

Isle au Haut Planning Board
Minutes of Meeting of February 24, 2016

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

Alternate Members Present: Jeff Burke (phone)

Public Members Present: none

The Meeting was called to order by the Chair, Bob Gerber, at 6:02 PM at the Town Offices.

Old Business:

Approval of the Minutes of the January 20, 2016, Meeting

It was moved by Dan MacDonald and seconded by Steve Shaffer to accept the minutes of the January 20, 2016, meeting as printed. Motion carried: 5-0.

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

1. The Chair researched whether CEOs could be elected or appointed. He found that CEOs must be appointed by the Selectmen. (see attached review of the statutes and MMA guidance) The Chair drafted a warrant article for Town Meeting that contained a suggested amendment to the Town's Zoning Ordinance to change the current language from designating the Chair of the Planning Board as the CEO to having the Selectmen appoint a CEO. (see attached draft warrant article)

2. The Chair reviewed a revised lotting plan by the surveyor for Mike Fedosh and Ellen Scrivani to divide their lot on the East side into two parcels for purposes of division among direct family members. (see attached plan and surveyor's calculations) The Chair's calculations suggested that one of the two proposed lots would not meet the "spaghetti lot" requirement of the State Subdivision Statute requiring shore frontage to be at least equal to one-fifth the average of the two side lot lengths. The Chair sent these calculations back to Mike and Ellen and asked for a lot plan revision so that the proposed division would create two legal lots in conformance with the existing Zoning Ordinances. (see attached response of Chair to Mike and Ellen)

3. The Chair made an initial review of the Pomeroy (Birch Point) road construction application for completeness. The Chair sent a letter to Ms. Pomeroy's agent, Matthew Skolnikoff, with a list of additional items and changes needed to make the application complete, including documentation of Pomeroy's "right, title or interest." (see attached original application from Matthew and Chair's first response) Matthew sent back a reply, correcting some items, asking some questions, and noting that Ms. Pomeroy would be sending me directly a copy of the deed descriptions or survey. (see attached response of Matthew) As of February 20th, the Chair had still not received any deed or survey, so he answered Matthew's questions and notified Matthew that the application would have to be taken up at the March meeting of the Planning Board, assuming the required information was provided prior to the meeting. (see attached second response of Chair to Matthew)

4. The Chair reported on numerous emails back and forth with Sue Baker, State FEMA Flood Coordinator, and with FEMA, on what is required of the Town to join the National Flood

Insurance Program. (see attached copy of FEMA LFD and email correspondence related thereto) I also personally contacted via letter, email, or phone, all property owners that would have dwellings in the new FEMA coastal flood zone to alert them to the impending Effective date (7/6/16) of the coastal flood maps and where the Town stands in terms of its options for adopting the FEMA flood maps and joining the National Flood Insurance Program. (see attached email to property owners)

5. The Chair issued guidance to Davidson Trust property at Moore's Harbor on the land use standards for cutting outside of the Shoreland zone. The Chair also reviewed the proposed building expansion plans (although no application has been formally submitted yet) of the non-conforming structures in the Shoreland Zone for applicability of the 30% expansion rule.

New Business:

1. The Chair discussed the timing issues for adoption of the FEMA Floodplain Management Ordinance. He noted that the FEMA LFD had granted the Town a year to adopt the model Ordinance and join the NFIP. The Chair made contact with all affected owners and found that none had federally-backed mortgages that would require them to purchase flood insurance. Also, the Town has an ability to retroactively apply for flood damage funds, if any were awarded following a federal county disaster declaration, during the next year if it adopted the ordinance and joined the NFIP within 6 months of the disaster, during the provisional period. Although no one will be able to purchase flood insurance through the NFIP until the town adopts the Ordinance and joins the program, there should be no harm to any property owner except for the delay in being able to buy flood insurance through the NFIP. Given the complexity of the Ordinance and interactions with our other ordinances and given prior publicly-expressed concern that changes of this nature should not be done hastily, the Chair recommended that the Board take up the adoption of the model Floodplain Management Ordinance during the summer months when people could be more fully informed. It was moved by Dan MacDonald and seconded by Steve Shaffer to postpone hearings and actions on the Floodplain Management Ordinance until the summer months. Motion passed 5-0.

2. Pomeroy road construction application. The Chair stated that the application was not yet complete due to the missing "right, title, or interest" information.

3. Review of Fedosh/Scrivani subdivision plan. The Chair stated that the plan was not yet satisfactory because it did not meet the State Subdivision Statutory criteria relating to "spaghetti lots." Therefore action would be postponed on consideration of how the Board might issue a letter that is not a formal subdivision review (because one is not required), but rather make a statement that the lot division will create a lot geometry that is currently in conformance with the Town and State Zoning Ordinances.

There being no other business to come before the Board it was moved by Dan MacDonald and seconded by Bill Clark to adjourn the business meeting at 6:22 PM. Motion carried 5-0.

Respectfully submitted,

Robert G. Gerber, Chair (and Secretary)

Attachments as noted above



Robert Gerber <aframe73@gmail.com>

Guidance on dealing with the issue of appointing a Codes Enforcement Officer at IAH

Bob Gerber <aframe73@gmail.com>

Sat, Jan 23, 2016 at 5:11 PM

To: Sue MacDonald <gentoria@yahoo.com>, Waylan Small <bemorehumorous@gmail.com>, Bill Calvert <billcalvert78@gmail.com>, Bill and Brenda Clark <doublebclark@gmail.com>, jeffrey Burke <jburkemeaz@gmail.com>, Steve Shaffer <steve@blackdinahchocolatiers.com>, John DeWitt <woof2200@yahoo.com>, Landon DeWitt <landondewitt@yahoo.com>

At our Planning Board Meeting last week I said I would research the issue as to whether Codes Enforcement Officers are appointed or could be elected. This was prompted by Dan MacDonald's statement that a warrant article would be put on the 2015 Town Meeting to deal with the issue of selecting a Codes Enforcement Officer. I have attached a PDF document that includes the statutory language dealing with selection of CEOs, and also a briefing paper from the Maine Municipal Association Town Meetings and Election Manual. The statute says the CEO is "appointed" by the Selectmen. The Maine Municipal Association also says that the CEO is appointed by the Selectmen. As you can see on the second page of the PDF (which only includes one page of a multi-page list of municipal officials), the MMA article clearly indicates in the case of specific offices that they may be either elected or appointed, but in the case of the CEO it only says "appointed". Therefore, if any election of a CEO at Town Meeting were held, it would be informal and advisory only.

As I mentioned at the Planning Board meeting and as I had already suggested this change of text in the Town Zoning Ordinance, what is really needed is a change in the language of the Town Zoning Ordinance. I have attached a WORD document with the text of a suggested warrant article that you could take up at the 2015 Annual Town Meeting. If the voters adopt this change at least our Ordinance will come into conformance with State law, which changed long after the original zoning ordinance was passed in 1975. You will note that I also added a phrase at the end of the suggested warrant article which would allow discussion within the article by the voters at the meeting as to who and how they would like the Selectmen to choose for CEO. This advice from the floor would be non-binding on the Selectmen but at least you could get a sense of what the voters want.

Best regards, Bob

2 attachments



Appt of CEOs.pdf
136K



Suggested Warrant Article dealing with the Codes Enforcement Officer.docx
17K

Maine Revised Statutes
Title 38: WATERS AND NAVIGATION
Chapter 3: PROTECTION AND IMPROVEMENT OF WATERS

§441. CODE ENFORCEMENT OFFICERS

(REALLOCATED FROM TITLE 12, SECTION 4812-C)

1. Appointment. In every municipality, the municipal officers shall annually by July 1st appoint or reappoint a code enforcement officer, whose job may include being a local plumbing inspector or a building official and who may or may not be a resident of the municipality for which that person is appointed. The municipal officers may appoint the planning board to act as the code enforcement officer. The municipal officers may remove a code enforcement officer for cause, after notice and hearing. This removal provision only applies to code enforcement officers who have completed a reasonable period of probation as established by the municipality pursuant to Title 30-A, section 2601. If not reappointed by a municipality, a code enforcement officer may continue to serve until a successor has been appointed and sworn.

[2007, c. 2, §25 (COR) .]

2. Certification; authorization by municipal officers. No person may serve as a code enforcement officer who is authorized by the municipal officers to represent the municipality in District Court unless that person is currently certified under Title 30-A, section 4453, as being familiar with court procedures.

Upon written authorization by the municipal officers, a certified code enforcement officer may serve civil process on persons whom that officer determines to be in violation of ordinances adopted pursuant to this chapter and, if authorized by the municipal officers, may represent the municipality in District Court in the prosecution of violations of ordinances adopted pursuant to this chapter.

[1997, c. 296, §11 (AMD) .]

3. Powers and duties. The duties of the code enforcement officer shall include the following:

A. Enforce the local shoreland zoning ordinance in accordance with the procedures contained therein; [1985, c. 481, Pt. A, §29 (RAL) .]

B. Collect a fee, if authorized by a municipality, for every shoreland permit issued by the code enforcement officer. The amount of any such fee shall be set by the municipality. The fee shall be remitted to the municipality; [1985, c. 481, Pt. A, §29 (RAL) .]

C. Keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected; and [2013, c. 320, §14 (AMD) .]

D. Investigate complaints of alleged violations of local land use laws. [1985, c. 481, Pt. A, §29 (RAL) .]

[2013, c. 320, §14 (AMD) .]

“Municipal Officials Required by Statute,” “Legal Notes,” *Maine Townsman*, June 1999
(Revised February 2010)

Question: We smaller towns sometimes have difficulty recruiting enough qualified people to fill local offices. Can you tell us which municipal officials are statutorily required?

Answer: Sure. The following is a list, in alphabetical order, of all the municipal officials we could think of, elected or appointed, who are required by State law:

Animal Control Officer. Appointed; must be State-certified; may not have been convicted of civil or criminal cruelty to animals (7 M.R.S.A. § 3947).

Assessor(s). Elected or appointed, depending on town meeting designation; if elected, must be a board of at least three; if appointed, must be a single assessor (30-A M.R.S.A. § 2526(5)); if assessors are not separately chosen, the selectmen shall be the assessors (36 M.R.S.A. § 703); full-time, professional assessors must be State-certified (36 M.R.S.A. § 327(3)).

Board of Appeals. Required in any municipality that adopts a zoning ordinance (30-A M.R.S.A. § 4353); appointed, unless, by ordinance, elected; must be a board of five or seven, except in municipalities with less than 1,000 residents, in which case the board may consist of three (30-A M.R.S.A. § 2691(2)(A)).

Building Inspector. Required in municipalities with more than 2,000 residents; appointed; must be “skilled in the construction of buildings” (25 M.R.S.A. § 2351).

Civil Emergency Preparedness Agency Director. Appointed, except in municipalities not required to have their own local agency, in which case a liaison officer must be appointed; may not be a municipal officer (37-B M.R.S.A. § 782(1)).

Clerk. Elected or appointed, depending on town meeting designation (30-A M.R.S.A. § 2525(2)).

Code Enforcement Officer. Required in any municipality with shoreland zoning; **appointed;** may be the planning board; may also be plumbing inspector and building inspector (38 M.R.S.A. § 441(1)); must be State-certified (30-A M.R.S.A. § 4451).

Suggested Warrant Article dealing with the Codes Enforcement Officer

To see if the Town will adopt amendments to the Town of Isle au Haut Zoning Ordinance text in Section VII (B)(2) to replace the current text of

“2. The chairman of the Planning Board shall serve as Cole (sic) Enforcement Officer. The secretary of the Planning Board shall serve as deputy and alternate Code Enforcement Officer. The Secretary will act in the Chairman’s absence or incapacity. The Planning Board may name a second deputy and alternate Code Enforcement Office to serve in the Secretary’s absence or incapacity.”

with the following text:

“2. Codes Enforcement Officer. The Selectmen shall appoint a Codes Enforcement Officer following each Annual Town Meeting to serve a term of one year. The Codes Enforcement Officer must become Certified by the State within one year of appointment in accordance with 30-A M.R.S.A. §4451.”

And to see what guidance the Meeting may give the Selectmen in the choice of Codes Enforcement Officer.



Robert Gerber <aframe73@gmail.com>

Fedosh subdivide

Mike Fedosh <mikefedosh@gmail.com>

Wed, Jan 13, 2016 at 9:01 PM

To: Bob Gerber <aframe73@gmail.com>

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

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

Mike

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

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

400. Methods of Qualification:

A. Education

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

B. Experience

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

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

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

Best regards, Bob

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

Hi Bob,

I figured to send a clean email to you.

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

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

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

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

Mike



Robert Gerber <aframe73@gmail.com>

Fedosh Lot Split

2 messages

Mike Fedosh <mikefedosh@gmail.com>
To: Robert Gerber <Aframe73@gmail.com>

Fri, Feb 5, 2016 at 6:04 AM

Hello Bob on a snowy morning here in NJ. Checking the email I found that the weather had Sage Collin indoors playing with the proposed lot split survey following your recommendations.

attached is his adjusted map & the calculations they performed. below is Sage's email to summarize his processed. I know you'll get back to me on your assessment & what the next move shall be.
mike fedosh

It is a rainy morning on the Maine coast so we worked on your project. IAH zoning and lot sizing are complicated but the formulas are very specific. We adjusted the shore line to LiDAR based on the HAT line (Highest Annual Tide) and did our calculations from that. According to our calculations the lots meet minimum zoning as previously surveyed.
Attached are pdf's of the survey and a table of the calculations that we used.
Let me know if this is acceptable with Bob.
Thanks,
Sage

2 attachments



160202 line adjust.pdf
562K



160202 Property Calcs adjust.pdf
76K

Bob Gerber <aframe73@gmail.com>
To: Mike Fedosh <mikefedosh@gmail.com>

Mon, Feb 8, 2016 at 4:29 PM

Mike, I have looked at the calculations and in checking them realized that I made a mistake in my own original spreadsheet for the weighted lot area calculations. Fortunately, that did not throw your surveyor off as he calculated the weighted lot areas required correctly. I am attaching a copy of my original spreadsheet, corrected, just to clear that up.

