed dated January 23, 2012 to Erica Richardson Wallstrom and recorded in said Registry of Deeds in Book 4472, Page 327, which septic easement is incorporated herein by reference and to which reference may be had for a more particular description.

EXCEPTING AND RESERVING to George B. Richardson, Trustee of the George B. Richardson Family Trust under Declaration of Trust dated September 24, 1987 ("Grantor"), his successors and assigns, a right of first refusal to purchase the real estate conveyed herein under the terms hereafter set forth. In the event of a proposed sale or other conveyance of all or any portion of such property, other than a conveyance to one or more heirs of the Grantee who shall take subject to this right of first refusal, the Grantee herein, or her heirs, shall deliver any negotiated Purchase and Sale Agreement to the Grantor or his successors and assigns. Grantor, or his successors and assigns, shall have forty-five (45) days from the date of confirmed receipt of said Purchase and Sale Agreement within which to decide whether to purchase the property on the same terms and conditions of such Purchase and Sale Agreement. Grantor, or his successors and assigns, shall make a bona fide effort to respond to Grantee as soon as practical within said forty-five (45) day period and sign a release as soon as possible if definitely not interested in exercising the right of first refusal. Any failure to respond within such forty-five (45) day period shall be deemed a rejection of the right of purchase. The recording of an Affidavit signed by the Grantee herein, or her heirs, setting forth the compliance with the notice provisions herein, and the failure by the Grantor, or his successors and assigns, to respond within forty-five (45) days will act to release the Grantor's right of first refusal.

The foregoing excepted right of first refusal shall not apply to and shall be automatically subordinate to a bona fide institutional lender mortgage transaction, including a Mortgage Deed, a Deed in Lieu of Foreclosure, and a deed by a foreclosure sale, and the holder of said right of first refusal need not be joined nor named as a "party-in-interest" in any foreclosure action of a mortgage excepted from the foregoing right of first refusal. For any sale or transfer which is excepted from the right of first refusal pursuant to the foregoing exception, said right of first refusal shall reattach and apply to a subsequent sale or transfer by the Grantee of the foreclosing mortgagee.

ALSO hereby conveying to the Grantee, the right of first refusal that was excepted and reserved by George B. Richardson, Trustee of the Richardson Family Trust, in a Warranty Deed dated January 23, 2012 to Erica Richardson Wallstrom and recorded in the Knox County Registry of Deeds in Book 4472, Page 327, for the property abutting the premises conveyed herein.

Being a portion of the same premises acquired by George B. Richardson as Trustee of the Richardson Family Trust by Warranty Deed from Maurice E. Barter and Helen S. Barter dated October 27, 1988 and recorded in the Knox County Registry of Deeds in Book 1310, Page 255.

The purpose of this deed is to correct the "Grantee" in the previously recorded Warranty Deed from George B. Richardson, Trustee of the Richardson Family Trust under Declaration of Trust dated September 24, 1987 to Alison L. Richardson dated January 23, 2012 and recorded in the Knox County Registry of Deeds in Book 4472, Page 325 that inadvertently named Erica Richardson Wallstrom.

TO HAVE AND TO HOLD the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said Alison L. Richardson, her heirs and assigns, to her and her use and behoof forever.

AND we do COVENANT with the said Grantee, her heirs and assigns, that we are lawfully seized in fee of the premises; that they are free of all encumbrances, EXCEPT AS AFORESAID; that we have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that we and our successors and assigns shall and will WARRANT and DEFEND the same to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said George B. Richardson as Trustee of the Richardson Family Trust and Erica Richardson Wallstrom have hereunto set our hands and seals this 13<sup>th</sup> day of July, 2012.

Signed, Sealed and Delivered  
in the presence of

Richardson Family Trust

William P. Subord  
Witness

By: George B. Richardson  
George B. Richardson, Trustee

[Signature]  
Witness

Erica Richardson Wallstrom  
Erica Richardson Wallstrom

STATE OF MAINE  
County of Kennebec, ss.

Personally appeared before me on this 13<sup>TH</sup> day of July, 2012, the above-named, George B. Richardson, in his capacity as Trustee of the Richardson Family Trust, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

*William P Dubord*

Notary Public

WILLIAM P. DUBORD  
Attorney at Law  
Notary Public  
My Commission expires 6/26/2015

STATE OF VERMONT  
County of Rutland, ss.

Personally appeared before me on this 20<sup>th</sup> day of July, 2012, the above-named, Erica Richardson Wallstrom, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

*Patricia Carbone*

Notary Public

Printed name: Patricia Carbone

My comm. exp: 2/10/15 (Seal)

SEAL

KNOX 95: RECEIVED  
Jul 25, 2012  
at 01:13P  
ATTEST: LISA J SIMMONS  
REGISTER OF DEEDS

N/F  
SKOLNICKOFF TRUSTS  
BOOK 3729, PAGE 71

BOUNDARY LINE  
AGREEMENT ADVISED

PROPERTY OF  
**RICHARDSON FAMILY TRUST**  
BOOK 1310, PAGE 255

7.8 ACRES ±  
(TO EDGE OF ROAD)

PROPOSED NORTH LOT  
3.9 ACRES ±

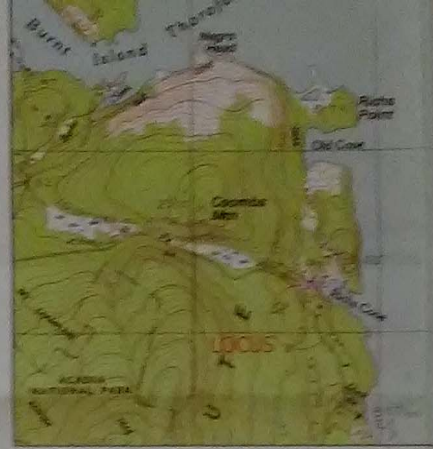
PROPOSED SOUTH LOT  
3.9 ACRES ±

N/F  
STANBURY  
BOOK 942, PAGE 79  
(SEE NOTE 1)

BOUNDARY LINE  
AGREEMENT ADVISED

N/F  
STANBURY  
BOOK 942, PAGE 79  
(SEE NOTE 1)

**THIS PLAN IS PRELIMINARY AND  
IS FOR REVIEW PURPOSES ONLY.**



NOTES:

- 1) THE BOUNDARY ON THIS PLAN MAY BE A PARTIAL DESCRIPTION FOUND IN THE STANBURY DEED.
- 2) THE LIMITS OF THE TOWN ROAD WERE NOT DETERMINED.
- 3) THE LOCATIONS OF WELLS AND AREAS INCLUDING WELLS ARE, IF ANY, WERE NOT DETERMINED BY THE SURVEYOR ON THE INTERIOR. THEREFORE, ARE WELLS AND AREAS SHOULD BE CONSULTED FOR DETERMINATION.
- 4) ALL BEYOND ACTIONS AND DISTANCES SHOWN WERE MEASURED FROM THE CENTER OF A PRIVATE WELL. BEYOND ACTIONS TO THE NEAREST ONE HUNDRED (100) FEET.
- 5) THIS SURVEY IS INTENDED FOR THE WELLS BEYOND NAMED REGION. THE INFORMATION SHOWN IS CORRECT AS OF THE DATE OF THIS PLAN.

THIS PLAN AND ALL OTHERS BEING PERFORMED UNDER THE LOCAL TOWNSHIPS OF CHARTER AND REGULATORY STATE OF VERMONT SHOULD BE PROFESSIONAL LAND SURVEYORS WITH THE FOLLOWING NOTES:

A. PART 1, SECTIONS 1 & 2 HAS INCLUDED THE RECORDING BEYOND LIMITED TO THE RECORDING COUNTY IN WHICH THE PROPERTY IS LOCATED.

**PRELIMINARY  
BOUNDARY SURVEY  
OF THE**

**RICHARDSON  
FAMILY TRUST  
PROPERTY**

TOWN ROAD,  
ISLE AU HAUT,  
KNOX COUNTY,  
MAINE



DATE DRAWN, DECEMBER 1, 2011  
DRAWN BY, N. M. SMITH

COLLINS SURVEYING, INC.  
NORTH ROAD  
K 388  
LL, ME 04614  
2255

FOUND

N 17° 51' W 808.0' (OA)  
TIE LINE

PROPOSED SEPTIC  
EASEMENT AREA DESCRIPTION

- 1 - S 22° 42' E 73.2'
- 2 - S 64° 19' W 35.5'
- 3 - N 32° 32' W 41.4'
- 4 - N 28° 23' E 54.6'

S 28° 23' W 72.9'  
SEPTIC TIE LINE

PROPOSED SEPTIC  
EASEMENT AREA  
TO BENEFIT 'NORTH LOT'  
2,280 SQ. FT. ±

PROPOSED SEPTIC  
AREA (STAKED)

PROPERTY OF  
SON FAMILY TRUST  
1310, PAGE 255

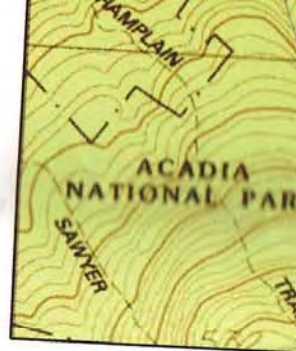
8 ACRES ±  
(EDGE OF ROAD)

PROPOSED NORTH LOT  
3.9 ACRES ±

*Dave + Erica*

N 28° 23' E 528.3'  
PROPOSED DIVISION LINE

TOWN ROAD  
(PAVED)  
830' ± (OA) ALONG  
ROAD CENTERLINE



THIS PLAN  
IS FOR R

N 15° 12' W 620.1'  
TIE LINE

GRAVEL  
DRIVE

AERIAL  
UTILITIES

SHED

DRILLED  
WELL

UTILITY  
POLE

HOUSE

SHED

SEPTIC AREA  
(APPROX LOC)

PRIVY

658' ±



# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering  
(207)289-3826

**PROPERTY ADDRESS**

Town Or Plantation: Isle Au Haut

Street Subdivision Lot #: Main Road

**PROPERTY OWNERS NAME**

Last: Richardson First: Bart

Applicant Name: % Bill Stevens

Mailing Address of Owner/Applicant (If Different): Box 14  
Isle Au Haut, Maine 04645

ISLE AU HAUT PERMIT # 50 APPLICANTS COPY

Date Permit Issued: 10/29/91 FEE 160  Double Fee Charged

Greg P. O'Brien  
Local Plumbing Inspector Signature

L.P.I. # 21512

THE WORK SPECIFIED IN THIS APPLICATION IS HEREBY AUTHORIZED TO BE INSTALLED IN ACCORDANCE WITH THE RULES. THIS PERMIT EXPIRES AFTER TWO YEARS FROM DATE ISSUED UNLESS WORK HAS COMMENCED.