However, in re-doing the calculations for the spaghetti lot test, I still came out about the same as I did before: you fail the test on the southern lot. When I looked at your surveyor's calculations, the problem is that I cannot reproduce his chord length of 286' on the southern lot, where I calculate you need 270' and only have 257'. When I came up with that number I thought it was familiar and in looking back at my original calculations I found it was the same. The surveyor did not change the lot design from the first plan to the second plan. Without having some coordinates for some of the corners on your lot, I just rubbersheet your plan as best I can to my ArcGIS base. Then I just run a digital planimeter around to measure things as without coordinate data to work from there is no point in calculating exact geometry. In your case I probably have an accuracy of +/- 0.1 acre for area and +/- 10' for length. Since it appears that your plan was not changed from the original plan, so all I was doing in my latest calculations was checking my original planimentering.

I think one thing where there may be some differences between what I am doing and what your surveyor is doing is where we are defining the lot corners on the west. I am using the centerline of the road, not the offset for an

assumed road right-of-way. Based on the information Bill Stevens provided to the Board on the Tully Pond subdivision, there is only a prescriptive easement to the Town for the road, but your fee interest goes to the centerline. Since our ordinances do not prescribe that we should exclude the road easement area from the lot area calculations, the Planning Board adopted the convention of doing calculations involving lot area and lot line lengths based on measuring from the center of the road except for those few areas on the island where the roadway area was acquired by fee interest.

So, although there is no issue with meeting the minimum lot areas in the proposed division, you need to move the eastern intersection of the dividing lot line northward somewhat in order to meet the spaghetti lot test.

Bob

[Quoted text hidden]

2 attachments



Min. Lot Size Calcs.pdf

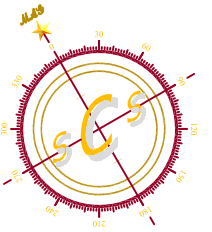
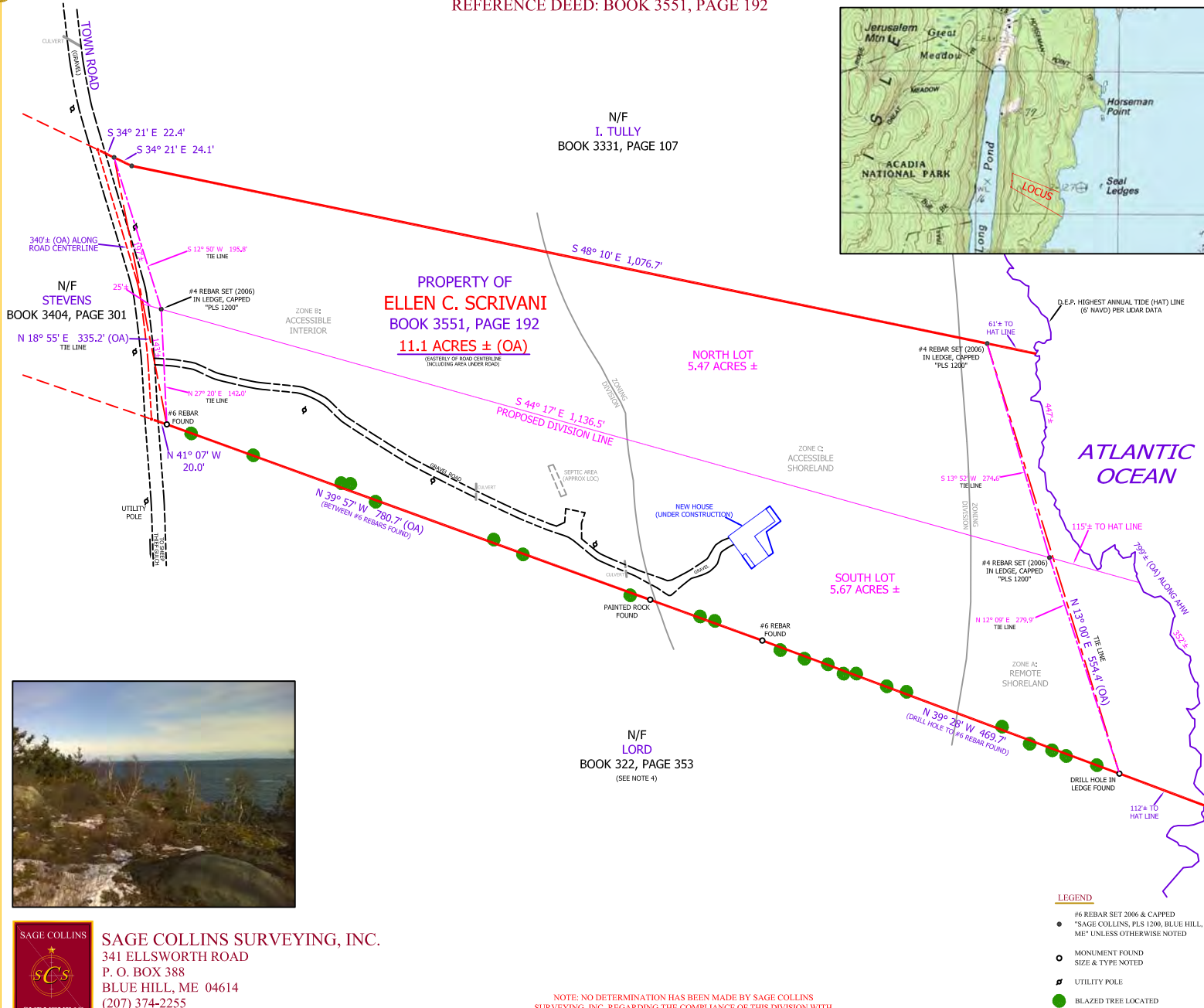
62K



RGG 2nd calculations.pdf

180K

REFERENCE DEED: BOOK 3551, PAGE 192



(SEE NOTE 1)

NOTES:

- 1) THE BEARINGS ON THIS PLAN HAVE BEEN ROTATED TO A PLAN BY KOLMAN TIMBERLAND CONSULTANTS, INC. ENTITLED "ISLE AU HAUT, KNOX COUNTY, MAINE, LOT DIVISION, PATRICK TULLY" DATED NOVEMBER 11, 1975.
- 2) THE HIGH WATERLINE SHOWN IS APPROXIMATE. BUILDING SETBACK LIMITS SHOULD BE DETERMINED AT THE TIME OF CONSTRUCTION BY FIELD MEASUREMENTS AND NOT SCALED FROM THIS PLAN.
- 3) THE FLOOD PLAIN LIMIT WAS NOT DETERMINED.
- 4) REFERENCE A PLAN BY PRENTISS & CARLISLE CO., INC. ENTITLED "LOTTING PLAN, ISLE AU HAUT, MAINE, CHARLES V. LORD" DATED JUNE 25, 1951 AND RECORDED AT THE C.C.R.D. IN PLAN BOOK 6, PAGE 7.
- 5) THE LOCATIONS OF WETLAND AREAS, INCLUDING BROOKS AND STREAMS, IF ANY, WERE NOT DETERMINED BY THIS OFFICE. IF WETLANDS OR THE SETBACKS THEREFROM ARE A CONCERN, A WETLANDS EXPERT SHOULD BE CONSULTED FOR AN ACCURATE DELINEATION.
- 6) THIS SURVEY IS BASED ON A PREVIOUS SURVEY BY SAGE COLLINS SURVEYING, INC. ENTITLED "BOUNDARY SURVEY OF THE CAROL J. & ROBERT F. LEONE, ELLEN C. SCRIVANI, WILLIAM F. STEVENS, IAN TULLY & KATHERINE TULLY PROPERTIES" DATED JULY 20, 2006. REFERENCE IS MADE TO THAT SURVEY FOR ADDITIONAL NOTES.
- 7) ALL ELEVATIONS AND DISTANCES SHOWN WERE ROUNDED TO THE NEAREST TENTH OF A FOOT (0.1'). BEARINGS HAVE BEEN ROUNDED TO THE NEAREST ONE MINUTE OF ARC (0' 01").
- 8) ELEVATIONS SHOWN ARE BASED ON AN ASSUMED DATUM AND ARE NOT N.G.V.D. 1929.

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

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

BOUNDARY SURVEY FOR



**TOWN ROAD,
ISLE AU HAUT,
KNOX COUNTY,
MAINE**



GRAPHIC SCALE: 1 INCH = 60 FEET

DATE DRAWN: OCTOBER 8, 2014
DATE LAST REVISED: FEBRUARY 4, 2016
DRAWN BY: N. M. SMITH

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
 February 4, 2016

Minimum Lot Size

North Lot	Zone Area	%	Min Lot Size	Contribution
Zone A	.62 ac	.11	10 ac	1.13 ac
Zone B	2.46 ac	.45	2 ac	.90 ac
Zone C	2.39 ac	.44	0.25 ac	.11 ac
	-----	----		-----
	5.47 ac total	1.0		2.14 ac Min Lot Size Requirement

** Lot meets min lot size requirement

South Lot	Zone Area	%	Min Lot Size	Contribution
Zone A	1.48 ac	.27	10 ac	2.70 ac
Zone B	2.27 ac	.40	2 ac	.80 ac
Zone C	1.92 ac	.33	0.25 ac	.08 ac
	-----	----		-----
	5.67 ac total	1.0		3.58 ac Min Lot Size Requirement

** Lot meets min lot size requirement

Spaghetti Lot Determination

North Lot	Shoreline HW Chord	Lot Line Lengths	Ave.	Min Shoreline Req'd
	310'	1183' & 1277'	1230'	246'

** Lot meets 'Spaghetti Lot' size requirement

South Lot	Shoreline HW Chord	Lot Line Lengths	Ave.	Min Shoreline Req'd
	286'	1277' & 1383'	1330'	266'

** Lot meets 'Spaghetti Lot' size requirement

Fedosh Property
Isle au Haut
February 4, 2016

Minimum Lot Size

North Lot		Zone Area	%	Min Lot Size	Contribution
Zone A	0.86	.62 ac	.15 .11	10 ac 1.5	1.13 ac
Zone B	2.71	2.46 ac	.46 .45	2 ac .92	.90 ac
Zone C	2.29	2.39 ac	.39 .44	0.25 ac	.11 ac
	<u>5.86</u>	-----	-----	0.7 1.27	-----
		5.47 ac total	1.0	2.69	2.14 ac Min Lot Size Requirement

** Lot meets min lot size requirement

South Lot		Zone Area	%	Min Lot Size	Contribution
Zone A	1.53	1.48 ac	0.26 .27	10 ac 2.6	2.70 ac
Zone B	2.45	2.27 ac	.42 .40	2 ac 0.83	.80 ac
Zone C	1.92 2.45	1.92 ac	.33 .33	0.25 ac .23	.08 ac
	<u>5.90</u>	-----	-----	0.7 1.23	-----
		5.67 ac total	1.0	3.66	3.58 ac Min Lot Size Requirement

** Lot meets min lot size requirement

Spaghetti Lot Determination

North Lot	Shoreline HW Chord	Lot Line Lengths	Ave.	Min Shoreline Req'd
	310' 335'	1183' & 1277'	1230'	246' 254'
		1199 + 1338	1268	

** Lot meets 'Spaghetti Lot' size requirement

South Lot	Shoreline HW Chord	Lot Line Lengths	Ave.	Min Shoreline Req'd
	286' 257'	1277' & 1383'	1330'	266'
		1338 + 1365	1351	270'

** Lot meets 'Spaghetti Lot' size requirement

Min. Lot Size Requirements per Isle au Haut Town Zoning Ordinance, Section VI (G)

	Zone B Area (Acres)	Contr. To Min Req	Zone C Area	Contr. To Min Req	Zone A Area	Contr. To Min Req	Total Prop. Area		Total Weighted Min. Lot Size Req.
Northern Lot	2.75	0.92437	2.35	0.27647	0.85	1.42857	5.95		2.629412
Southern Lot	2.48	0.84354	1.9	0.22619	1.5	2.55102	5.88		3.620748
Totals for Orig. Lot	5.23	0.88419	4.25	0.25148	2.35	1.98648	11.83	Acres	3.122147

Note: These areas are based on the current plan. If the dividing line is moved, the numbers will change.