**Owner/Applicant Statement**

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

Bill Stevens (agent) 10/16/91  
Signature of Owner/Applicant Date

**Caution: Inspection Required**

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules.

Greg P. O'Brien Local Plumbing Inspector Signature Date Approved \_\_\_\_\_

**PERMIT INFORMATION**

<p><b>THIS APPLICATION IS FOR:</b></p> <p>1. <input type="checkbox"/> NEW SYSTEM</p> <p>2. <input checked="" type="checkbox"/> REPLACEMENT SYSTEM</p> <p>3. <input checked="" type="checkbox"/> EXPANDED SYSTEM</p> <p>4. <input type="checkbox"/> EXPERIMENTAL SYSTEM</p>	<p><b>THIS APPLICATION REQUIRES:</b></p> <p>1. <input type="checkbox"/> NO RULE VARIANCE</p> <p>2. <input type="checkbox"/> NEW SYSTEM VARIANCE Attach New System Variance Form</p> <p>3. <input checked="" type="checkbox"/> REPLACEMENT SYSTEM VARIANCE Attach Replacement System Variance Form</p> <p>a. <input checked="" type="checkbox"/> Requiring Local Plumbing Inspector Approval</p> <p>b. <input type="checkbox"/> Requires State and Local Plumbing Inspector Approval</p> <p>4. <input type="checkbox"/> MINIMUM LOT SIZE VARIANCE</p>	<p><b>INSTALLATION IS:</b></p> <p>COMPLETE SYSTEM</p> <p>1. <input checked="" type="checkbox"/> NON-ENGINEERED SYSTEM</p> <p>2. <input type="checkbox"/> PRIMITIVE SYSTEM (Includes Alternative Toilet)</p> <p>3. <input type="checkbox"/> ENGINEERED (+ 2000 gpd)</p> <p><b>INDIVIDUALLY INSTALLED COMPONENTS:</b></p> <p>4. <input type="checkbox"/> TREATMENT TANK (ONLY)</p> <p>5. <input type="checkbox"/> HOLDING TANK _____ GAL</p> <p>6. <input type="checkbox"/> ALTERNATIVE TOILET (ONLY)</p> <p>7. <input type="checkbox"/> NON-ENGINEERED DISPOSAL AREA (ONLY)</p> <p>8. <input type="checkbox"/> ENGINEERED DISPOSAL AREA (ONLY)</p> <p>9. <input type="checkbox"/> SEPARATED LAUNDRY SYSTEM</p>
<p><b>SEASONAL CONVERSION</b></p> <p>to be completed by the LPI</p> <p>5. <input type="checkbox"/> SYSTEM COMPLIES WITH RULES</p> <p>6. <input type="checkbox"/> CONNECTED TO SANITARY SEWER</p> <p>7. <input type="checkbox"/> SYSTEM INSTALLED - P# _____</p> <p>8. <input type="checkbox"/> SYSTEM DESIGN RECORDED AND ATTACHED</p>	<p><b>IF REPLACEMENT SYSTEM:</b></p> <p>YEAR FAILING SYSTEM INSTALLED <u>oil</u></p> <p>THE FAILING SYSTEM IS:</p> <p>1. <input type="checkbox"/> BED</p> <p>2. <input type="checkbox"/> CHAMBER</p> <p>3. <input type="checkbox"/> TRENCH</p> <p>4. <input checked="" type="checkbox"/> OTHER: <u>outhouse PINE drain</u></p>	<p><b>DISPOSAL SYSTEM TO SERVE:</b></p> <p>1. <input checked="" type="checkbox"/> SINGLE FAMILY DWELLING</p> <p>2. <input type="checkbox"/> MODULAR OR MOBILE HOME</p> <p>3. <input type="checkbox"/> MULTIPLE FAMILY DWELLING</p> <p>4. <input type="checkbox"/> OTHER _____ SPECIFY _____</p>
<p>SIZE OF PROPERTY <u>4 ± ac</u></p> <p>ZONING <u>N/A</u></p>	<p><b>TYPE OF WATER SUPPLY</b> <u>Drilled well</u></p>	

**DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)**

<p><b>TREATMENT TANK</b></p> <p>1. <input checked="" type="checkbox"/> SEPTIC: <input checked="" type="checkbox"/> Regular <input checked="" type="checkbox"/> Low Profile</p> <p>2. <input type="checkbox"/> AEROBIC</p> <p>SIZE: <u>1000</u> GALS.</p>	<p><b>WATER CONSERVATION</b></p> <p>1. <input checked="" type="checkbox"/> NONE</p> <p>2. <input type="checkbox"/> LOW VOLUME TOILET</p> <p>3. <input type="checkbox"/> SEPARATED LAUNDRY SYSTEM</p> <p>4. <input type="checkbox"/> ALTERNATIVE TOILET</p> <p>SPECIFY: _____</p>	<p><b>PUMPING</b></p> <p>1. <input checked="" type="checkbox"/> NOT REQUIRED</p> <p>2. <input type="checkbox"/> MAY BE REQUIRED (DEPENDENT ON TREATMENT TANK LOCATION AND ELEVATION)</p> <p>3. <input type="checkbox"/> REQUIRED</p> <p>DOSE: _____ GALS.</p>	<p>CRITERIA USED FOR DESIGN FLOW (BEDROOMS, SEATING, EMPLOYEES, WATER RECORDS, ETC.)</p> <p><u>3 bedroom home</u></p>			
<p><b>SOIL CONDITIONS USED FOR DESIGN PURPOSES</b></p> <table border="1"> <tr> <th>PROFILE</th> <th>CONDITION</th> </tr> <tr> <td><u>3</u></td> <td><u>D</u></td> </tr> </table> <p>DEPTH TO LIMITING FACTOR: <u>14</u></p>	PROFILE	CONDITION		<u>3</u>	<u>D</u>	<p><b>SIZE RATINGS USED FOR DESIGN PURPOSES</b></p> <p>1. <input type="checkbox"/> SMALL</p> <p>2. <input type="checkbox"/> MEDIUM</p> <p>3. <input checked="" type="checkbox"/> MEDIUM-LARGE</p> <p>4. <input type="checkbox"/> LARGE</p> <p>5. <input type="checkbox"/> EXTRA LARGE</p>
PROFILE	CONDITION					
<u>3</u>	<u>D</u>					

DESIGN FLOW: 270 (GALLONS/DAY)

**SITE EVALUATOR STATEMENT**

On 9-18-91 (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

W. Meservey 13 10-3-91  
Site Evaluator Signature SE# Date

(Local Plumbing Inspector's Signature if permit is for Seasonal Conversion.)

# JRFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering

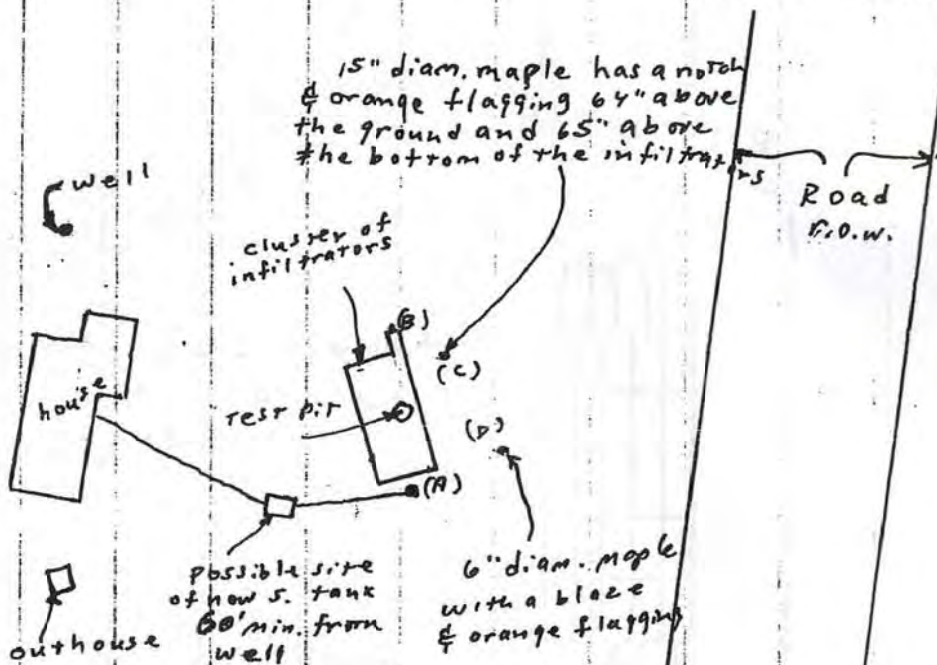
City, Plantation  
**Isle Au Haut**

Street, Road, Subdivision  
**Main Road**  
SITE PLAN

Owners Name  
**Bart Richardson**

Scale 1" = 50 Ft.

SITE LOCATION PLAN (Attach Map from Maine Atlas for New System Variance)



## TABLE OF MEASUREMENTS

AC = 29' ±  
AD = 15' ±  
BC = 12' ±  
BD = 38' ±

### SOIL DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole 1  Test Pit  Boring  
1 ± " Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0			dark	
6	fine		brown	
10	sandy loam	friable	red brown	
15				
20	loamy sand	firm	yel-brown	
30				
40				
50				

Soil Profile <b>3</b>	Classification Condition <b>D</b>	Slope <b>0</b> %	Limiting Factor <b>14</b>	<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
-----------------------	-----------------------------------	------------------	---------------------------	--

ground is unknown

Observation Hole \_\_\_\_\_  Test Pit  Boring  
\_\_\_\_\_ " Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0				
6				
10				
15				
20				
30				
40				
50				

Soil Profile _____	Classification Condition _____	Slope _____ %	Limiting Factor _____	<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
--------------------	--------------------------------	---------------	-----------------------	---