Spaghetti Lot Calcs

	Shoreline Chord at MHW (ft)		Ave. of two lot line lengths		Min. Shoreline Chord Dist. Req.
Northern Lot	345		1264		252
Southern Lot	257		1352		270

POMEROY APPLICATION

DATE SUBMITTED: JANUARY 20, 2016

APPLICANT: WENDY POMEROY
1 SALT MARSH LANE
KITTERY POINT, ME 03905
207.439.8791
wmpom@comcast.net

AGENT: MATTHEW HAUT SKOLNIKOFF
P.O. BOX 77
ISLE AU HAUT, ME 04645
207.335.2111
mattsko@tds.net

PROPERTY LOCATION: BIRCH POINT, ISLE AU HAUT

TYPE OF WORK: CLEARING FOR DRIVEWAY CONSTRUCTION & ROAD CONSTRUCTION

TIMELINE: CLEARING FEBRUARY-APRIL 2016, DRIVEWAY CONSTRUCTION MAY-JUNE 2016

ZONING: THE ENTIRE PROJECT IS LOCATED WITHIN 250 FEET OF M.H.W., NONE OF IT LOCATED WITHIN 75 FEET OF M.H.W., AREA IS ZONED LIMITED RESIDENTIAL UNDER SHORELAND ZONING, AREA IS ZONED ACCESSIBLE INTERIOR UNDER I.A.H. ORDINANCE

PROJECT DESCRIPTION:

WENDY IS EVENTUALLY GOING TO BUILD A SINGLE, SMALL HOME ON THE WESTERN SIDE OF BIRCH POINT. THIS APPLICATION IS ONLY FOR THE CONSTRUCTION OF A DRIVEWAY TO THE POTENTIAL HOUSE SITE FROM THE EXISTING BIRCH PONT ROAD. DRIVEWAY WILL TUCK IN JUST BEHIND THE EXISTING GARAGE FORMERLY OWNED BY POMEROY, SQUIGGLE AROUND A SMALL WET AREA, PROCEED THROUGH BLOW DOWNS AND DEAD STANDING TREES - ALL ACROSS FLAT TO GENTLY SLOPING LAND - TO AN AREA APPROXIMATELY 100 FEET FROM THE SHORE ON THE WESTERN SIDE OF BIRCH POINT. DRIVEWAY WILL BE UP TO 12 FEET WIDE (SINGLE LANE) CONSTRUCTED BY BILL STEVENS. ONLY ONE SMALL CULVERT MAY BE NEEDED UPLAND OF THE SMALL WET AREA THOUGH THERE IS NO ACTIVE RUNOFF OR STREAM THERE. TREE CUTTING IS TO BE KEPT TO A MINIMUM WITH THE DRIVEWAY WINDING THROUGH LIVE TREES AT BOTH ENDS OF IT AND

THROUGH A LARGE AREA OF BLOWDOWNS AND DEAD STANDING TREES IN THE MID-SECTION. CLEARING AND LIMBING MAY BE UP TO 25 FEET IN WIDTH. AS THERE ARE NO SLOPES IN THE AREA AND THE DRIVEWAY IS NOT GOING TO BE LOCATED NEAR ANY WETLANDS OR WATER NO ADDITIONAL EROSION CONTROL MEASURES ARE NEEDED. AS THE DRIVEWAY IS ONLY INTENDED TO SERVE ONE SEASONAL HOUSE IT WILL BE ADEQUATE FOR THE TRAFFIC LIKELY TO BE CREATED AND THE EXISTING BIRCH POINT ROAD IS ADEQUATE FOR THE ADDITIONAL TRAFFIC THIS ONE HOUSE WILL ADD TO ITS USE.

TOTAL LENGTH OF DRIVEWAY WILL BE APPROXIMATELY 675 FEET

ATTACHMENT #1:

LETTER FROM WENDY POMEROY AUTHORIZING MATTHEW SKOLNIKOFF AS HER AGENT FOR THIS APPLICATION

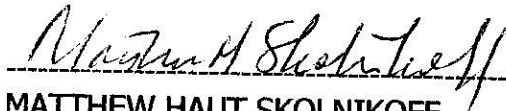
ATTACHEMENT #2:

DRAWING OF PROPOSED LOCATION OF DRIVEWAY

NOT ATTACHED TO ORIGINAL APPLICATION ON 1/20/16:
DEEDS/EASEMENTS/RIGHTS OF WAY FROM FILLER AND MATHIAS FOR FIRST 100 FEET OF NEW DRIVEWAY THAT WILL CROSS THEIR PROPERTIES. THESE DOCUMENTS HAVE ALREADY BEEN EXECUTED AND COPIES WILL BE PROVIDED TO THE PLANNING BOARD FORTHWITH. BOTH THE FILLERS AND THE MATHIASSES HAVE BEEN NOTIFIED AND CONSULTED ABOUT THE LOCATION OF THE NEW DRIVEWAY AND HAVE INDICATED THEIR CONSENT.

REQUIRED STATEMENT:

"The information in the application is complete and correct."



MATTHEW HAUT SKOLNIKOFF
FOR WENDY POMEROY

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

20 January, 2016

Planning Board
Isle au Haut, Me

To Whom it may concern,

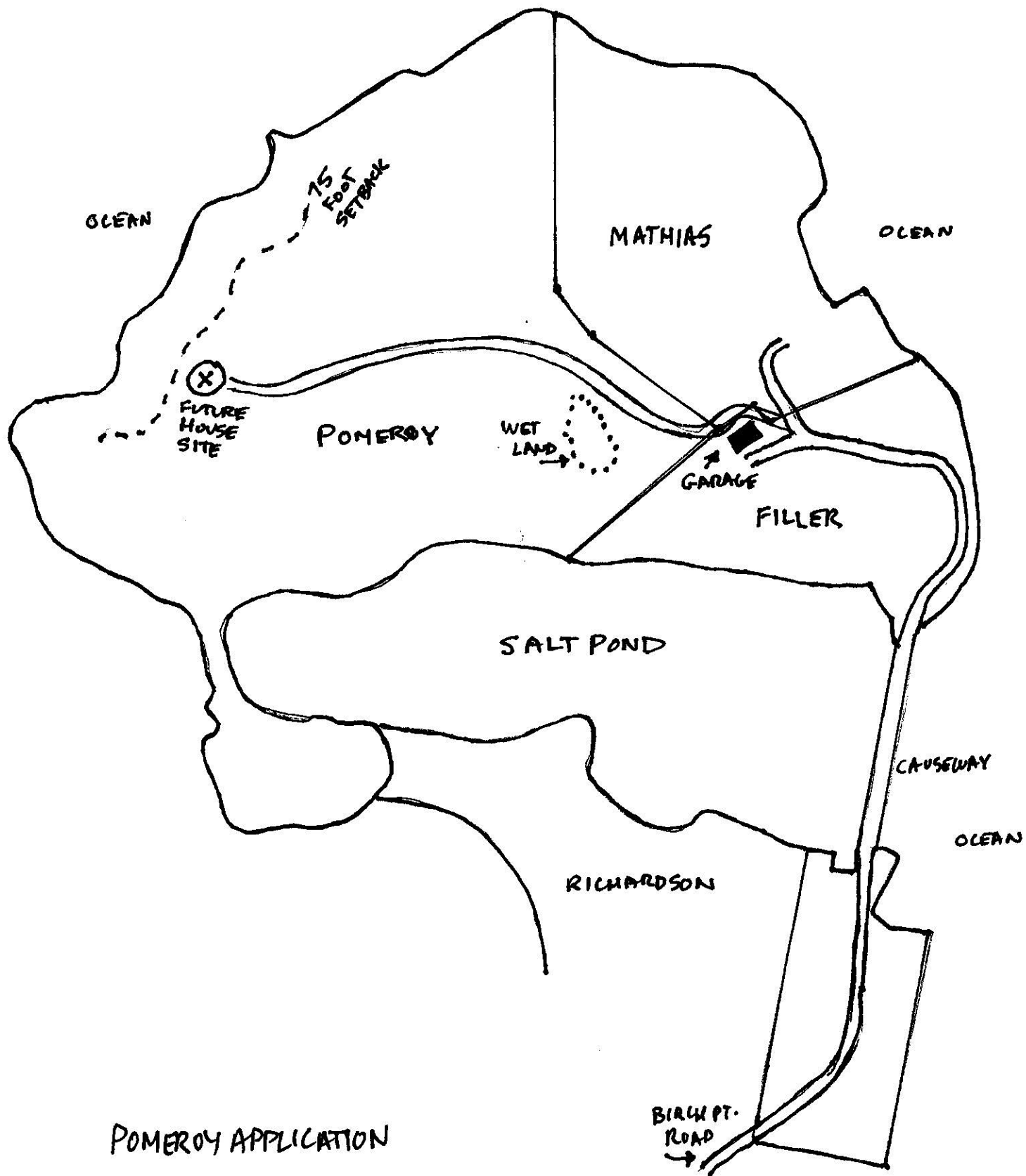
I have asked Matthew Skolnikoff to act as my agent in obtaining a permit to prepare for a drive being installed on my property on Birch Point, Isle au Haut, ME.

This drive will be crossing the Filler property, and Mathias property, where there have been legal rights of ways prepared in the Deeds of each of those properties, and then will cross in a westerly direction within the bounds of the Pomeroy property.

Thank you for your attention,

A handwritten signature in black ink, appearing to read "Wendy M Pomeroy". The signature is fluid and cursive, with the first name "Wendy" being more prominent and the last name "Pomeroy" following in a similar style.

Wendy Pomeroy



0 75 150
FEET

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



Jan. 22, 2016

Matthew Skolnikoff
P.O. Box 77
Isle au Haut, ME 04645

(as agent for Wendy Pomeroy)

Re: Pomeroy Application for road construction on Birch Point

Dear Matthew:

The Planning Board received your application for the Pomeroy driveway construction on Birch Point. As Chairman of the Board and in the absence of a Codes Enforcement Officer, I do the review of new applications for completeness and compliance with the Town Zoning Ordinance and State-mandated Shoreland Zoning Ordinance.

After reviewing your 4 page application, I have the following comments:

- 1) If I read this application correctly, this is for both clearing and construction of a road access to a future house site on the west side of Birch Point.
- 2) The Planning Board needs evidence of right, title or interest in both the Pomeroy property and the Filler and Mathias properties over which the road construction will occur. We would need a surveyor's map of the Pomeroy lot or at least a description of the metes and bounds on the lot lines separating Pomeroy from Mathias, Filler, and Richardson. These documents have not yet been submitted but will be required in order to declare the application complete.
- 3) The Isle au Haut Tax Map and Lot number must be supplied with the revised application. Bill Stevens, as an Assessor, should be able to supply that.
- 4) You stated in your application that under the Town Zoning Ordinance the Pomeroy lot is zoned as Accessible Interior. In fact it is zoned as Zone C, Accessible Shoreland, by both the word description in Section IV and on the map. This should be corrected in the revised application.
- 5) I have taken your rough sketch and georeferenced it to the best of my ability in ArcGIS so that your proposed road could be placed on the 2-foot contour map, overlaid on the zoning maps, and on the latest aerial photo. This allows for some quick checks on other requirements of both ordinances. I have provided some plan maps on these more accurate base maps to help you out in your planning. It appears all the dimensional and land use standard requirements of both ordinances can be met. I'll do a final check after the boundary lines can be located more accurately from the survey or boundary line descriptions.

deal, particularly for your project. I am not going to do that design for you, but I will go out in the field and talk it over with Bill Stevens, who I presume will be doing the earthwork, and help him come up with a simple plan and narrative that covers this base. I have done it with Bill before and there should be no problem. The main thing is just getting Bill to commit the time to walk the site with me and then to write his own narrative as to what will be done. I help Bill do his basic plan map once the concept is agreed to. When I come out in March I'll set up a time ahead with Bill to do the site walk and ask Bill to let you know when that will be so you can be there, too, if you want to.

The only other issue which we have not talked about to date is the management of the brush, limbs, and stumps from the road construction. The Town Zoning Ordinance (Sec. VII(A)(6)(c)) has a standard that deals with fire hazard. The Planning Board asks applicants that are doing clearing like this to provide a brief narrative of what they intend to do with the woody materials they will be cutting and presumably piling and concentrating somewhere. Since there are no large chippers on the island, everything I have seen to date is that the small stuff and stumps are burned, either onsite or in Bill's pit or some other safe place. Logs and other material that might eventually be burned in a stove or fireplace can be cut and stacked onsite. So just provide a brief statement of how the wood, limbs, and brush cut from the driveway area will be managed.

Best regard, Bob

[Quoted text hidden]

2 attachments



Pages from 2008shoreland_zoning_manual.pdf

199K



Erosion & Sed Control Req from Shoreland Zoning Ordinance.pdf

39K

Application Processing Documentation

Applicant Name: _____ Agent Name: Matthew Skolnikoff

Applicant or Agent Address: P.O. Box 77

Isle au Haut, ME 04645

Applicant or Agent Phone & Email: 207-335-2111 mat@sko@tds.net

Tax Map No. _____ Tax Map Lot _____

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

Proposed Land Use: Driveway construction

Subdivision: Yes _____ No X If yes, see other checklist $\sim 315,000 \text{ ft}^2$

$$+ 42,400$$

$$\frac{357,400 \text{ ft}^2}{43,000} = 8.2 \text{ A}$$

Date of First Written Application Submission: 1/22/16; Rev1 _____ Rev2 _____

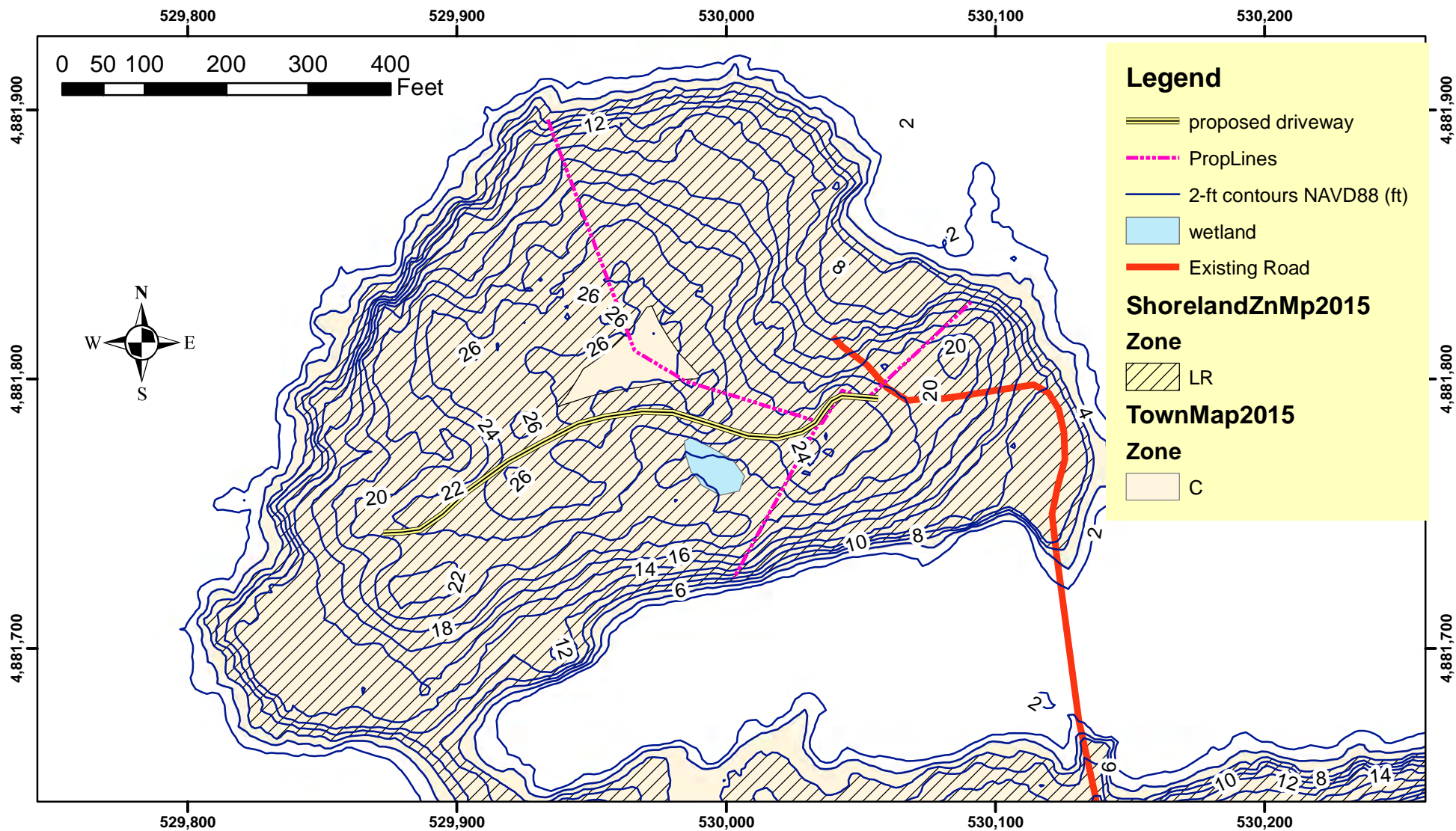
Date of First Response on Completeness: 1/22/16; Rev1 _____ Rev2 _____

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	<u>✓</u>
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	<u>N/A</u>
6	Description of Water Supply and Estimated Daily Water Demand	<u>N/A</u>
7	Description of Proposed Safety Measures for any Haz or Dangerous Mtl	<u>N/A</u>
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.	
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Contour and Zoning Map for Pomeroy Property Driveway Application
 Boundary lines are approximate, based on Skolnikoff Sketch Plan
 Grid is UTM NAD83, Zone 19N (m)
 RGG 1/22/16

Birch Point
 Town of Isle au Haut



Google earth

Imagery Date: 6/22/2014 19 T 529973.56 m E 4881801.26 m N elev 8 m eye alt 236 m



Robert Gerber <aframe73@gmail.com>

Pomeroy Permit Application

mattsco@tds.net <mattsco@tds.net>

Tue, Feb 16, 2016 at 3:35 PM

To: Bob Gerber <aframe73@gmail.com>

Cc: Pomeroy wendy <wmpom@comcast.net>

TO: MR. ROBERT GERBER, ISLE AU HAUT PLANNING BOARD

FROM: MATTHEW SKOLNIKOFF, AGENT FOR WENDY POMEROY

RE: POMEROY TREE CLEARING & DRIVEWAY CONSTRUCTION PERMIT APPLICATION

DATE: FEBRUARY 16, 2016

In response to the 7 point letter, dated 1/22/16, received from the acting Planning Board Chairman:

1. Yes, this is a permit application for both the clearing and the construction of a new, single lane driveway. However, as the tree clearing is completely straightforward while the driveway construction requires, per your notes, additional submissions we are requesting that you either separate out the two components of the project or approve the entire original application with the road construction component of the project conditioned upon the construction-related additional documentation you require being completed and reviewed to your satisfaction.
2. I have provided Ms Pomeroy with your Cape Elizabeth address so that she mail copies of deeds and easements/rights-of-way to you directly. She has indicated that she has yet to receive the final copies of the documentation from her lawyer that you require but it is completed and it will be submitted forthwith. Whether that will be before your 2/24/16 meeting I don't know.
3. Ms. Pomeroy's original lot obviously had an IAH tax map/lot number originally. Late in 2015 she sold one part to the Fillers and retained all the undeveloped portions of her original parcel. Presumably either the lot she sold or the lot she retained will have the same lot number and the other one will have the same number but with an "A" attached. However, as you know, our municipal government is all but defunct and the Assessors have not been able to do their jobs as a result. Therefore, no new lot number has been ascribed by them. I suggest you ask Bill Stevens, Board of Assessors, Town of Isle au Haut, for the map/lot number in order to confirm or clarify this point or next time you are in the town office, which is kept locked so I have no means to access it, that you avail yourself of the most recent Assessors books and look up the tax map/lot number.
4. Correct, I had meant to say Accessible Shoreland, not Accessible Interior. I measured. There is hardly any land on Birch Point more than 250 feet from the shore so I am aware that this almost all of the proposed work falls into the Shoreland zone, if barely.
5. I was not aware that geo-referencing and satellite imagery were required for a permit application in Isle au Haut. Your maps, however, are incorrect and I have attached a more specific hand drawn sketch based on the Google Earth image you sent to me on 1/22/16. The route corrections are at both extremes/ends of the proposed driveway and note the 25+ foot clearance from the seasonal wetland. Please also note that the Google Earth image is woefully outdated and since the image was taken a lot more of the interior of Birch Point has blown down. With the exception of the trees that need to be limbed and/or cut immediately behind the Filler garage and the last 100 feet or so at the other end by the proposed eventual new Pomeroy house site the entire project are traverses what is now an area of extensive blowdowns, leaning trees, and dead standing trees. This project is designed to have the most minimal impact possible and only the width of the driveway and a little additional width to allow vehicles to pass safely over the driveway will be cleared. All future utilities will be on-ground and no additional clearing is required for utility poles alongside the driveway. In addition, the driveway will follow the most

level possible route so as to minimize the need for costly fill. At all times the driveway will be 25 feet or more from the small, seasonal wet area as indicated on all maps concerning this project. If you must rely on more technical mapping than my hand drawn sketch then the map with contours that you sent me is more accurate than the Google Earth image you sent me with your additions of boundary lines, etc.

6. All clearing and driveway construction shall be at least 25 feet or more from the seasonal wet area in order to be in compliance with the DEP NRPA Chapter 305 requirements. I was not aware that it was the town's responsibility to enforce this state law. If you will be requiring us to fill out and submit to you any paperwork with the DEP for Chapter 305 compliance as a condition of this permit I kindly ask you to be up front about this now.

7. Although erosion and sedimentation will not be an issue as a result of any of this project - the entire project is on flat, stable ground barely even in the Shoreland Zone let alone near any waters or wetlands - I understand that you are requiring us to submit an erosion and sedimentation plan as a condition of approving the construction portion of this permit application. I will ask Bill Stevens to do so and then to submit it directly to you via email or to your Cape Elizabeth address. I do not know when he will be able to complete this additional task as I understand he is going out of state shortly. This is another reason we are requesting the permit be approved conditioned upon the submission of said erosion and sedimentation control plan being received and approved by you personally prior to the actual construction of the driveway. Tree clearing must be completed in March/April.

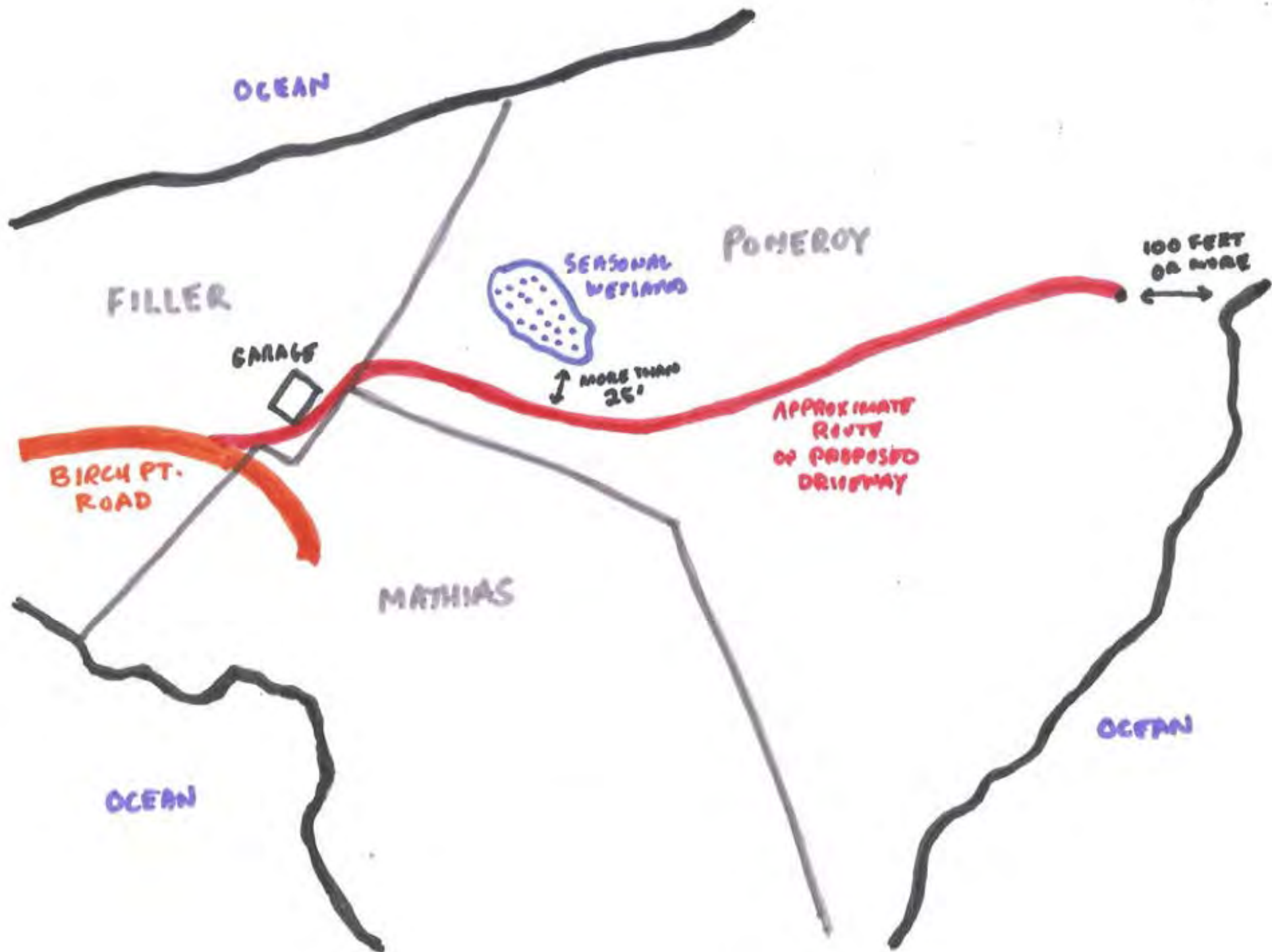
If you require further documentation please inform me post haste so that all matters can be resolved quickly.

This email is the official response to your letter to Matthew Skolnikoff, Agent for Wendy Pomeroy, dated January 22, 2016. No hard copy is being sent.

Attachment: ONE - New sketch of proposed driveway route based on Google Earth image as amended by Bob Gerber. Sketch date: 2/16/16



POMEROY 2nd SITE SKETCH 02 16 16.jpg
72K





Robert Gerber <aframe73@gmail.com>

Pomeroy Permit Application

Bob Gerber <aframe73@gmail.com>

Sat, Feb 20, 2016 at 4:36 PM

To: "mattsko@tds.net" <mattsko@tds.net>

Matthew, I did not receive anything yet from Ms. Pomeroy on the deed description. I have not received anything from Bill Stevens, either, on the erosion and sediment control plan. I am going to be away from mail and email from Monday until Friday, so we will have to postpone consideration of the driveway permit until the March Planning Board meeting. As soon as that meeting is scheduled, I'll let you know. I contacted Bill this week to see if he and I could get together this coming week, but he left yesterday and will be gone at least 2 weeks. So we will try to get out there in March to come up with a basic plan.