*Glouge W. Meservey*  
Site Evaluator Signature

13  
SE#

10-3-91  
Date

# URFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering

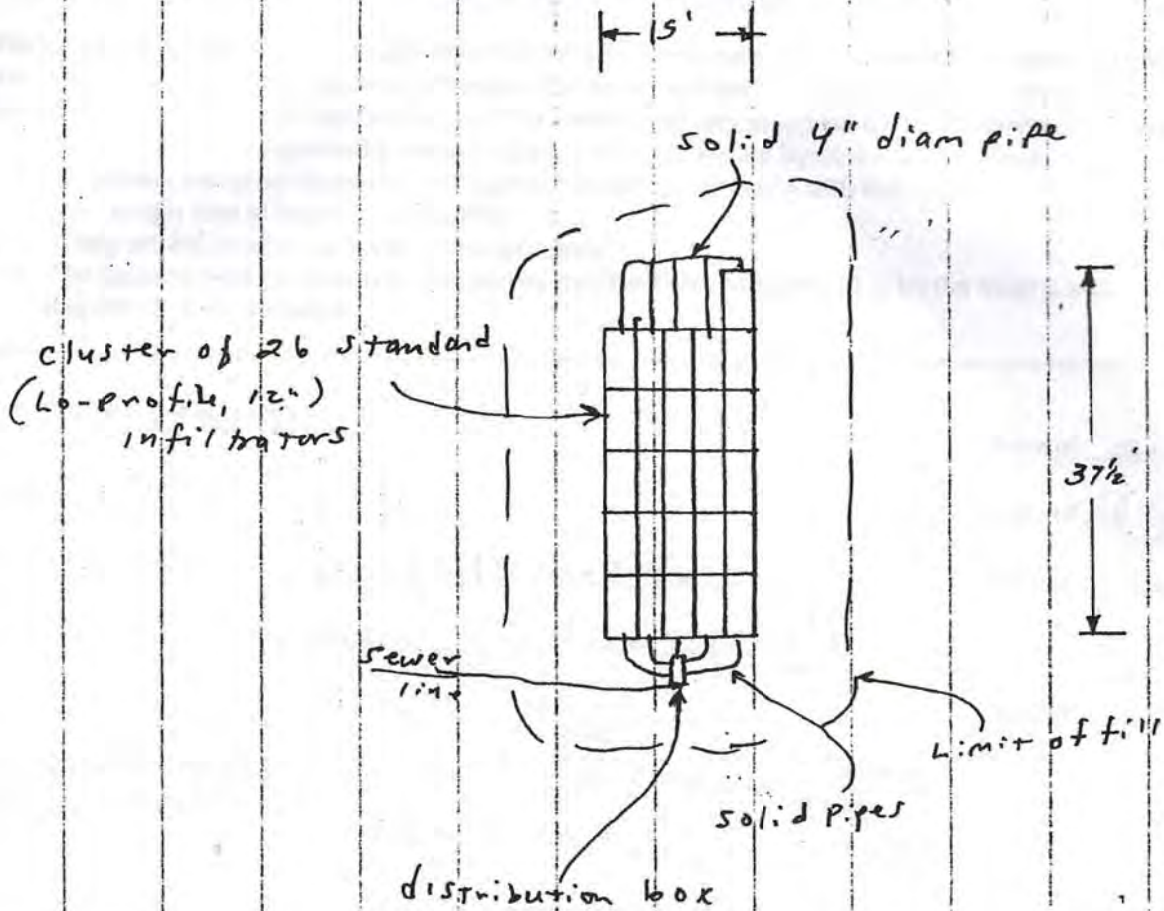
Plantation  
ste Au Haut

Street, Road, Subdivision  
Main Road

Owners Name  
Bart Richardson

## SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale 1" = 20 Ft



### FILL REQUIREMENTS

Depth of Fill (Upslope)  
Depth of Fill (Downslope)

20"  
20"

### CONSTRUCTION ELEVATIONS

Reference Elevation is 0  
Bottom of Disposal Area - 65  
Top of Distribution Lines or Chambers - 53

### ELEVATION REFERENCE POINT LOCATION & DESCRIPTION

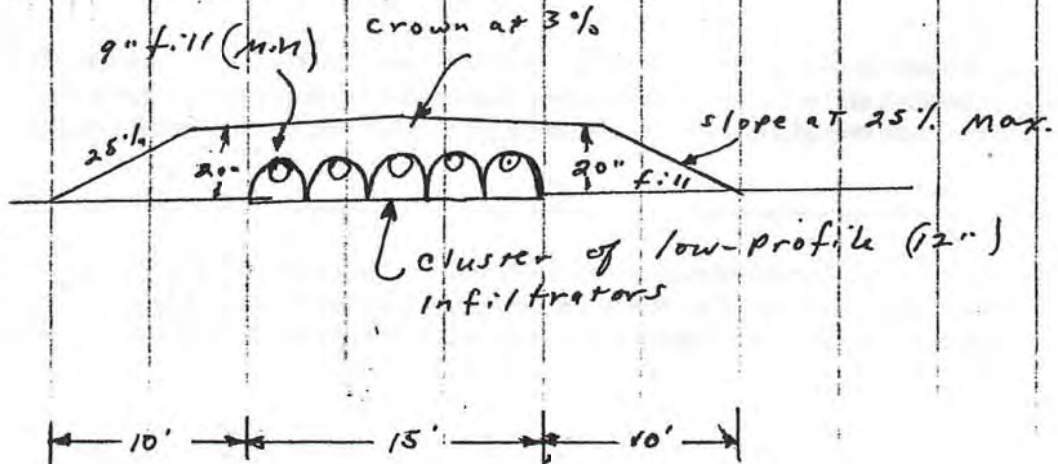
Notch on a tree  
(PT. C' in site plan)

Scale:  
Vertical: 1 inch = 5 Ft.  
Horizontal: 1 inch = 10 Ft.

### Notes:

- 1) Use sandy loam to loamy sand fill (clean, free of debris).
- 2) Use ditch or fill upslope to divert surface water.
- 3) Bottom of infiltrators must be 12" (min.) above moffling.
- 4) Remove vegetation and scarify soil beneath disposal area.
- 5) Seed and mulch finished grade to prevent erosion.

### DISPOSAL AREA CROSS SECTION



roughed w/ Meservey

13  
CE#

10-3-91  
Date

# REPLACEMENT SYSTEM VARIANCE REQUEST

## THE LIMITATIONS OF THE REPLACEMENT SYSTEM VARIANCE REQUEST

This form shall be attached to an application for the proposed replacement system which does not comply with the Rules. The LPI shall review the Replacement System Variance Request and Application and may approve the Request if all of the following requirements can be met, and the variance(s) requested fall within the limits of LPI's authority.

1. The proposed design meets the definition of a Replacement System from the rules.
2. A system cannot be designed and installed in total compliance with the Rules.
3. The design flow is less than 500 GPD.
4. There will be no change in use of the structure.
5. The replacement system is determined by the Site Evaluator and LPI to be the most practical method to treat and dispose of the wastewater.

## GENERAL INFORMATION

Permit No. 0050 E Town of Isle Au Haut  
Date Permit Issued 10-29-91  
MONTH/DAY/YEAR  
Property Owner's Name: Bart Richardson Tel. No. \_\_\_\_\_  
System's Location: Main Rd. (East side)  
STREET  
Isle Au Haut Maine  
TOWN ZIP  
Property Owner's Address: % Bill Stevens Box 14  
(if different from above) STREET  
Isle Au Haut Maine 04645  
TOWN STATE ZIP

## SPECIFIC INSTRUCTIONS TO THE:

### LPI:

If any of the variances exceed your approval authority and/or do not meet all of the requirements listed under the Limitations Section above, they you are to send this Replacement System Variance Request, along with the Application, to the Department for review and approval consideration before issuing a Permit. (See reverse side for Comments Section and your signature.)

### SITE EVALUATOR:

If after completing the Application, you find that a variance for the proposed replacement system is needed, then complete the Replacement Variance Request with your signature on reverse side of form.

### PROPERTY OWNER:

It has been determined by the Site Evaluator that a variance to the Rules is required for the proposed replacement system. This variance request is due to physical limitations of the site and/or soil conditions. Both the Site Evaluator and the LPI have considered the site/soil restrictions and have concluded that a replacement system in total compliance with the Rules is not possible.

The OWNER shall sign this statement. Therefore, having read both this Replacement Variance Request and the attached Application, I understand that the proposed system is not in total compliance with the Rules and hereby release all those concerned with this Variance, provided they have performed their duties in a reasonable and proper manner.

Bart Richardson  
PROPERTY OWNER'S SIGNATURE

10/16/91  
DATE

VARIANCE CATEGORY	VARIANCE REQUESTED	LIMIT OF LPI'S APPROVAL AUTHORITY		VARIANCE REQUESTED TO:	
SOILS Soil Profile Soil Condition from HHE-200	Ground Water Table	to 6"		14	Inches
	Restrictive Layer	to 6"			
	Bedrock	to 10"			
SETBACK DISTANCES (IN FEET)	FROM:	TREATMENT TANK	DISPOSAL AREA	TREATMENT TANK	DISPOSAL AREA
Potable Water Supplies	1. Well: > 2000 gal/day	100"	300"		
	2. Well: < 2000 gal/day				
	a. Neighbor's	50'	60'		
	b. Property Owner's	25'	50'	60' min	80'
Waterbodies	3. Water Supply Line	See note 'a'			
	1. Perennial	50'*	60'		
	2. Intermittent	15'	20'		
	3. Manmade drainage ditch	10'	15'		
Downhill Slope	Greater than 3:1 (33%)	5°	10°		
Buildings	1. With Basement	5'	10'		
	2. Without Basement	5'	10'		
Property Line		4'	5'		

\*25'

**OTHER**

1. Fill extension Grade—to 3:1

- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**Footnotes:**

- a. This setback distance cannot be reduced by variance. See Table 6-2.
- b. Written Permission from the owner of a well is required when a replacement system will be located less than 100 feet but closer to that well than the system it is replacing.
- c. Sufficient distance shall be maintained to assure that the toe of the fill does not extend to the 3:1 slope.

Wroughton W. Meservey  
SITE EVALUATOR'S SIGNATURE

10-23-91  
DATE

**LPI STATEMENT**

I, Cubrey P. Allen, LPI for the Town of Isle Au Haut have conducted an on-site inspection for the proposed replacement system and have determined to the best of my knowledge, that it cannot be installed in total compliance with the Rules, applicable Municipal Wastewater Disposal Ordinances, or the Local Shoreland Zoning Ordinance. As a result of my review of the Replacement System Variance Request, the Application, and my on-site investigation, I (check and complete either a or b):

- a. (  approve,  disapprove ) the variance request based on my authority to grant this variance. Note: If the LPI does not give his approval, he shall list his reasons for denial in Comments Section below and return to the applicant.
- OR-
- b. find that one or more of the requested Variances exceeds my approval authority as LPI. I (  recommend  do not recommend ) the Department's approval of the variances. Note: If the LPI does not recommend the Department's approval, he shall state his reasons in Comments Section below as to why the proposed replacement system is not being recommended.

Comments: \_\_\_\_\_

Cubrey P. Allen  
LPI'S SIGNATURE

Oct 23, 91  
DATE

**FOR USE BY THE DEPARTMENT ONLY**

The Department has reviewed the variance(s) and (  does  does not ) give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.