On the Pomeroy tax map and lot number, just a reminder that it is not my responsibility to gather the information required for your application. I help where I can, which is primarily in the map-making, but I don't do it all. I have to file a report with the Maine DEP every two years to summarize permits issued under Shoreland Zoning and one of the things they ask for is tax map and lot number. I think the usual convention is to leave the original lot number with the original owner when a lot is split in two, so for now we'll assume that Ms. Pomeroy will keep her original Map and Lot number of Map 1, Lot 7. The Filler lot would probably become Lot 7A. But since you see Bill Stevens more than I do in the winter months, you should ask him if that is a correct assumption.

The maps I sent to you I do as both a courtesy to the applicant and as a way to make the plans more definitive so someone 20 years from now will be able to reproduce what the zoning was at the time, where the object being permitted was located, etc. The Board does not require this of the applicant but I produce these maps based on the best available data that the applicant supplies to me and then make this the official map upon which the permit is based. So I use ArcGIS as software and a standard coordinate system such as UTM or Maine State Plane, put on map scales and north arrows (which your most recent sketch does not have), and other information such as 2' contours, zone boundaries, and orthophoto bases that help the Board get a better feel for the lay of the land and where objects will be located relative to existing features. When I get the deed description of the Pomeroy property boundaries, I will plot those on the map, too. If you believe my maps to be wrong, then you'll have to provide a more accurate plan than mine such as a surveyor could produce and put his/her professional seal on it. There are a number of historical orthophotos for Isle au Haut, dating back to 1998 as the earliest version. The Google Earth photo I sent to you with the driveway overlaid on it was produced by georeferencing your original sketch on the 2008 orthophotos which are the highest quality currently available from the Maine Office of GIS. Then I traced your driveway from the georeferenced sketch and saved it as a kml file and plotted it on a more recent orthophoto from Google Earth. As you can see on the bottom right corner of that photo I sent to you, it says it was taken 6/22/2014, so it is not that out of date. If you have a more recent orthophoto, please provide it with your application.

The Planning Board does not enforce the DEP NRPA or any other state statutes not specifically administered by Town Planning Boards. However, it is incumbent upon the Planning Board to warn applicants if they see that a possible state permit is required in addition to Planning Board permits, and the Planning Board attempts to avoid approving a land use that is not allowed under other State statutes and rules. This is pointed out in Chapter 4(A) (5) of the MUNICIPAL CODE

ENFORCEMENT OFFICERS TRAINING AND CERTIFICATION MANUAL, the pertinent section of which is attached. From my perspective, as long as the clearing and grubbing is no closer than 25' from the edge of the wetland and appropriate sediment and erosion control measures are used, the Planning Board will not be requiring any other proof that you are complying with NRPA.

The need for the sediment and erosion control plan is spelled out explicitly in Section 15(Q) of the Town's Shoreland Zoning Ordinance. I have attached a copy of the pertinent section of the Ordinance. Notice it uses the mandatory word "shall". The Planning Board cannot waive this requirement. However, it is not that big a

deal, particularly for your project. I am not going to do that design for you, but I will go out in the field and talk it over with Bill Stevens, who I presume will be doing the earthwork, and help him come up with a simple plan and narrative that covers this base. I have done it with Bill before and there should be no problem. The main thing is just getting Bill to commit the time to walk the site with me and then to write his own narrative as to what will be done. I help Bill do his basic plan map once the concept is agreed to. When I come out in March I'll set up a time ahead with Bill to do the site walk and ask Bill to let you know when that will be so you can be there, too, if you want to.

The only other issue which we have not talked about to date is the management of the brush, limbs, and stumps from the road construction. The Town Zoning Ordinance (Sec. VII(A)(6)(c)) has a standard that deals with fire hazard. The Planning Board asks applicants that are doing clearing like this to provide a brief narrative of what they intend to do with the woody materials they will be cutting and presumably piling and concentrating somewhere. Since there are no large chippers on the island, everything I have seen to date is that the small stuff and stumps are burned, either onsite or in Bill's pit or some other safe place. Logs and other material that might eventually be burned in a stove or fireplace can be cut and stacked onsite. So just provide a brief statement of how the wood, limbs, and brush cut from the driveway area will be managed.

Best regard, Bob

[Quoted text hidden]

2 attachments



Pages from 2008shoreland_zoning_manual.pdf

199K



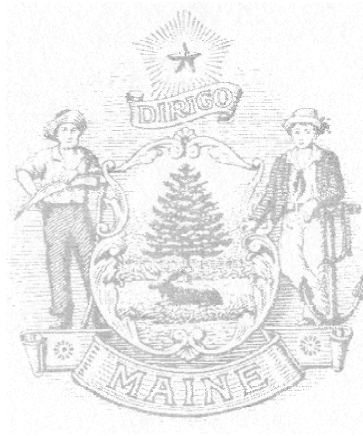
Erosion & Sed Control Req from Shoreland Zoning Ordinance.pdf

39K

15. Q Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and revegetation of disturbed soil.
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or riprap. 1
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

MUNICIPAL CODE ENFORCEMENT OFFICERS TRAINING AND CERTIFICATION MANUAL



Shoreland Zoning With Incorporation of Best Management Practices

**184 State Street, Augusta, Maine 04333
www.maine.gov/spo**

**Executive Department ~ State Planning Office
July 2008**

Chapter 4 (A) 5

Relationship of Shoreland Permits to Other State and Federal Permits

Sometimes parts of large developments, as proposed in a subdivision plan or a site development plan, are located in a shoreland district. In such a case, other State laws or federal laws may affect the proposed land use. The CEO should be familiar with all of the State and federal laws that may be pertinent. Similar to the situation where multiple permits apply to an application locally, a local permit application that involves multiple jurisdictions cannot be used to meet the requirements of other jurisdictions. As a general rule, if different laws create conflicting regulations, the more restrictive regulations always take precedence. For example, a person may be able to obtain an NRPA permit by rule to place fill to within 25 feet of a great pond with the intent of creating a lawn. However, the shoreland zoning rules require the maintenance of ground cover and vegetation less than three feet in height. Therefore, the CEO must not permit the filling of the buffer area within 100 feet of the lake. It is important for the CEO to inform the applicant of these permit relationships at the outset.



Robert Gerber <aframe73@gmail.com>

Update on FEMA Flood Insurance Issues on Isle au Haut

Bob Gerber <aframe73@gmail.com>

Sat, Feb 20, 2016 at 1:07 PM

To: Bob Gerber <aframe73@gmail.com>

Bcc: gpguest@aol.com, cbguest@aol.com, hutchinsjeremy@hotmail.com, esmazzone@gmail.com, jistakai@msn.com, Pidden@mac.com, louis.hutchins@gmail.com, msghmazzone@yahoo.it, tekne@hotmail.com, jdavies@camden.rutgers.edu, Hdaviesphila@aol.com, Nicholas Filler <j.nicholas.filler@gmail.com>, "Cherington, Charles" <Charles@intervalecapital.com>, George Cole <gw.cole@verizon.net>, kbpjmp@yahoo.com, George Cogan <George.cogan@gmail.com>, jmcbean@gmail.com, Sarah Mathias <samathias@me.com>, Charles Mathias <cbmathias@yahoo.com>, Staige Davis <staige.davis@fourseasonssir.com>, scogan <scogan@stblaw.com>, Bill Calvert <billcalvert78@gmail.com>, Laura R Jacobus <lrjacobus@aol.com>, Gordon.donaldson@umit.maine.edu, sproctor@comcast.com, JuliaD <juliadoermann@hotmail.com>, Elizabeth Eustis <ESEustis@gmail.com>, Frank Streeter <fstreeter@mac.com>, dan ellis <danielse@usa.net>

After over a month of back and forth with FEMA and the State of Maine Flood Coordinator (for FEMA), I think I finally have most of the story that we need to know at this point. I have attached two documents that will bring you as up to date as I am. The first document, "LFD" is the official letter from FEMA to the Town. LFD stands for Letter of Final Determination. It is FEMA's notice to the Town of Isle au Haut that FEMA has finalized its flood map for the Town. The map shows the areas that FEMA has determined to be the 100-year floodplain and it only covers the coastal area. The second document is the chain of emails that I have had with FEMA and the State Coordinator over the past month to get clarifications based on what I read in the LFD.

Here is my summary of where we are:

The FEMA floodmaps become Effective on July 6, 2016, but the Town has one year from that date to "accept" the maps and adopt FEMA's model Floodplain Management Ordinance. We can ask to negotiate the terms of the Ordinance, but FEMA has to approve any changes we want to make. We cannot change the maps without a full blown Letter of Map Revision application and supporting calculations, etc., which at this point will be very expensive for any given property. The time to try to change the maps at reasonable cost was during the municipal appeal period which is now long past.

I have not yet identified anyone with a dwelling or major accessory structure in the proposed flood zone that has a government-backed mortgage on their building. If they did, they would get a notice shortly after July 6th from their mortgage holder that they must purchase flood insurance. Until the Town officially (by Town Meeting) adopts the flood maps and Ordinance, the Town will not be part of the National Flood Insurance Program (NFIP) and no one will be able to buy the federally-subsidized flood insurance through that program. However, if there is a huge storm and Town or private dwellings are damaged and FEMA declares this area of Maine as a federal disaster area, as long as the Town joins the NFIP within 6 months within our "year-of-grace" period, we would still be eligible for disaster relief funds.

Once the Town adopts the map and the Ordinance and asks FEMA to join the NFIP, FEMA will approve that request in about a month. It is at that point that you could contact your insurance agent and ask for flood insurance, should you want to purchase it. If you have an old house (I am not sure of the age at this point) and you buy the federal insurance, you may be eligible to buy flood insurance at a reduced rate called the "grandfathered" rate. You would have to individually look into this with your insurance broker once the Town joins NFIP as rates are dependent on your height above the flood elevation and other individual site factors.

The IAH Planning Board will be meeting this coming Wednesday night to discuss this and take a formal vote on whether to try to adopt the Ordinance before July 6th. My recommendation to the Board is going to be to postpone the Ordinance adoption process until the summer months when I can hold information meetings and describe the situation, describe the restrictions imposed by the Ordinance, and answer as many questions as

possible. This is a very complex issue and although it only affects a small fraction of the property owners of IAH, it could have a future impact on the Town resources such as the Town dock in terms of the availability to the Town of funds to help recover from storm damage. In the mean time, since there are now published flood maps, flood insurance may be available through private special market insurers such as Lloyd's of London, but the cost will be very high. Given the fact that no affected property appears to have a mortgage and there has been no flood insurance available on the island to date, and there have been very few (if any) flood losses over the years, the availability of insurance may be of less concern than the impact of the land use restrictions that the Ordinance will place on land in the flood zone. Also, the current State-imposed Shoreland Zoning Ordinance makes all floodplain areas a Resource Protection Zone (Section 13(A)(2)), which has a variety of land use ramifications.

So the plan is to hold some information meetings this summer and an official hearing on the Ordinance. As part of that process, we will take a very careful look at the model Ordinance language and see what we can negotiate with FEMA, if anything. I also plan this summer to see what I can do to make some modifications to the existing Shoreland Zoning Ordinance, and this is one area of that Ordinance, among others, that needs attention.

Best regards, Bob Gerber

2 attachments



LFD Jan 2016.pdf

99K



FEMA correspond Feb2016.pdf

148K



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
15NP-A (ID)

January 6, 2016

Landon DeWitt
Chairperson, Board of Selectmen
Town of Isle au Haut
Town Office
One Main Street
Post Office Box 71
Isle au Haut, Maine 04645-0071

Community: Town of Isle au Haut,
Knox County, Maine
Community No.: 230227
Map Panels Affected: See FIRM Index

Dear Mr. DeWitt:

This is to formally notify you of the final flood hazard determination for the Town of Isle au Haut, Knox County, Maine in compliance with Title 44, Chapter 1, Part 67, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the state coordinating agency, and shall be published in the *Federal Register*. In addition, this letter provides information about how your community may enroll in the National Flood Insurance Program (NFIP) to make flood insurance available to community residents and abate the effects of nonparticipation in the NFIP.

On January 31, 2014, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided you with Preliminary copies of the Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs) in your community, including elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). The proposed Base Flood Elevations (BFEs) for your community were published in *The Camden Herald*, *The Courier-Gazette*, and *The Republican Journal* on July 31, 2014, and August 7, 2014 and in the *Federal Register*, at Part 67, Volume 79, Pages 38929-38932, on July 9, 2014.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. The proposed FHDs for your community were appealed during that time. All technical data submitted in support of the appeal have been evaluated, and the appeal has been resolved. Therefore, the FHDs for your community are considered final. The final notice for FHDs will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on July 6, 2016. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

The FIRM provides the basis for actuarial premium rates for flood insurance policies. These rates reflect the degree of exposure of property to flood risks. Actuarial flood insurance rates are charged for all new construction started in identified SFHAs after the effective date of the FIRM for communities participating in the NFIP.

The actuarial flood insurance rates increase as the lowest-floor elevation (including basement) of new structures decreases in relation to the base flood elevations (BFEs). Conversely, building at a higher elevation can greatly reduce the cost of flood insurance. Hence, any structure not elevated above the established BFE is exposed to greater flood hazard than if it were properly elevated. In the event that flood insurance became available in your community at some future date, the applicable premium rate for flood insurance is required for most types of mortgages for homes located in the floodplain, the high flood insurance premiums would likely represent a hardship for those purchasing flood insurance.

On the effective date of the FIRM, a one-year compliance period begins during which time your community must adopt a floodplain management ordinance that meets the minimum Federal requirements of Section 60.3 (e) of the "National Flood Insurance Program and Related Regulations".

Communities that fail to adopt the required ordinance by the end of the one-year period are considered to be noncompliant and cannot participate in the National Flood Insurance Program (NFIP) until your community adopts the required ordinance. Nonparticipating communities become subject to the sanctions outlined in Section 202(a) of the Flood Disaster Protection Act of 1973. Flood insurance, Federal grants and loans, Federal disaster assistance, and Federal mortgage insurance are not available for the acquisition or construction of structures within the identified SFHAs in nonparticipating communities.

Because there are a number of ways to adopt the required floodplain management measures to join the NFIP, we suggest that you contact the Director, Mitigation Division, FEMA, Region I, in Boston, Massachusetts, at (617) 956-7506 for assistance. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Use of Flood Insurance Study (FIS) Data as Available Data*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627).

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis Rodriguez', with a stylized flourish at the end.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

cc: Community Map Repository
Douglas Stover, Code Enforcement Officer, Town of Isle au Haut
Albert Gordon, Chairperson, Planning Board, Town of Isle au Haut
Gregory Runge, Chairperson, Board of Appeals, Town of Isle au Haut
Susan MacDonald, Town Clerk, Town of Isle au Haut
Carl Maxey, Fire Chief, Town of Isle au Haut
William Stevens, Road Commissioner, Town of Isle au Haut
Ray Sisk, Director, Emergency Management Agency, Knox County
Kerry Bogdan, Senior Engineer, FEMA Region I
Sue Baker, CFM, State NFIP Coordinator, Maine Floodplain Management Program, Department
of Agriculture, Conservation and Forestry
Alex Sirotek, Regional Service Center, STARR Region I
Brett Holthaus, Project Manager, STARR Region I

Robert Gerber

From: Desaulniers, Robert <robert.desaulniers@fema.dhs.gov>
Sent: Tuesday, February 16, 2016 3:48 PM
To: Baker, Sue; Robert Gerber
Cc: Anderson, Karl
Subject: RE: Insurance guidance, etc.

Hi Sue, Karl, and Bob-

When you reference “grandfathered” premiums, I assume you may mean “subsidized” premiums for Pre-FIRM buildings as well. Neither the two “grandfathering” rules nor the Pre-FIRM subsidized premium would come into play for a community “new” to the program without a FIRM in place but both would be in play after the first FIRM is introduced and adopted with an official “initial FIRM” date recorded in the FEMA Community Status Book (namely FEMA has officially accepted the community’s membership).

As long as the community is coming into the NFIP under the “emergency” program (no FIRM in place and adopted), the “emergency” program rules would apply. The “emergency” program has no Preferred Policy option, low limits, does not use a flood zone in rating, and has its own premium table. After the initial FIRM is adopted, the “grandfathering” rules and Pre-FIRM subsidized premiums would come into play and policies issued under the “emergency” program would be rated using flood zone at the first renewal using zones determined from the “initial FIRM” (that is the official date used to determine Post-FIRM versus Pre-FIRM).

I know this is confusing and I may have missed the point of your questions altogether. Let me know if this makes sense.
Regards-Bob

Bob Desaulniers CPCU CFM ANFI AAI
Insurance Specialist
DHS-FEMA Region I - New England
617-832-4760 Direct
99 High St.
Boston, MA 02110

From: Baker, Sue [mailto:Sue.Baker@maine.gov]
Sent: Tuesday, February 16, 2016 2:30 PM
To: Robert Gerber
Cc: Anderson, Karl; Desaulniers, Robert
Subject: RE: Insurance guidance, etc.
Importance: High

Bob D –

Just to be safe, can you answer this one (see below)? My understanding is that grandfathering to Zone X goes away on April 1st so does adopting at town meeting have any benefits for them? They are not participating and unmapped until July 6th when the first FIRM goes effective.

Bob G – Just so you know, the town isn’t just automatically in the Program when they adopt. We need copies of the adopted ordinance and adopted resolution which we’ll forward to the FEMA regional office. FEMA Headquarters will approve and set the date when Isle au Haut would become a participating community. This can take up to 30 days or so.

Sue

~~~~~

Sue Baker, CFM  
NFIP State Coordinator  
Maine Floodplain Management Program  
Dept. of Agriculture, Conservation & Forestry  
93 SHS, 17 Elkins Lane  
Augusta, ME 04333-0093  
Direct Phone: 207-287-8063  
Fax: 207-287-2353  
[www.maine.gov/dacf/flood/](http://www.maine.gov/dacf/flood/)

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**From:** Robert Gerber [mailto:robert.gerber@ransomenv.com]  
**Sent:** Tuesday, February 16, 2016 2:19 PM  
**To:** Baker, Sue  
**Cc:** Karl Anderson (karl.anderson@fema.dhs.gov); Desaulniers, Robert (robert.desaulniers@fema.dhs.gov)  
**Subject:** RE: Insurance guidance, etc.

OK. That is good. Thanks for getting that clarification to me.

I am still a little foggy about whether it is possible for anyone to come into the program under the "grandfathered" rate structure. If no one can buy insurance under NFIP before the later of either the Effective date or the date of Town adoption, does that mean no one can buy under grandfathered rates, or does that mean only that people outside the SFHA can buy at grandfathered rates? If the Town were to adopt the Ordinance and resolution prior to the Effective date, could people buy at the grandfathered rates in between that time and the Effective date?

If you can get me answers to these last questions, then I'll be all set. The Town has a Planning Board meeting next Wednesday night at which a decision will be made as to whether to try to enact prior to the Effective date.

Thanks, Bob



**Robert G. Gerber, P.E., C.G., P.G.**  
Senior Engineer/Geologist  
**RANSOM CONSULTING, INC.**  
tel (207) 772-2891 x 12 ■ cell (207) 838-1418  
[website](#) | [bio](#) | [vCard](#) | [map](#)

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**Celebrating 25 Years!**

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**From:** Baker, Sue [mailto:Sue.Baker@maine.gov]  
**Sent:** Tuesday, February 16, 2016 12:53 PM  
**To:** Robert Gerber  
**Cc:** Karl Anderson ([karl.anderson@fema.dhs.gov](mailto:karl.anderson@fema.dhs.gov)); Desaulniers, Robert ([robert.desaulniers@fema.dhs.gov](mailto:robert.desaulniers@fema.dhs.gov))  
**Subject:** Insurance guidance, etc.  
**Importance:** High

Bob –

I have some clarification from FEMA regarding the language in the LFD for Isle au Haut.

On the effective date of the FIRM, a one-year compliance period begins during which time your community must adopt a floodplain management ordinance that meets the minimum Federal requirements of Section 60.3 (e) of the "National Flood Insurance Program and Related Regulations".

From Karl Anderson in reference to the paragraph above: After discussing this here, it does appear that the 1 year figure is correct. We couldn't find it in the CFR, but I did find the language in Community Enrollment and Eligibility Handbook. In the Revisions chapter, section D.1. it says:

"As counties are being mapped and remapped under the recent mapping initiatives, FEMA will likely identify communities that have not been previously identified as being floodprone. The NFIP State Coordinating Agency and/or the Regional Office should offer to assist non-participating communities to join the NFIP, including providing a sample resolution and model floodplain management ordinance during the study process. If these communities fail to join the NFIP prior to the issuance of the LFD, they will be issued a modified LFD that explains the consequences of not joining the NFIP. Newly identified communities (previously without maps) will be given 1 year after they are identified as floodprone (the FIRM effective date) before sanctions apply."

It looks like for the newly mapped communities, even though they may be non-participating, they get a full year before all the sanctions associated with not participating kick in. This is different from all the participating communities, which only have six months to comply, and the non-participating communities with previous maps, which are presumably already subject to the sanctions anyway.

The consensus at FEMA is that the word "sanctions" appears to refer to disaster assistance. If there is a Presidentially declared disaster and they join the Program within 6 months of the disaster, Individual Assistance (IA) and/or Public Assistance (PA) will be made retroactive. It has nothing to do with the availability of flood insurance.

NFIP flood insurance will not be available until such time Isle au Haut joins the Program. If the maps go effective and Isle au Haut is not in the Program, anyone with a federally backed mortgage will likely be forced by their lender to seek flood insurance outside of the NFIP.

Sue

~~~~~  
Sue Baker, CFM
NFIP State Coordinator
Maine Floodplain Management Program
Dept. of Agriculture, Conservation & Forestry
93 SHS, 17 Elkins Lane
Augusta, ME 04333-0093
Direct Phone: 207-287-8063
Fax: 207-287-2353
www.maine.gov/dacf/flood/

From: Desaulniers, Robert [<mailto:robert.desaulniers@fema.dhs.gov>]
Sent: Wednesday, February 10, 2016 9:33 AM
To: Baker, Sue; Thomas Young; Anderson, Karl
Cc: Markesich, Christopher; Grauer, Julie
Subject: RE: Non-participating

Hi Sue-

True.
True.
True.
True.

To keep the message simple, I agree with you. Karl also is of the same opinion. The reference to the one year extension would cause confusion and only be meaningful after there was a Presidentially Declared Disaster.

Regards-Bob

Bob Desaulniers CPCU CFM ANFI AAI
Insurance Specialist
New England – Region I
617-832-4760 Direct
617-416-4034 Mobile
Robert.Desaulniers@fema.dhs.gov

From: Baker, Sue [<mailto:Sue.Baker@maine.gov>]
Sent: Wednesday, February 10, 2016 8:46 AM
To: Thomas Young <TYoung@nfip-iservice.com>; Anderson, Karl <Karl.Anderson@fema.dhs.gov>
Cc: Markesich, Christopher <Christopher.Markesich@fema.dhs.gov>; Grauer, Julie <Julie.Grauer@fema.dhs.gov>; Desaulniers, Robert <robert.desaulniers@fema.dhs.gov>
Subject: RE: Non-participating
Importance: High

I'm still confused so bear with me. Let me reiterate what I think I hear in Tom and Bob's messages:

Regardless of whether FEMA gives them a year to join, that has no bearing on the availability of flood insurance. They must join in order to get ANY coverage from the NFIP. True?

If true, then there is no insurance message to get out because nobody is going to be able to secure NFIP insurance until after they join the Program. True?

If someone goes to get a mortgage after the maps go effective, they will be forced to secure flood insurance outside of the NFIP? True?

FEMA's use of the word "sanctions" basically refers to IA and PA. If there is a declared disaster and they join the Program within 6 months, they can get retroactive IA and PA. True?

Is there anything other messaging that I should be getting out them?

From: Thomas Young [<mailto:TYoung@nfip-iservice.com>]
Sent: Wednesday, February 10, 2016 8:09 AM
To: Baker, Sue; Anderson, Karl
Cc: Markesich, Christopher; Grauer, Julie; Desaulniers, Robert
Subject: RE: Non-participating

Sue,

If I'm understanding your question it is, how can insurance be offered if the community has not agreed to participate in the program? The Emergency Program is the initial phase of a community's participation in the National Flood Insurance Program (NFIP) if no flood hazard information is available or the community has a Flood Hazard Boundary Map (FHBM), but no Flood Insurance Rate Map (FIRM). A limited amount of flood insurance coverage at less than actuarial rates is available for all residents of the community. The community is required to adopt minimum floodplain management standards to control future use of its floodplains. Communities are converted to the Regular Program upon completion of a Flood Insurance Study and issuance of a FIRM or a determination that the community has no special flood areas (NSFHA). Under the Regular Program, more comprehensive floodplain management requirements are required of the community and higher amounts of flood insurance coverage are provided.

When FEMA provides a non-participating community with an FHBM or a FIRM delineating its flood prone areas, the community is allowed 1 year in which to join the NFIP. If the community chooses not to participate in the NFIP, flood insurance is not available. The community is placed into the Emergency Program as the initial phase of a community's participation in the NFIP where limited amounts of coverage is available. Modified coverage is available to most occupancies, except for the residential condos, with limits as:

Single-Family Dwelling \$ 35,000

2-4 Family Building \$ 35,000

Other Residential Building \$100,000

Non-Residential Building (including Business
Buildings and Other Non- Residential Buildings4 \$100,000

These are building limits available and there are footnotes detailed in the manual. ICC coverage is mandatory for all SFIPs except for those sold in Emergency Program communities.

Since there is presently no flood zones, there is no property rated as X, A or V zones, grandfathering does not come into play until after the first FIRM is changed. Therefore Newly Mapped Property option does not come into play. (This is denoted in Section #10, Newly Mapped Properties of the [FIM](#)).

Hope this answers your question, if not, just clarify.

Tom Young, CPCU, CFM, ANFI, ARM

National Flood Insurance Program - iService Team
Bureau and Statistical Agency
Manager - Region I New England
TYoung@nfip-iservice.com
PO Box 16321
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From: Baker, Sue [<mailto:Sue.Baker@maine.gov>]
Sent: Tuesday, February 09, 2016 4:07 PM
To: Anderson, Karl
Cc: Markesich, Christopher; Grauer, Julie; Desaulniers, Robert; Thomas Young
Subject: RE: Non-participating

I don't understand how FEMA can say that if the community doesn't join within 1 year of the LFD, sanctions will apply. In my mind, since they don't participate, sanctions are already in place. Nobody can buy NFIP flood insurance. Can we get a clarification on what sanctions will apply that don't already apply now?

I have already provided them everything they need to join the Program but I don't see it happening before the maps go effective.

I copied Tom here as I had inquired about what kind of insurance messaging is appropriate. I'm at a loss on this one.