REFERENCE DEED: BOOK 3551, PAGE 192

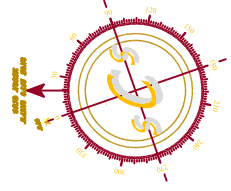
M/F  
I. TULLY  
BOOK 3331, PAGE 107

PROPERTY OF  
**ELLEN C. SCRIVANI**  
BOOK 3551, PAGE 192  
10.9 ACRES ± (OA)

M/F  
STEVENS  
BOOK 3404, PAGE 301

M/F  
LORD  
BOOK 322, PAGE 353  
(SEE NOTE 4)

**SAGE COLLINS SURVEYING, INC.**  
341 ELLSWORTH ROAD  
P. O. BOX 388  
BLUE HILL, ME 04614  
(207) 374-2255



(SEE NOTE 1)

- NOTES:**
- 1) THE BEARINGS ON THIS PLAN HAVE BEEN ROTATED TO A PLAN BY ANXIAN TIAN, M.S., AND CONSULTING ENGINEER, ENTITLED "AU HAUT," NOVEMBER 11, 1975.
  - 2) THE HIGH WATER LINE SHOWN IS APPROXIMATE. BUILDING SETBACK BY THIS SHOULD BE DETERMINED BY THE LOCAL ZONING DIVISION.
  - 3) THE FLOOD PLAIN LIMIT WAS NOT DETERMINED.
  - 4) REFERENCE A PLAN BY PRENTISS & CURRIE CO., INC. ENTITLED "LOT 1 AND 2, ISLE AU HAUT, MAINE," RECORDED AT THE K.C.R.D. IN P.L. LORD 2011, JULY 20, 2008, AND RECORDED AT THE K.C.R.D. IN P.L. LORD 2011, JULY 20, 2008.
  - 5) THE LOCATIONS OF WETLANDS, INCLUDING SHORELANDS AND DELTAIC WETLANDS, WERE DETERMINED FROM THIS OFFICE'S SURVEYING IS BASED ON A PREVIOUS SURVEY BY SAGE COLLINS SURVEYING, INC. ENTITLED "SCHEMATIC SURVEY OF THE CAROL TULLY F.F. LEASE, WETLAND AND SHORELANDS," RECORDED AT THE K.C.R.D. IN P.L. LORD 2011, JULY 20, 2008.
  - 6) THIS SURVEY SHOULD BE RECONSIDERED FOR AN ACCURATE REFERENCE IN WETLANDS, INCLUDING SHORELANDS AND DELTAIC WETLANDS, WERE DETERMINED FROM THIS OFFICE'S SURVEYING IS BASED ON A PREVIOUS SURVEY BY SAGE COLLINS SURVEYING, INC. ENTITLED "SCHEMATIC SURVEY OF THE CAROL TULLY F.F. LEASE, WETLAND AND SHORELANDS," RECORDED AT THE K.C.R.D. IN P.L. LORD 2011, JULY 20, 2008.
  - 7) ALL ELEVATIONS AND DISTANCES SHOWN WERE REDUCED TO THE MEAN SEASIDE LEVEL OF 101.0 FEET, BEAUSSEAU DATUM, 1985. ELEVATIONS SHOWN ARE BASED ON AN ASSUMED DATUM AND ARE NOT NAVD 83.

THIS PLAN AND SURVEY WERE PREPARED UNDER THE SUPERVISION AND CONTROL OF THE PROFESSIONAL SURVEYOR, SAGE COLLINS SURVEYING, INC., AND IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS OF THE SURVEYING AND MAPPING BOARD OF MAINE. THE SURVEYING AND MAPPING BOARD OF MAINE HAS REVIEWED THIS PLAN AND SURVEY AND HAS ISSUED A CERTIFICATE OF ACCURACY FOR THIS SURVEY. THE COUNTY SEARCHERS #4,2 ARE THE LIQUID INSMOKE COUNTY, IN WHICH THE PROPERTY IS LOCATED.

BOUNDARY SURVEY FOR

**ELLEN C. SCRIVANI & MICHAEL FEDOSH**

TOWN ROAD, ISLE AU HAUT, KNOX COUNTY, MAINE

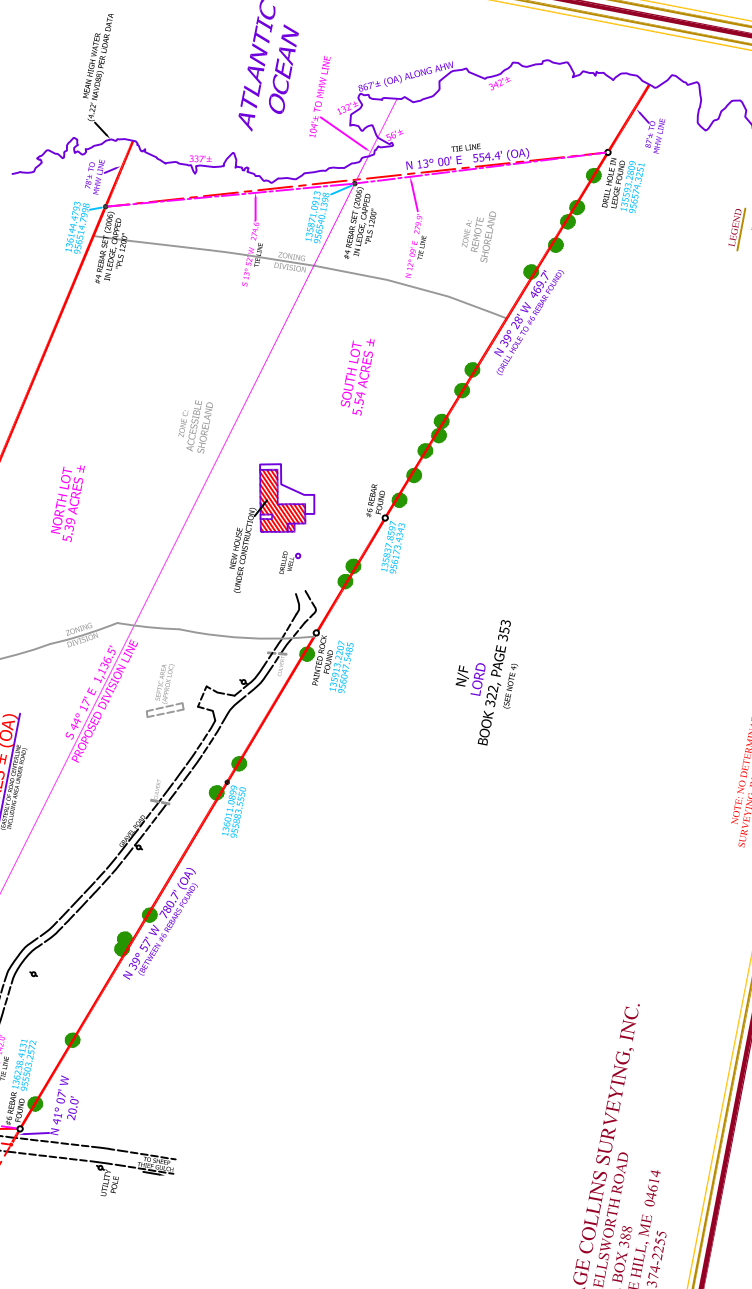


DATE DRAWN: OCTOBER 8, 2014  
DATE LAST REVISED: MAY 18, 2016  
DRAWN BY: N. M. SMITH

**LEGEND**

- BOUNDARY SET POINT
- SAGE COLLINS SURVEYING SET POINT
- MONUMENT FOUND
- SIZE & TYPE NOTES
- UTILITY PILE
- BRUSHED TREE LOCATED

NOTE: NO DETERMINATION HAS BEEN MADE BY SAGE COLLINS SURVEYING, INC. REGARDING THE COMPLIANCE OF THIS DIVISION WITH LOCAL AND STATE SUBDIVISION AND ZONING ORDINANCES.



Fedosh Property  
 Isle au Haut  
 May 13, 2016

**Minimum Lot Size**

<b>North Lot</b>	Zone Area	%	Min Lot Size	Contribution
Zone A	0.58 ac	.11	10 ac	1.07 ac
Zone B	2.40 ac	.44	2 ac	0.89 ac
Zone C	2.41 ac	.45	0.7 ac	0.31 ac
	-----	----		-----
	5.39 ac total	1.0		2.27 ac Min Lot Size Requirement

\*\* Lot meets min lot size requirement

<b>South Lot</b>	Zone Area	%	Min Lot Size	Contribution
Zone A	1.38 ac	.25	10 ac	2.49 ac
Zone B	2.21 ac	.40	2 ac	0.80 ac
Zone C	1.94 ac	.35	0.7 ac	0.25 ac
	-----	----		-----
	5.54 ac total	1.0		3.54 ac Min Lot Size Requirement

\*\* Lot meets min lot size requirement

**Spaghetti Lot Determination**

<b>North Lot</b>	Shoreline HW Chord	Lot Line Lengths	Ave.	Min Shoreline Req'd
	293.3'	1200.4' & 1266.1'	1233.3'	246.7'

\*\* Lot meets 'Spaghetti Lot' size requirement

<b>South Lot</b>	Shoreline HW Chord	Lot Line Lengths	Ave.	Min Shoreline Req'd
	277.2'	1266.1' & 1357.5'	1311.8'	262.4'

\*\* Lot meets 'Spaghetti Lot' size requirement



## Re: Your proposed lot split on Isle au Haut

---

From: planningboard <planningboard@isleauhautmaine.us>  
To: Mike Fedosh <mikefedosh@gmail.com>  
  
Priority: Normal  
Date 05-24-2016 11:36 AM

---

The only guidance I can give your attorneys is that the letter should state the original subdivision approval date to prove the >5 years ownership; the transfer of the new lot will be to the spouse; there is no intent to avoid the subdivision statute; both new lots will be legal lots under the Town's current Zoning Ordinances. The Planning Board does not have any requirement in its current land use Ordinances to require all prior-approved subdivisions to come back for re-approval of any new subdivisions within them, nor do I know of any condition put on the original subdivision plan that required re-approval of the Planning Board for any new subdivision of that land. What the Planning Board will do is state all the facts and relevant law in a letter addressed to you and your wife that you would then record in the Knox County Registry. It is helpful for your attorney to provide us with requested language that he/she feels will accomplish the objective of providing a grandfathered status for the 2 new lots in the event some aspect of either state law or town ordinances would later make the lots nonconforming with respect to the subdivision statute and town lot size and other dimensional requirements based on zone requirements.

The attached two pages comes from a 2014 training document written by Rebecca Warren Seel, Esq., for the MSBA Real Estate Institute.