From: Anderson, Karl [<mailto:Karl.Anderson@fema.dhs.gov>]
Sent: Tuesday, February 09, 2016 3:56 PM
To: Baker, Sue
Cc: Markesich, Christopher; Grauer, Julie; Desaulniers, Robert
Subject: RE: Non-participating

Hi Sue,

After discussing this here, it does appear that the 1 year figure is correct. We couldn't find it in the CFR, but I did find the language in Community Enrollment and Eligibility Handbook. In the Revisions chapter, section D.1. it says:

"As counties are being mapped and remapped under the recent mapping initiatives, FEMA will likely identify communities that have not been previously identified as being floodprone. The NFIP State Coordinating Agency and/or the Regional Office should offer to assist non-participating communities to join the NFIP, including providing a sample resolution and model floodplain management ordinance during the study process. If these communities fail to join the NFIP prior to the issuance of the LFD, they will be issued a modified LFD that explains the consequences of not joining the NFIP. Newly identified communities (previously without maps) will be given 1 year after they are identified as floodprone (the FIRM effective date) before sanctions apply."

It looks like for the newly mapped communities, even though they may be non-participating, they get a full year before all the sanctions associated with not participating kick in. This is different from all the participating communities, which only have six months to comply, and the non-participating communities with previous maps, which are presumably already subject to the sanctions anyway.

-Karl

Karl Anderson

FEMA Region 1
Natural Hazards Program Specialist
karl.anderson@fema.dhs.gov
Office: 617-956-7618
Cell: 617-510-6831
99 High St, 6th Floor, Boston, MA 02110

From: Baker, Sue [<mailto:Sue.Baker@maine.gov>]
Sent: Monday, February 08, 2016 1:03 PM
To: Anderson, Karl <Karl.Anderson@fema.dhs.gov>
Subject: RE: Non-participating

Thanks, Karl! That's pretty much what I told Bob. It didn't make sense to me.

From: Anderson, Karl [<mailto:Karl.Anderson@fema.dhs.gov>]
Sent: Monday, February 08, 2016 12:57 PM
To: Baker, Sue
Subject: RE: Non-participating

That's a new one to me, I'm looking in to it.
-Karl

From: Baker, Sue [<mailto:Sue.Baker@maine.gov>]
Sent: Monday, February 08, 2016 9:05 AM
To: Anderson, Karl
Cc: Bogdan, Kerry; Robert Gerber
Subject: Non-participating
Importance: High

Karl –

I need some clarification. Bob Gerber is serving on the Planning Board in Isle au Haut and has brought to my attention that the LFD they were sent says this:

On the effective date of the FIRM, a one-year compliance period begins during which time your community must adopt a floodplain management ordinance that meets the minimum Federal requirements of Section 60.3 (e) of the "National Flood Insurance Program and Related Regulations".

Please note that this is NOT the same letter that the non-participating towns in Hancock County were sent. The only thing I can think of that might be the difference is that Isle au Haut has never been mapped before now and the ones in Hancock County were. According to the letter, non-participating, not mapped prior have a one-year compliance period AFTER the maps go effective...true? I've included Isle au Haut's letter and Amherst so you can see the difference between the two letters.

I'm also trying to sort out what the insurance ramifications are as well since the PRP ext. is expiring on April 1st. Tom and Bob have sent me some info that I'm reviewing, so I will contact them and cc you with my questions.

Sue



Robert Gerber <aframe73@gmail.com>

One more note on the Davidson property

3 messages

Campbell, John Y. <john_campbell@harvard.edu>
To: "aframe73@gmail.com" <aframe73@gmail.com>
Cc: Ann Hampson <ann@hampson.us>

Tue, Feb 2, 2016 at 9:04 PM

Dear Bob:

I am aware that we are keeping you all too busy with our house expansion plans! Thank you for the time you are spending reviewing them.

I just want to mention, as a courtesy, that we are planning some minor tree-cutting at the back of the property, outside both the accessible shoreland zoning district and the state resource protection zone. I am attaching the survey we had done to locate the boundaries of the district and zone. The area where we plan to cut is in the northeast corner of the surveyed area, marked "meadow" (with a shed adjacent to the meadow). Our goal is to slightly widen the meadow towards the northern end.

Ann and I don't believe this raises any issues but wanted to make you aware of the activity. Of course, if you do have concerns please just let us know.

Best, John



Davidson Location Survey 30Dec2015.pdf
4106K

Bob Gerber <aframe73@gmail.com>
To: "Campbell, John Y." <john_campbell@harvard.edu>

Wed, Feb 3, 2016 at 10:42 PM

Timber harvesting is permitted in that zone (without a permit). There are only two standards in the Town Ordinance that you have to pay attention to. The first is to make sure that erosion and sedimentation are controlled. The second land use standard with regard to timber harvesting is given below, copied straight out of the ordinance:

Timber Harvesting

1. No substantial accumulation of slash shall be left within fifty (50) feet of the normal high water mark of any pond, river, or salt water body as defined. At distance greater than fifty (50) feet from the normal high water mark of such waters and extending to the limits of the area covered by this Ordinance, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground.
2. Skid trails, log yards, and other sites where the operation of logging machinery results in the exposure of substantial areas of mineral soil shall be located such that an unscarified filter strip is retained between the exposed mineral soil and the normal high watermark of any pond, river, or salt water body as defined. The width of this strip shall vary according to the average slope of the land as follows:

Average Slope of Land between Exposed Mineral Soil and Normal High Water Mark (percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water mark (Feet along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145

70

165

3. Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.

4. Harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained.

5. Harvesting activities shall not create single opening greater than seven thousand five hundred (7,500) square

feet in the forest canopy.

6. In any stand, harvesting shall remove not more than forty (40) percent of the volume of trees in any ten (10) year period. For the purpose of these standards, a stand means a contiguous group of trees, sufficiently uniform in species, arrangement of age classes, and conditions, to be identifiable as a homogeneous and distinguishable unit.

7. Timber harvesting operations not in conformance with 2, 4, 5, and 7 above may be allowed by the Planning Board upon approval of a permit granted in accordance with provisions of Section VII, subsection 6, paragraphs a-e upon a clear showing by the applicant that such an exception is necessary for proper timber management.

Best regards, Bob

[Quoted text hidden]

Campbell, John Y. <john_campbell@harvard.edu>
To: Bob Gerber <aframe73@gmail.com>

Thu, Feb 4, 2016 at 9:32 AM

Dear Bob:

Many thanks for this. We will make sure to follow the ordinance.

Best, John

From: Bob Gerber [mailto:aframe73@gmail.com]
Sent: Wednesday, February 03, 2016 10:43 PM
To: Campbell, John Y.
Subject: Re: One more note on the Davidson property

[Quoted text hidden]



Robert Gerber <aframe73@gmail.com>

30% Calcs

6 messages

Robin Tannenbaum <robin@kaplanthompson.com>
To: aframe73@gmail.com

Mon, Feb 8, 2016 at 12:19 PM

Hi Bob,

Here are the drawings with a north arrow and graphic scale.

Robin

*We have moved, please note our new office address below!***ROBIN TANNENBAUM, ARCHITECTURAL DESIGNER, LEED AP**
KAPLAN THOMPSON ARCHITECTS
102 EXCHANGE ST, 2ND FLOOR
PORTLAND, ME 04101

207 842-2888 x203

ROBIN@KAPLANTHOMPSON.COM

HTTP://WWW.KAPLANTHOMPSON.COM

**CAM-20160208-30PER-CALCS-update.pdf**

436K

Bob Gerber <aframe73@gmail.com>
To: Robin Tannenbaum <robin@kaplanthompson.com>

Mon, Feb 8, 2016 at 8:28 PM

Robin, I reviewed your calculations. They appear OK. One thing I am not sure about is whether stairs need to be included in the calculations. I have not see the word "stairs" mentioned specifically in any description of what areas need to be included in the floor area calculation. Including them would be conservative.

Bob

[Quoted text hidden]

[Quoted text hidden]

*We have moved, please note our new office address below!***ROBIN TANNENBAUM, ARCHITECTURAL DESIGNER, LEED AP**

KAPLAN THOMPSON ARCHITECTS

102 EXCHANGE ST, 2ND FLOOR
PORTLAND, ME 04101

207 842-2888 x203

ROBIN@KAPLANTHOMPSON.COM

[HTTP://WWW.KAPLANTHOMPSON.COM](http://WWW.KAPLANTHOMPSON.COM)

robin@kaplanthompson.com <robin@kaplanthompson.com>
To: aframe73@gmail.com

Mon, Feb 8, 2016 at 8:28 PM

I will be away from the office on Tuesday (2/9). I look forward to replying to your e-mail when I return on Wednesday.

Warmly,

Robin Tannenbaum
Kaplan Thompson Architects

Robin Tannenbaum <robin@kaplanthompson.com>
To: "aframe73@gmail.com" <aframe73@gmail.com>

Wed, Feb 10, 2016 at 9:29 AM

Thanks, Bob. In my experience with this, you only have to count the stairs once, on the floor that it rests on (lower) and I see now that we used that method for the proposal house but not existing. I'll update the calcs and revise and footprint overages as needed. It's possible that the footprint(s) and/or volume will be tweaked between now and our planning board submittal, but I will plan to update these sheets accordingly, and now we have an agreed upon method for completing the calculations.

Robin

We have moved, please note our new office address below!

ROBIN TANNENBAUM, ARCHITECTURAL DESIGNER, LEED AP
KAPLAN THOMPSON ARCHITECTS
102 EXCHANGE ST, 2ND FLOOR
PORTLAND, ME 04101

207 842-2888 x203

ROBIN@KAPLANTHOMPSON.COM

[HTTP://WWW.KAPLANTHOMPSON.COM](http://WWW.KAPLANTHOMPSON.COM)

[Quoted text hidden]

Bob Gerber <aframe73@gmail.com>
To: Robin Tannenbaum <robin@kaplanthompson.com>

Wed, Feb 10, 2016 at 3:05 PM

I was referring to the outdoor stairs that lead from the house or deck down to the ground. You colored those stairs in the "proposed" drawings, which makes me assume you included them in the calculations. I don't think you need to include the outdoor stairs.

Bob

[Quoted text hidden]

Robin Tannenbaum <robin@kaplanthompson.com>

Thu, Feb 11, 2016 at 11:32 AM

To: "aframe73@gmail.com" <aframe73@gmail.com>

I see. Sure, we would actually be happy to remove them from the calculations. I will do so when we submit the finalized version to you.

Thank you.

We have moved, please note our new office address below!

ROBIN TANNENBAUM, ARCHITECTURAL DESIGNER, LEED AP

KAPLAN THOMPSON ARCHITECTS

102 EXCHANGE ST, 2ND FLOOR

PORTLAND, ME 04101

207 842-2888 x203

ROBIN@KAPLANTHOMPSON.COM

[HTTP://WWW.KAPLANTHOMPSON.COM](http://WWW.KAPLANTHOMPSON.COM)

[Quoted text hidden]



Robert Gerber <aframe73@gmail.com>

Davidson Property, 30% expansion calculations

2 messages

Robin Tannenbaum <robin@kaplanthompson.com>

Tue, Feb 2, 2016 at 9:13 AM

To: aframe73@gmail.com

Cc: Ann <ann@hampson.us>, "Campbell, John Y." <john_campbell@harvard.edu>, Jesse Thompson <jesse@kaplanthompson.com>

Good Morning Bob,

Attached you will find two pages presenting the 30% expansion calculations for the two houses at Anne Davidson's property at Moore's Harbor. Both houses fall within the State Resource Protection Zone which is the reason they are limited to 30% expansions of area/volume. As I said in earlier correspondence, we'd like to get your sign off on the expansion calculations before proceeding too deeply into design development of the renovations.

Please let me know if any additional information is needed.

Thank you,

Robin

We have moved, please note our new office address below!

ROBIN TANNENBAUM, ARCHITECTURAL DESIGNER, LEED AP**KAPLAN THOMPSON ARCHITECTS**

102 EXCHANGE ST, 2ND FLOOR

PORTLAND, ME 04101

207 842-2888 x203

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HTTP://WWW.KAPLANTHOMPSON.COM

**CAM-20160201-30PER-CALCS.pdf**

435K

Bob Gerber <aframe73@gmail.com>

Wed, Feb 3, 2016 at 10:27 PM

To: Robin Tannenbaum <robin@kaplanthompson.com>

Robin, could you put a graphic scale and approximate north arrow on the figures?

Thanks, Bob

[Quoted text hidden]

[Quoted text hidden]

We have moved, please note our new office address below!

ROBIN TANNENBAUM, ARCHITECTURAL DESIGNER, LEED AP
KAPLAN THOMPSON ARCHITECTS

102 EXCHANGE ST, 2ND FLOOR
PORTLAND, ME 04101

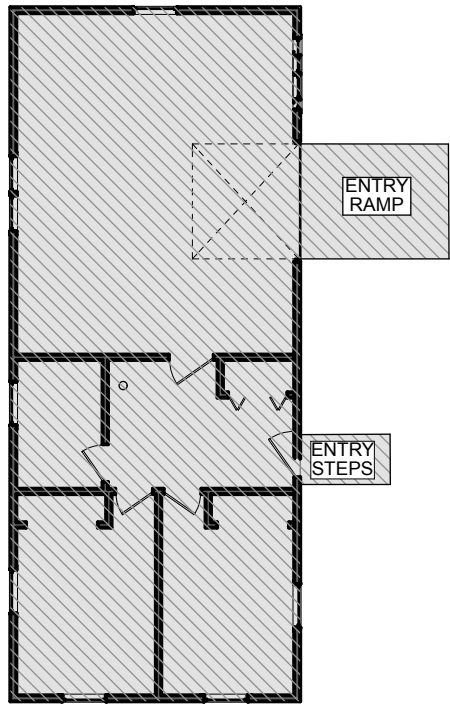
207 842-2888 x203

ROBIN@KAPLANTHOMPSON.COM

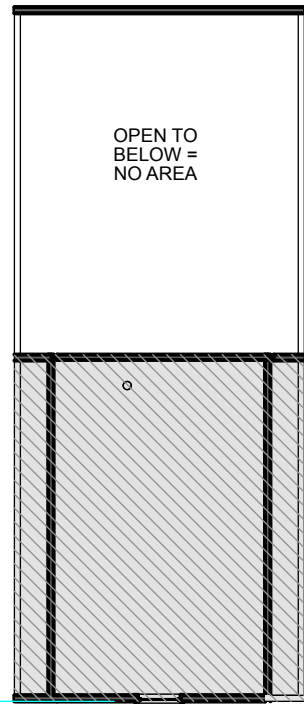
[HTTP://WWW.KAPLANTHOMPSON.COM](http://WWW.KAPLANTHOMPSON.COM)

"NEW" HOUSE

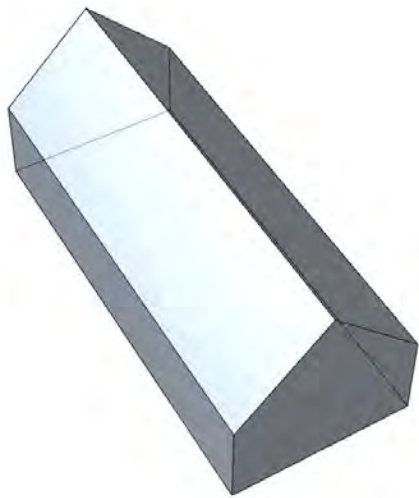
EXISTING :



① Plan - First Floor

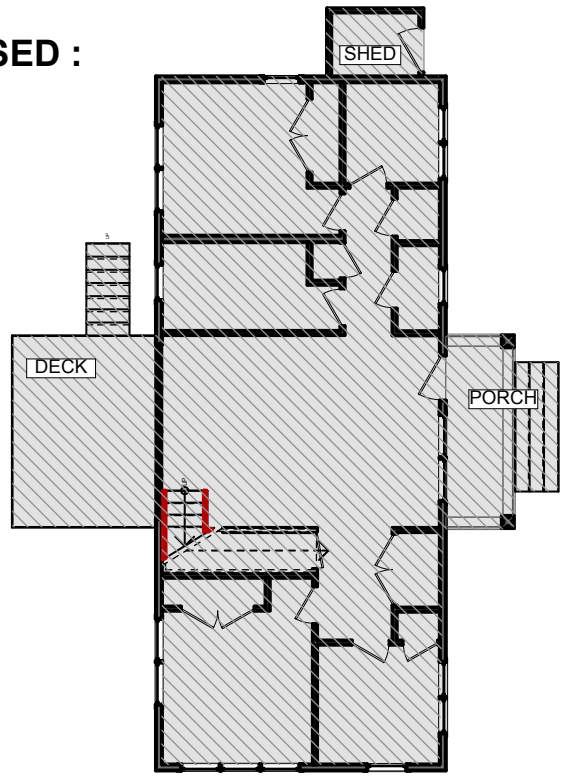


② Plan - Second Floor

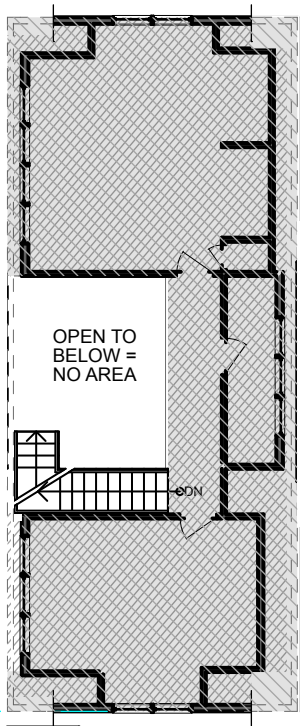


③ Existing Volume

PROPOSED :

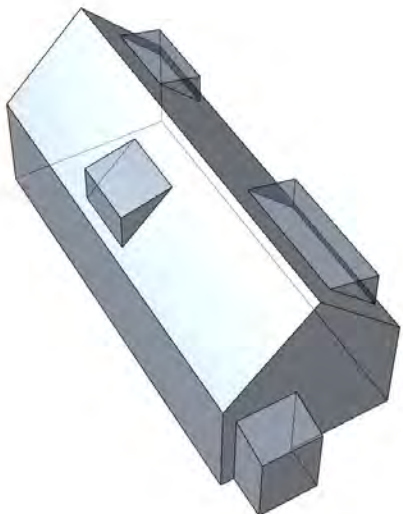
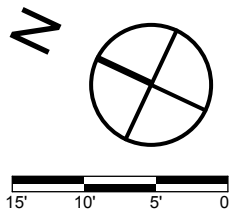


④ Plan - First Floor



⑤ Plan - Second Floor

KEY
AREA

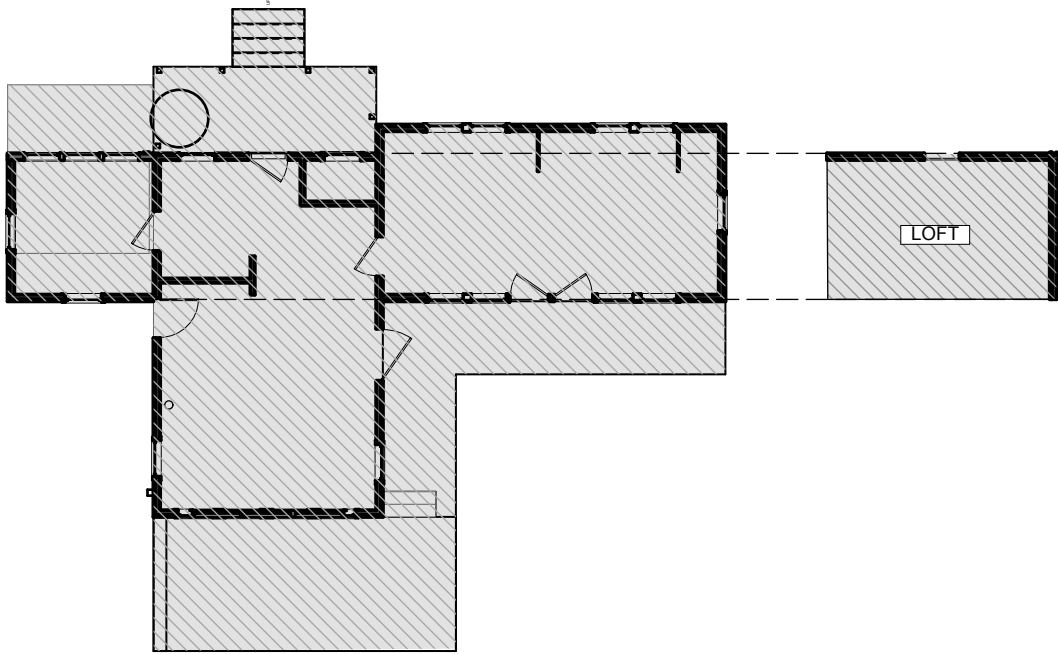


⑥ Proposed Volume

Existing "New" House Area		Proposed "New" House Area	
1st Floor	974	1st Floor	974
2nd Floor	487	2nd Floor	789
Entry stoop, stairs	24	Entry Porch	100
Entry Ramp	65	Deck, stairs	120
		Utility Shed	26
Total Area	1550	Total Area	2009
x 30%	465		
Total Allowable Area	2015	Total Proposed Area	2009
Existing "New" House Volume		Proposed "New" House Volume	
Total Volume	14,619	Total Volume	17,230
x 30%	4385.7		
Total Allowable Volume	19,005	Total Proposed Volume	17,230

"OLD" HOUSE

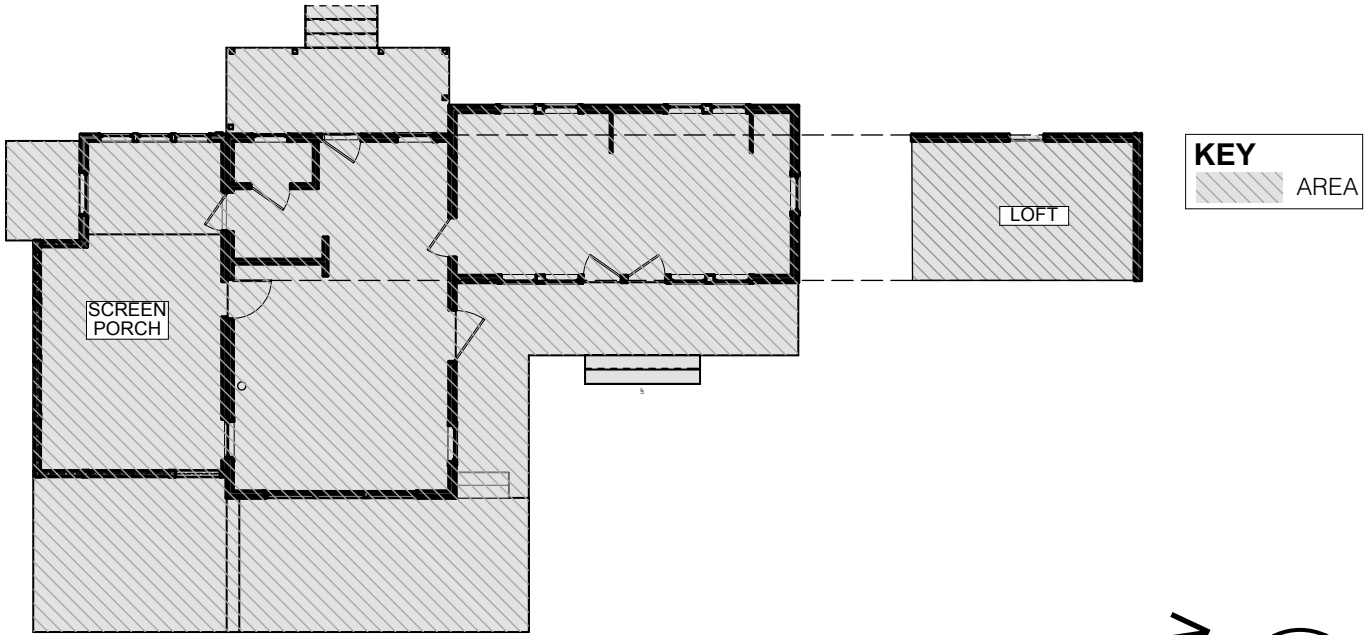
EXISTING :



① Plan - First Floor

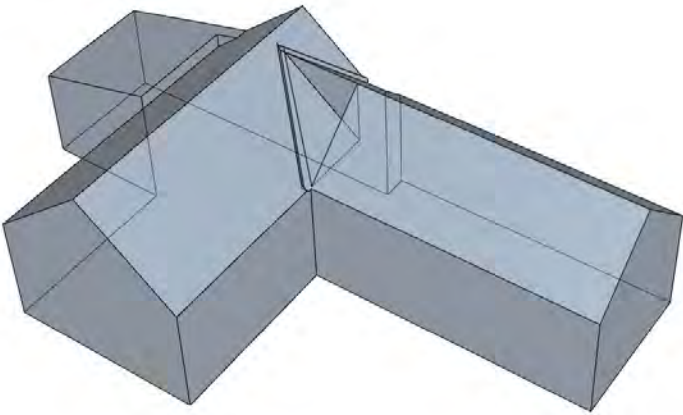
② Plan - Loft

PROPOSED :

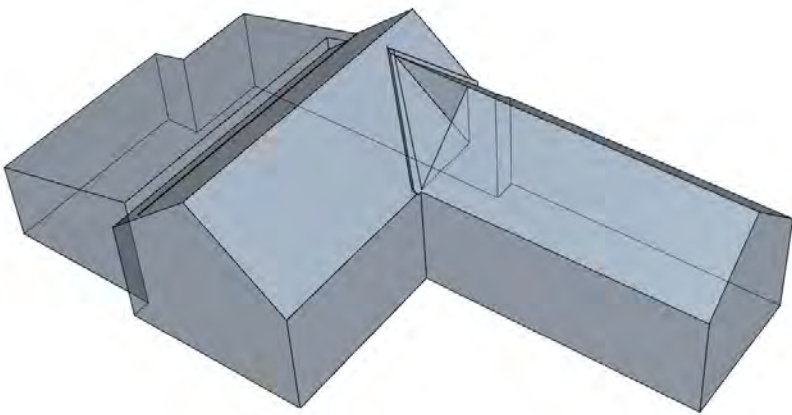


④ Plan - First Floor

⑤ Plan - Loft



③ Existing Volume



⑥ Proposed Volume

Existing "Old" House Area		Proposed "Old" House Area	
1st Floor House	802	1st Floor House	988
1st Floor Deck	383	1st Floor Deck	527
1st Floor Entry	122	1st Floor Entry	113
2nd Floor Loft	142	1st Floor Side	35
		2nd Floor Loft	142
Total Area	1449	Total Area	1805
x 30%	434.7		
Total Allowable Area	1883.7	Total Proposed Area	1805
Existing "Old" House Volume		Proposed "Old" House Volume	
Total Volume	9,544	Total Volume	11,165
x 30%	2863.2		
Total Allowable Volume	12,407	Total Proposed Volume	11,165