Bob Gerber

On May 23, 2016 at 7:35 PM Mike Fedosh <mikefedosh@gmail.com> wrote:

thanks Bob & OK with the planning email. will use.

I presumed the Board had issued this type of letter before & that there was a shell-type document. will contact a lawyer to craft language.

we did a run up to IAH last weekend. heading back with another card load this coming weekend. the start of summer has come to the island.

mike

On Sun, May 22, 2016 at 8:19 PM, planningboard <[planningboard@isleauhautmaine.us](mailto:planningboard@isleauhautmaine.us)> wrote:

As you can see, the Planning Board and other officials at Isle au Haut now have Town email addresses, which you should use in the future. Mine is "[planningboard@isleauhautmaine.us](mailto:planningboard@isleauhautmaine.us)".

I have reviewed Sage's latest version of your lot split and it looks OK. If you want to come to the Planning Board for a "comfort letter", have Sage put a note on the plan describing a little bit about the process/equipment used in establishing your lot line coordinates and the approximate accuracy. Also have him stamp the final plan you submit to us for review.

Finally, you should probably have a lawyer draft the language you are requesting from the Board in the letter. I am not guaranteeing that I will use the lawyer's draft language, but I need something to start from. Send that to me in advance along with a copy of Sage's stamped plan with the updated notes.

Best regards,

Bob Gerber  
Planning Board Chair  
CEO

Best regards,

Bob Gerber  
Planning Board Chair  
CEO

subdivisionguidance001.pdf	Content-Type: application/pdf Size: 136.25 KB
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Excerpt from material prepared by William H. Dale, Esq., Jensen, Baird, Gardner, and Henry, for 1994 Maine Bar Association seminar entitled "Maine's Land Use Laws." Reprinted with permission of the author and the Maine Bar Association. Copyright 1994. All rights reserved.

recreation hall, or similar common uses, if the proposed project will create separate lots on each of which one of those structures will be located, it will not be exempt from subdivision review. The common buildings would not qualify as "permanent dwelling structures," even if the cabins/cottages do.

- In the example above, what if the land remains in single ownership, but the buildings are sold to separate owners? A dwelling unit subdivision? No, because the buildings are not new residential construction since September 23, 1988 and not newly placed on the parcel. (See further discussion regarding dwelling unit subdivisions later in these materials.)

- L. **Documenting Eligibility For Exemption in the Registry**--If there is no official ruling by the planning board on the eligibility of a lot for an exemption, record factual documentation (in affidavit form?) in the Registry; if the planning board has taken official action at an advertised public meeting of the board regarding eligibility for an exemption, record a certified copy of the documentation of that board vote in the Registry. Where a code enforcement officer has issued building permits after determining that the lots involved were exempt gift lots under § 4406(1)( C)(2011), record a certified copy of the CEO's findings. See *Mills, supra*.

## **Dwelling Unit Subdivisions—The Elements and Issues**

### **The elements:**

- The "division" of a "new structure or structures" on a "tract or parcel" of land into 3 or more "dwelling units" within a 5-year period.
- The construction or placement of 3 or more dwelling units on a single "tract or parcel" of land; although this part of the definition is not expressly modified by a reference to a 5 year period, it is commonly believed that the Legislature intended that a 5 year period should also apply to this part of the definition. This interpretation is supported by the lack of a comma separating this category of dwelling unit subdivision from the one involving conversions.
- The division of an existing structure or structures previously used for commercial or industrial use into 3 or more "dwelling units" within a 5-year period.

### **The issues:**

Excerpt from material prepared by William H. Dale, Esq., Jensen, Baird, Gardner, and Henry, for 1994 Maine Bar Association seminar entitled "Maine's Land Use Laws." Reprinted with permission of the author and the Maine Bar Association. Copyright 1994. All rights reserved.

certification of monumentation as part of the approval of the revised plan. *Chasteen v. Town of China*, *supra* (revision of phosphorous control plan). For a case involving a plan revision coupled with the granting of a waiver, see *Leonard v. Town of Winthrop*, AP-03-52 (Me. Super. Ct., Kenn. Cty., September 24, 2004).

Where the original subdivision plan as approved did not specify the type of subsurface wastewater disposal system that had to be used on the lots as a condition of approval, the fact that the developer later sought a plumbing permit for a cluster system rather than for individual systems on each lot did not constitute a revision of the plan requiring planning board approval. *Hamilton v. Town of Cumberland*, 590 A.2d 532 (Me. 1991). The court noted that the board could have designated the type of system it wanted to require as a condition of approval, but did not do so.

As noted earlier in these materials, if the person who received the original subdivision approval is the one proposing to make changes to the approved plan by creating additional lots, that person is required to obtain approval of a revised plan from the planning board, regardless of how much time has passed since the plan approval. 30-A M.R.S.A. § 4406(1)(E)(2011). Changes made by others may also require approval of a revised plan, depending on the wording of the applicable ordinance or conditions of approval. It should be noted that some attorneys believe that, under State law, once a lot is shown on an approved plan, it remains within the planning board's jurisdiction indefinitely and that any changes to it require planning board approval, regardless of who makes the changes or when. Question: What if a "change" involves the conveyance of a new exempt lot? No clear answer. Obtaining approval to create an exempt lot in cases where non-exempt lots would require approval is the safest course. (See earlier discussion of this issue in these materials under "Land Subdivisions—The Issues: 4. Within any 5 year period beginning on or after September 23, 1971" (third bulleted paragraph).

Fedush

Where a subdivider applies to the planning board for approval of a plan revision after lots have been sold as depicted on an approved plan, in some cases the subdivider will also need to obtain release deeds from those lot owners in order to go forward with the revision, even if the planning board has granted approval. The other lot owners generally have a right to have the original plan developed as depicted on the approved and recorded plan which was in effect when they bought their lots; this right cannot be taken away by the granting of approval of a revision by the planning board. The planning board's approval of a revision is simply evidence that the board found that the revision satisfies applicable statutory and ordinance requirements. See, *Green v. Lawrence*, 2005 ME 90, 877 A. 2d 1079, and *Kargar v. Town of Falmouth*, AP-07-14 (Me. Super. Ct., Cum. Cty, March 5, 2008).

#### **Pending Applications/Retroactivity Clauses in New Ordinances**

## Discussion of what can be done to an existing house located within the Long Pond 125' Resource Protection Buffer Zone

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From: planningboard <planningboard@isleauhautmaine.us>  
 To: rwgraf32@gmail  
 Priority: Normal  
 Date: 05-13-2016 08:33 AM

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In response to the question you posed to me in person yesterday with regard to what can be done with an existing cottage in the Long Pond Resource Protection 125' buffer zone under the Town Zoning Ordinance, I attach two documents. The first are several excerpts from the current Town Zoning Ordinance that relate to what can be done in that zone. The second document is a long letter I wrote to Bill Stevens on January 10, 2015, in answer to similar questions that Bill Stevens had at that time.

The summary is that any structure in the 125' buffer zone can only be expanded upward by a certain percentage. It cannot be expanded laterally. The difference between this situation and a situation where a lot is "nonconforming" is that in a typical nonconforming lot, the land use is allowed but there is something--usually the lot area does not meet the minimum lot size--that would automatically allow the issuance of a permit. Here the use (i.e., a building) is not allowed. It is quite clear that the intent of the Town Ordinance was to prohibit any building or any road to be built or added in the 125' buffer zone. However, as you can see in the letter that I sent to Bill Stevens, I believe the intent of the Ordinance can be maintained when the footprint is essentially not enlarged, but the structure is expanded vertically within the percentage limits permitted in either the Town Ordinance or the Shoreland Zoning Ordinance, whichever is more stringent. Also, as you can see in the letter I sent to Bill, an existing structure in this zone can be repaired within its existing structure. It can also be rebuilt "in place and in kind" in the event it is destroyed by fire or some other process.

Best regards,

Bob Gerber  
 Planning Board Chair  
 CEO

Town Ordinance Provisions pertaining to ability to modify existing structures in the Long Pond 125.pdf	Content-Type: application/pdf Size: 131.64 KB
Town of Isle au Haut Planning Board Chair Response to 10-1-14 questions.pdf	Content-Type: application/pdf Size: 242.45 KB

**Town Ordinance Provisions pertaining to ability to modify existing structures in the Long Pond 125' Resource Protection buffer**

Section V, pages 9 & 10

<i><b>Land Uses</b></i>	<i><b>Resource Protection (E)</b></i>	<i><b>Remote Shoreland (A)</b></i>	<i><b>Accessible Interior (B)</b></i>	<i><b>Accessible Shoreland (C)</b></i>	<i><b>Remote Interior (D)</b></i>
8. Structures (Principal)*					
a. Residential Dwelling Units	No	PB Permit	PB Permit	PB Permit	PB Permit
b. Govern- mental, Institu- tional, and Commercial Structures, Industrial Structures, and Cottage Domestic Industries	No	PB Permit	PB Permit	PB Permit	PB Permit

<b><i>Land Uses</i></b>	<b><i>Resource Protection (E)</i></b>	<b><i>Remote Shoreland (A)</i></b>	<b><i>Accessible Interior (B)</i></b>	<b><i>Accessible Shoreland (C)</i></b>	<b><i>Remote Interior (D)</i></b>
8c. Residential dwelling units no greater than 600 square feet, no more than one bedroom in addition to the principal structure on any lot.	No	PB Permit	PB Permit	PB Permit	PB Permit
9. Structures (accessory) to permitted uses, additions (200 sq. ft. or less) and alterations to existing structures	No	CEO Permit	CEO Permit	CEO Permit	CEO Permit

Section VI(G)1(e) (p. 18)

e. If a lot is comprised entirely of “Resource Protection District” (Zone E), it may not be built upon. If a lot is comprised partially of “Resource Protection District,” that part may not be built upon if the District is defined in the State Shoreland Zoning Guidelines as important habitat, or part of the Long Pond 125-foot buffer.

## Re: Horseman's Point parcel

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From: planningboard <planningboard@isleauhautmaine.us>  
 To: Peter Thompson <peter@ptlawoffice.com>

Priority: Normal  
 Date: 06-08-2016 06:27 PM

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Here are some plans I made for the Poss family. The "possible sites" were house sites that the Posses picked out to look at when they were here last September. Our Shoreland Zoning Ordinance makes contiguous slopes of over 20% and greater than 2 acres in size "Resource Protection" under the State Shoreland Zone Ordinance. Also, after July 6, 2016, all FEMA-mapped Special Flood Hazard Areas are defined in the State Ordinance as Resource Protection zones. That is why those two features are shown on these maps. The Town Ordinance (which was just revised at the March 2016 Town Meeting) and the State Ordinance are posted on the Town website.

Bob Gerber, Planning Board Chair and CEO

> On June 8, 2016 at 3:11 PM Peter Thompson <peter@ptlawoffice.com> wrote:

>

>

> will do

>

> From: Bob Gerber <planningboard@isleauhautmaine.us>

> Sent: Wednesday, June 08, 2016 3:03 PM

> To: Peter Thompson

> Subject: Re: Horseman's Point parcel

>

> Call this evening after 6 pm

>

> Sent from my iPhone

> Bob Gerber

>

>> On Jun 7, 2016, at 9:12 PM, Peter Thompson <peter@ptlawoffice.com> wrote:

>>

>> Hi Bob,

>> Thanks for getting back to me so quickly. I would very much like to discuss the property with you. Is there a good time tomorrow I could call you?

>> Peter Thompson

>>

>> From: Bob Gerber <planningboard@isleauhautmaine.us>

>> Sent: Tuesday, June 07, 2016 9:10 PM

>> To: Peter Thompson

>> Subject: Re: Horseman's Point parcel

>>

>> No, nothing has come to the board in even an informal way. I did walk the property last summer with a previous potential buyer who was interested in creating two buildable lots. I would be happy to talk with you about it. 335-2015

>>

>> Sent from my iPhone

>> Bob Gerber, Planning Board Chair and CEO

>>

>>> On Jun 7, 2016, at 5:42 PM, Peter Thompson <peter@ptlawoffice.com> wrote:

>>>

>>> Dear Planning Board Chairperson:

>>>

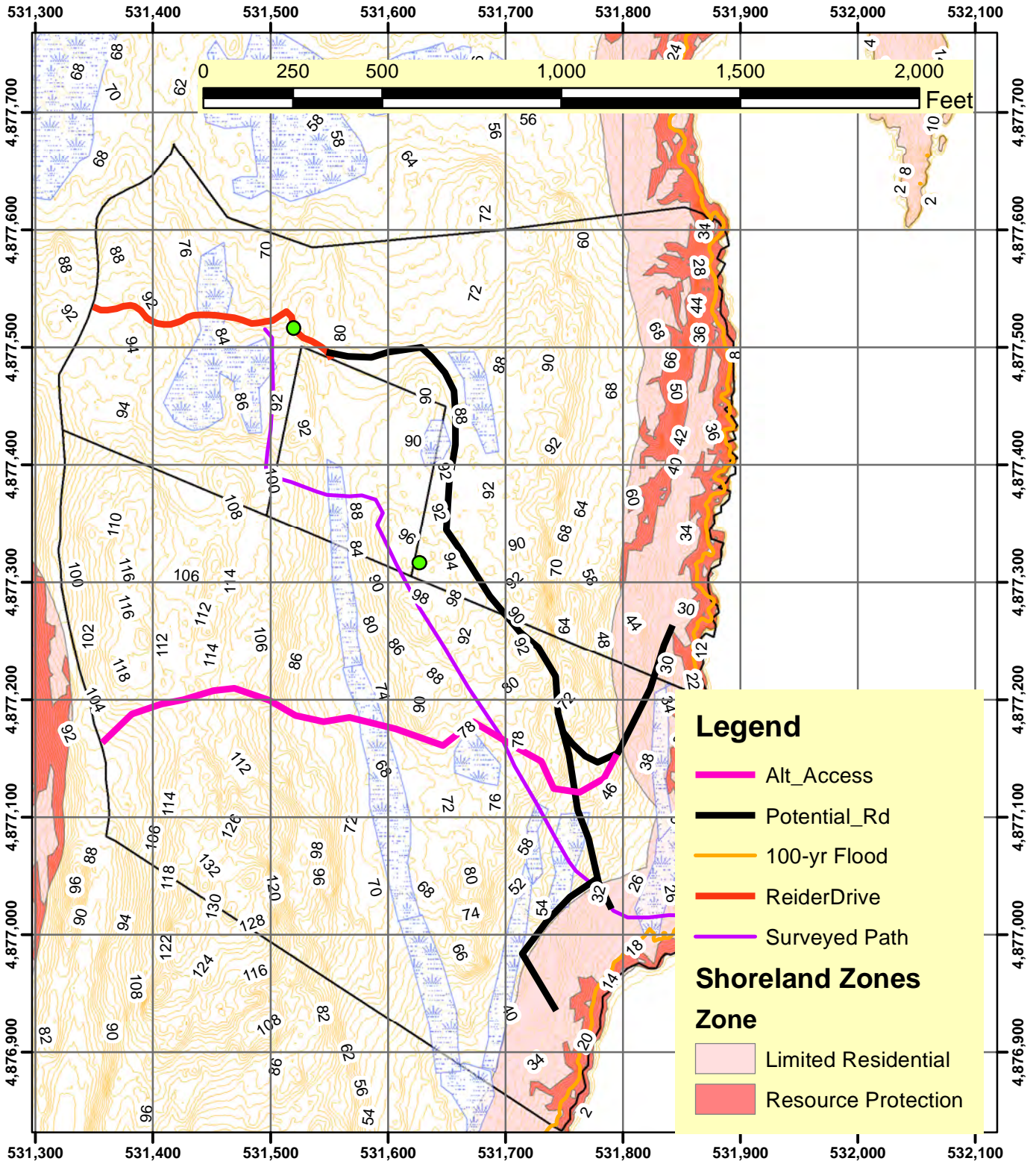
>>> I am interested in purchasing the Horseman's Point parcel. Is there someone I can contact to find out whether proposals have come before the Planning Board to build a home, put in a driveway, etc., on this property and what became of those proposals? Having served in the Yarmouth (Maine) Planning Board for ten years, I know that this type of information can be extremely important in making my own proposal if I decide to move forward.



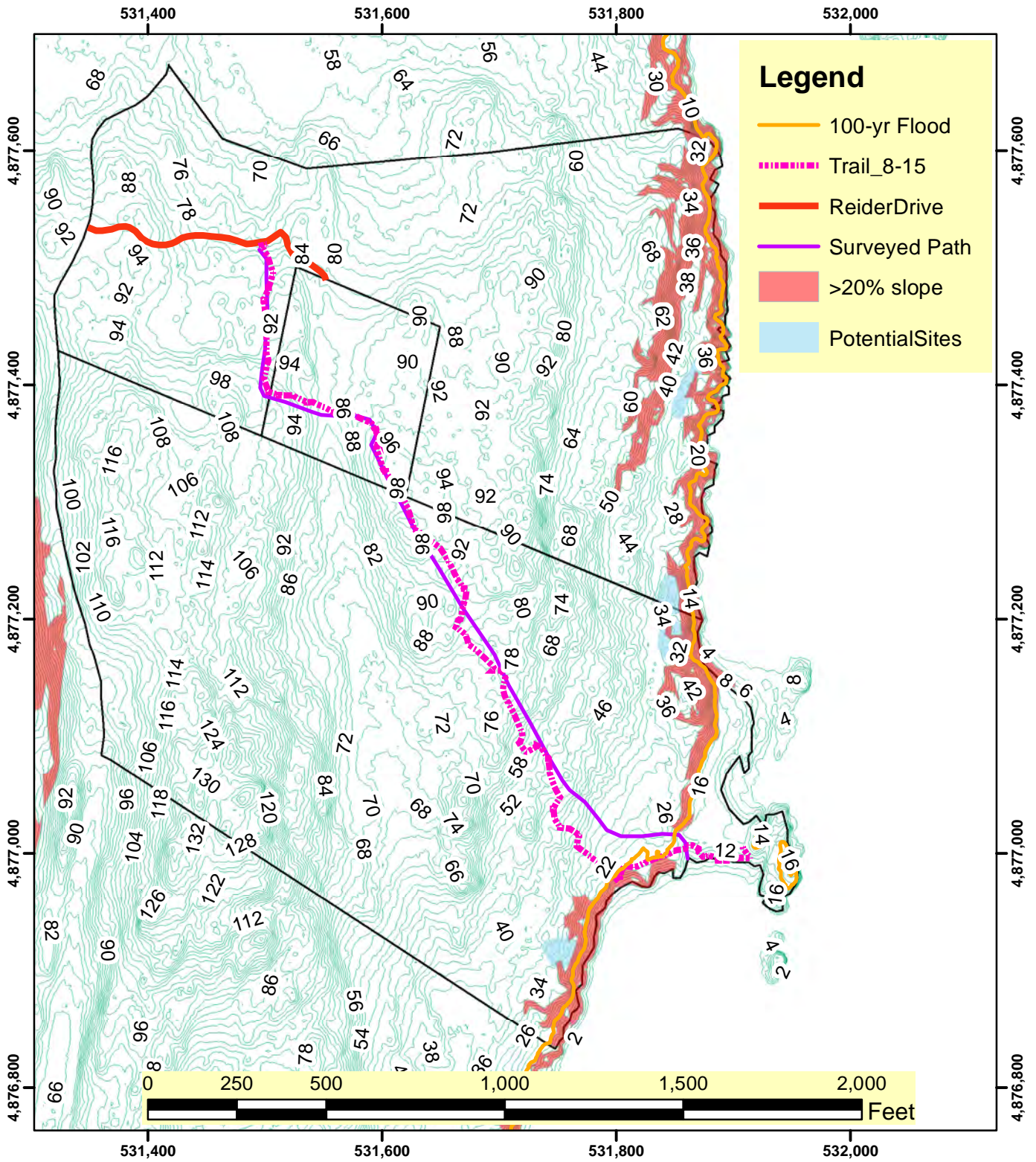
>>>  
>>> Sincerely,  
>>> Peter Thompson  
>>  
>  
Best regards,

Bob Gerber  
Planning Board Chair  
CEO

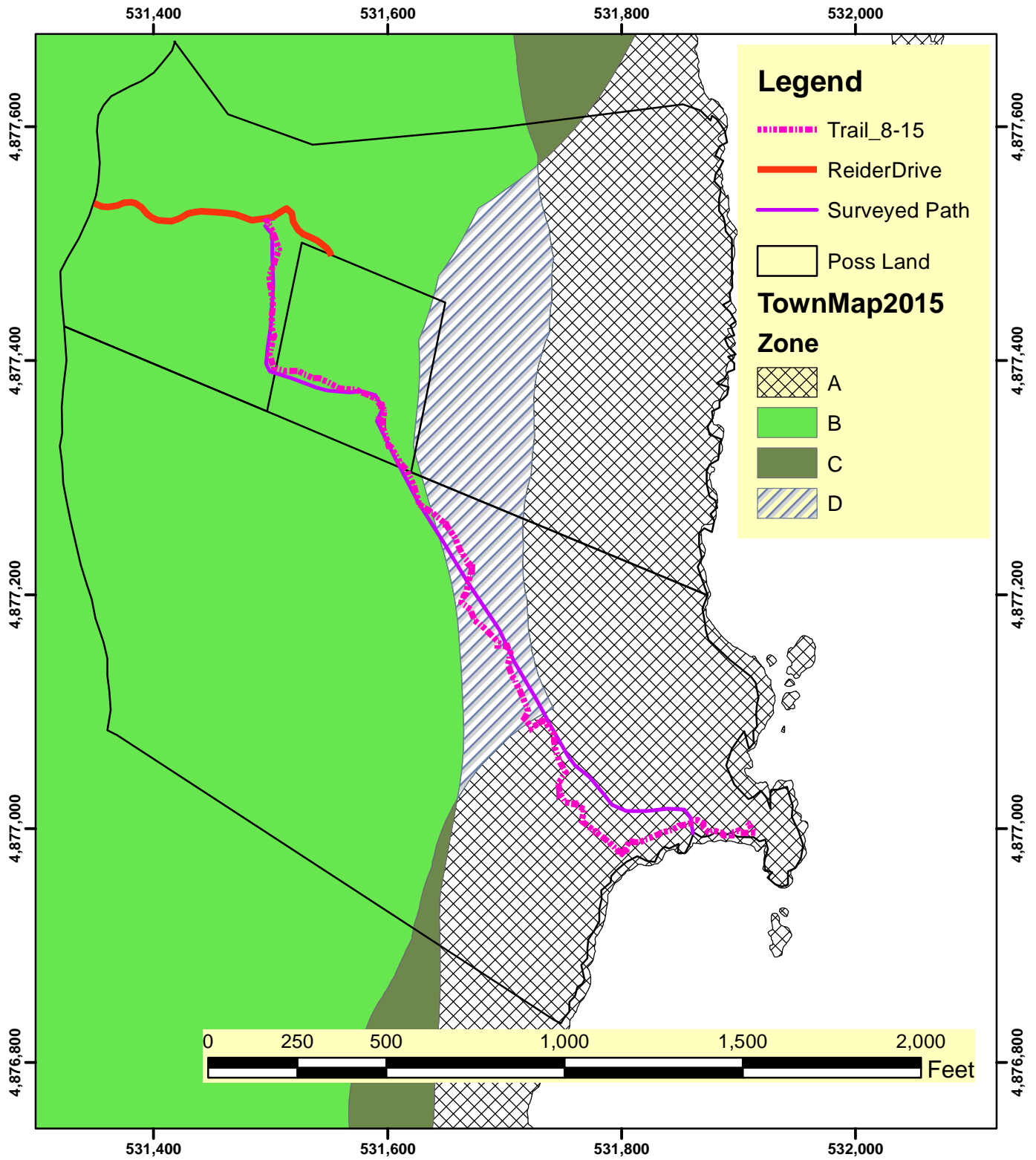
TownZoning.pdf	Content-Type: application/pdf Size: 183.43 KB
AccessRds.pdf	Content-Type: application/pdf Size: 942.43 KB
Contours&Shorelineconstraints.pdf	Content-Type: application/pdf Size: 878.32 KB
ShorelandZoning.pdf	Content-Type: application/pdf Size: 238.25 KB



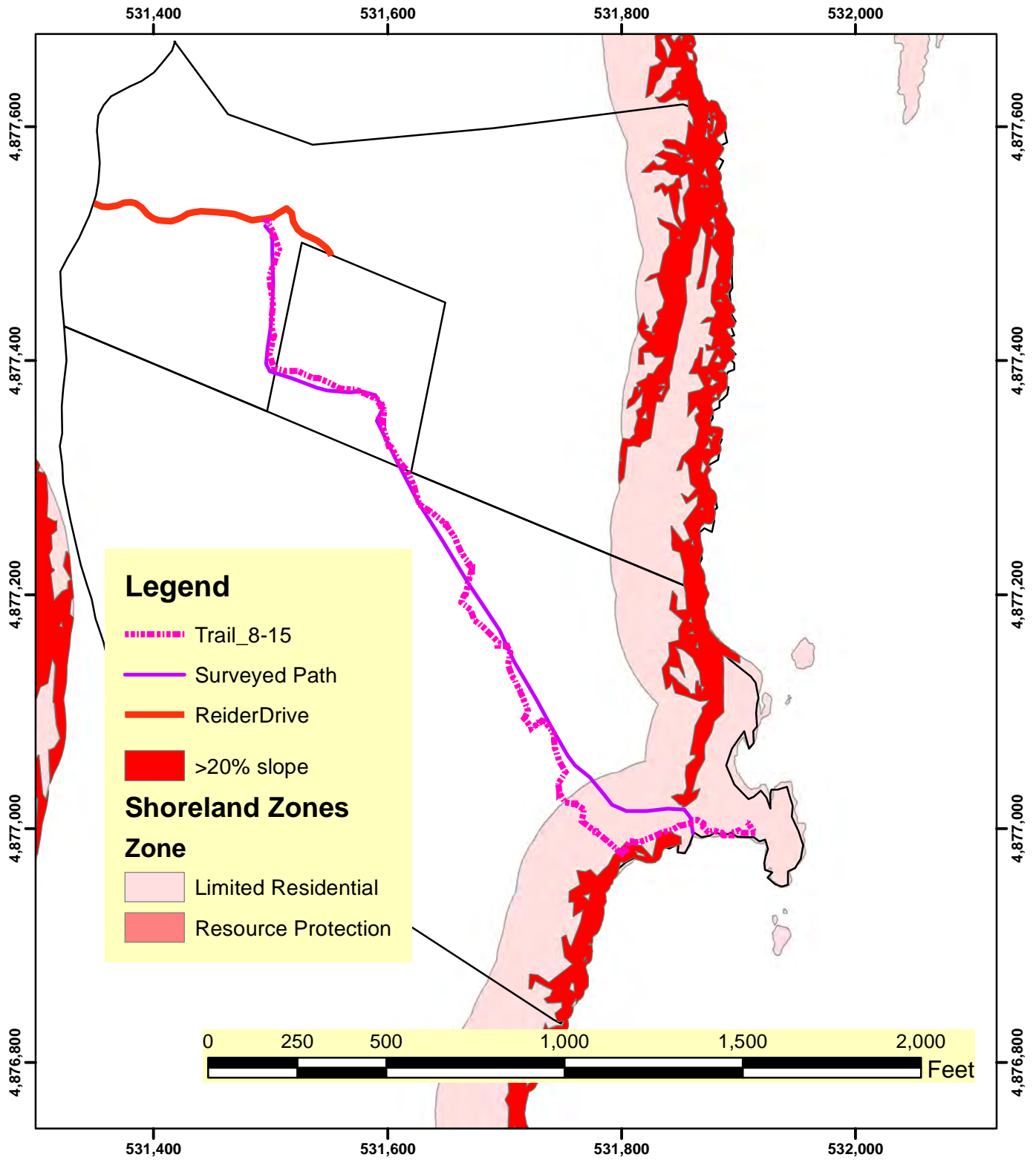
**Alternative Access Routes to Shore Sites**  
**Isle au Haut, Maine**  
 2-ft contours are NAVD88 (ft)  
 Grid is UTM, NAD83, Zone 19 (meters)  
 RGG 10/6/15



**Constraints on Proposed House Sites, Poss Land, Horseman's Pt.  
 Isle au Haut, Maine  
 2-ft contours are NAVD88 (ft)  
 Grid is UTM, NAD83, Zone 19 (meters)  
 RGG 9/25/15**



**Town Zoning, Poss Land, Horseman's Pt.  
 Isle au Haut, Maine  
 Grid is UTM, NAD83, Zone 19 (meters)  
 RGG 9/25/15**



Shoreland Zoning, Poss Land, Horseman's Pt.  
 Isle au Haut, Maine  
 Grid is UTM, NAD83, Zone 19 (meters)  
 RGG 9/25/15

## Re: Horseman Pt. parcel

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From: planningboard <planningboard@isleauhautmaine.us>  
 To: Peter Thompson <peter@ptlawoffice.com>

Priority: Normal  
 Date: 06-09-2016 04:26 PM

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There is a small but prominent wetland very near and possibly under the site you located on your map and there is even a small seasonal stream coming out of it. You would have to keep the building and all ground disturbance at least 25 feet from the edge of the wetland (DEP NRPA), and we would require you to have the wetlands in the local vicinity of your proposed site mapped by a wetland scientist. I have suggested a slight relocation to the west on the attached sketch. The ground is reasonably good here although there is a small eroding coastal bluff in front of it on the shore so the building setback would be 75 feet back from the top of the bank instead of from the "normal high water mark". (I mapped the coastal bluffs for the Maine Geological Survey last summer.) You will need a sink drain even if you have a composting toilet and you would have a better option in the general vicinity of where I show the alternative house site. That would have to be back 100 feet from normal high water.

Yes, I believe the existing trail can and should be relocated as part of a plan to create a new trail easement and location for the public. That plan should take the portion of the existing trail that passes through the Reider property out of their property and relocate it, as well (I presume you have seen the survey done for the Meyers Trust).

> On June 9, 2016 at 7:50 AM Peter Thompson <peter@ptlawoffice.com> wrote:

>

>

> Hi Bob,

> I reviewed the documents you sent. They were very helpful to me in analyzing the feasibility of my plan to access the property by boat coming in on the beach. I considered the areas that were depicted on the contour map as possible building sites. Those sites would not work for what I'm planning as they are all 600-plus feet from the beach. Even if I could figure out a way to get the building materials to the sites without disrupting the area (by, e.g., bringing in a barge with a crane to deposit the materials at the building site from the water), the prospect of bringing food and other supplies that distance is not something I want to do. I grew up lugging our groceries 400' feet through the woods to our home in Hulls Cove. (My father eventually "splurged" to bring the driveway down to the house, but only after my mother's knees were giving out...) Lugging groceries and other supplies uphill an even greater distance would grow old, really fast. So, the only way I've determined that my plan would work is if the house is close to the beach. I've attached sketches depicting where I would want to put the house that show both where you've drawn the existing path and where an alternate path could be cut to bring people to the beach. I understand that you can't speak for the planning board about whether my plan might be feasible, but I'm hoping to at least get your initial impression.

> Peter Thompson

>

>

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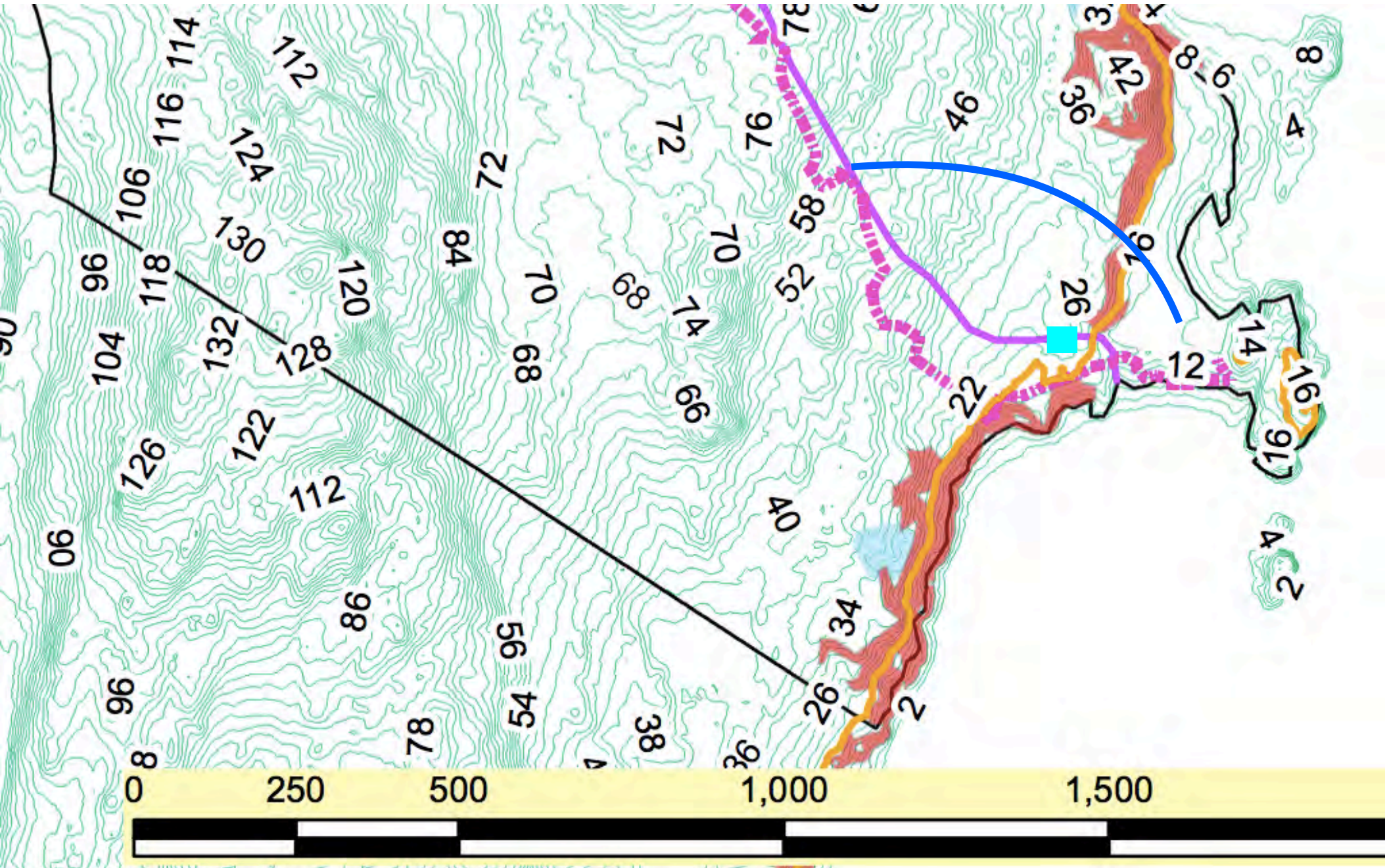
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>

Best regards,

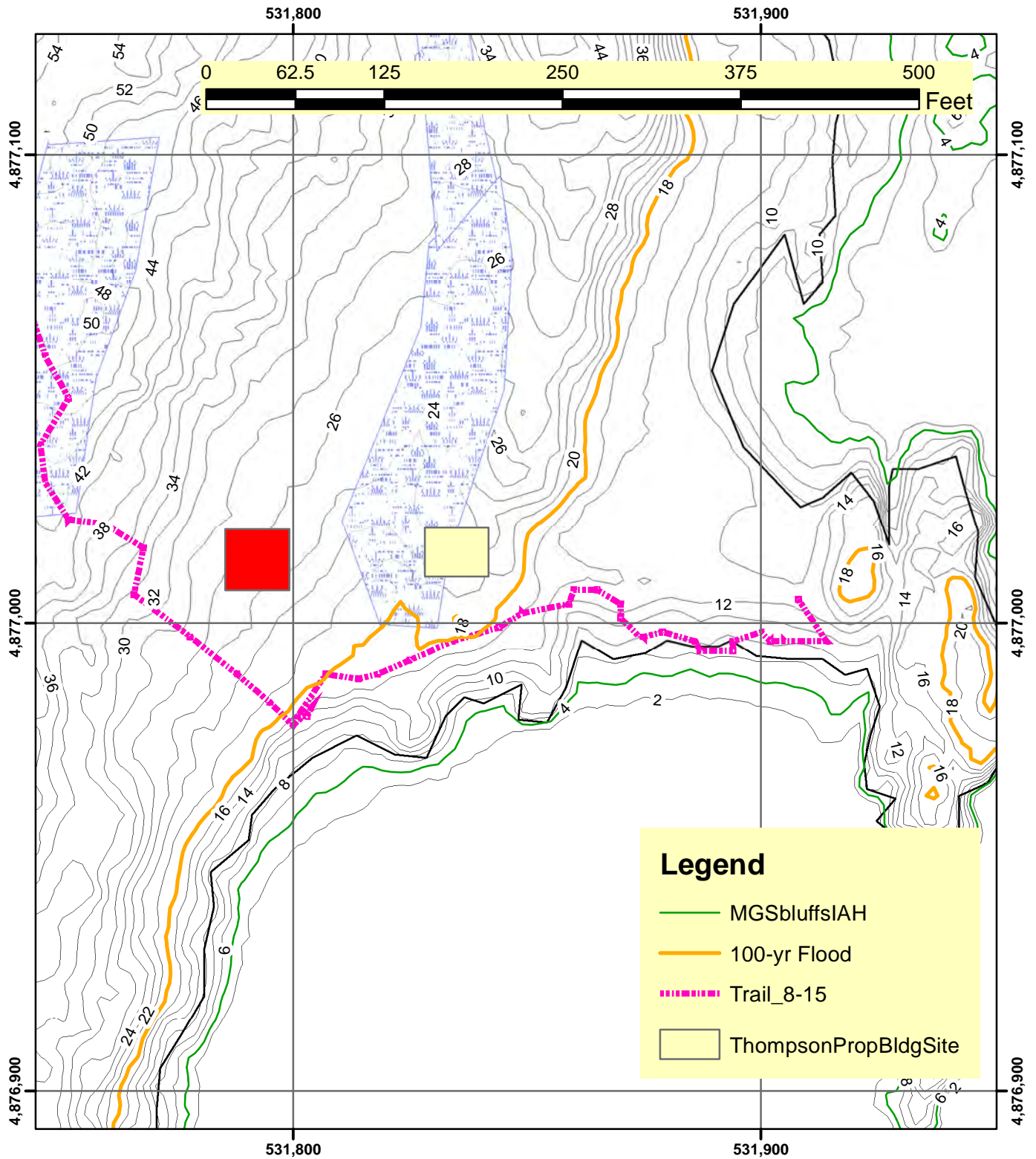
Bob Gerber  
 Planning Board Chair  
 CEO

Thompson alt house site.pdf	Content-Type: application/pdf Size: 490.97 KB
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**Alternative House site**  
**Isle au Haut, Maine**  
**2-ft contours are NAVD88 (ft)**  
**Grid is UTM, NAD83, Zone 19 (meters)**  
**RG 6/9/16**

# **Draft Isle au Haut Ordinance to Manage 911 Addresses (“Addressing Ordinance”)**

## **Section 1. Title**

This ordinance will henceforth be known as the "***Addressing Ordinance***."

## **Section 2. Purpose**

The purpose of this ordinance is to enhance the easy and rapid location of structures by law enforcement, fire, rescue, and emergency medical services personnel in the municipality of Isle au Haut.

## **Section 3. Authority**

This ordinance is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

## **Section 4. Administration**

This ordinance shall be administered by the Code Enforcement Officer (*CEO*) who is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 5 and 6. The CEO shall be responsible for maintaining the following official records of this ordinance:

- a. A municipal map(s) for official use showing road names and numbers.
- b. An alphabetical list of all property owners as identified by current tax records, by last name, showing the assigned numbers.
- c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Selectmen shall designate an Addressing Officer, who is responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of Enhanced 9-1-1 service.

## **Section 5. Naming System**

All roads that serve two or more structures shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a. No two roads shall be given the same name (ex. Pine Road and Pine Lane).
- b. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).

- c. Each road shall have the same name throughout its entire length.

### Section 6. Numbering System

The following criteria shall govern the numbering system:

- a. Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, as the numbers ascend.
- b. All number origins shall begin, in general, from west to east and north to south. The origin of the Main Road shall be the National Park Service boundary intersection, just south of Moore's Harbor. The numbering system on Main Road shall terminate at the National Park Service boundary intersection west of Head Harbor. For all roads that branch off the Main Road, the numbering shall start on that side road at the intersection with Main Road. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- c. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- d. Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy, i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Main Road, Apt 2.

### Section 7. Compliance

All owners of structures shall use their best effort, by the date stipulated in Section 9, to display and maintain in a conspicuous place on said structure, assigned numbers in the following manner:

- a. Number on the Structure or Residence. Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.
- b. Number at the Road Line. Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure within the property adjacent to the walk or access drive to the residence or structure.
- c. Size, Color, and Location of Number. Numbers shall be of a color that contrasts with their background color and shall be a minimum of four (4)

inches in height and no greater than six (6) inches in height. Numbers shall be located to be visible from the road at all times of the year and a minimum of 3 feet above the adjacent ground surface.

- d. Proper number. Every person whose duty is to display an assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- e. Interior location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

#### Section 8. New Construction and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

- a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the CEO. This shall be done at the time of the issuance of the building permit.
- b. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the application submission to the Planning Board. Approval by the Planning Board, after consultation with CEO, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 feet so as to aid in the assignment of numbers to structures subsequently constructed.

#### Section 9. Effective Date

This ordinance shall become effective as of September 1, 2017. It shall be the duty of the CEO to notify by mail each property owner and the U.S. Postal Service of their new address at least 60 (sixty) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 60 (sixty) days following notification. On new structures, numbering shall be installed when the structure is first used or occupied, whichever comes first.