

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No.: 2013-00228	Issue Date:	CBL: 084 Q003001
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Location of Construction: 6 WELCH ST, Peaks Island	Owner Name: BIG BLACK DOG LLC	Owner Address: 2 WELCH ST PEAKS ISLAND, ME 04108	Phone:
Business Name:	Contractor Name: Robin Clark	Contractor Address: 2 Welch Street Peaks Island ME 04108	Phone: (207) 766-2295
Lessee/Buyer's Name	Phone:	Permit Type: Structure other than Building	Zone: I-B
Past Use: Commercial Dock	Proposed Use: Commercial Dock	Permit Fee: \$120.00	Cost of Work: \$10,000.00
Proposed Project Description: Repair/Rebuild South Pier, including walkway, ramp & float.		FIRE DEPT: 3/11/13 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A	INSPECTION: Use Group: U Type: 5 MUBEC 2009 Signature: JMB 3/1/13
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____	

Permit Taken By: bjs	Date Applied For: 02/04/2013	Zoning Approval		
1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..		Special Zone or Reviews <input checked="" type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Level I Site Alteration Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> OK w/ condition Date: 2/11/13 ABM	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: ABM

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE



General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>Property located at 6 Welch Street Peaks, Maine</u>		
Total Square Footage of Proposed Structure/Area		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# <u>0894 9003</u>	Applicant *must be owner, Lessee or Buyer* Name <u>Big Black Dog LLC</u> Address <u>2 Welch St.</u> City, State & Zip <u>Peaks ME 04108</u>	Telephone: <u>207</u> <u>766-2295</u>
Lessee/DBA (If Applicable): RECEIVED FEB 04 2013 Dept. of Building Inspection City of Portland Maine	Owner (if different from Applicant) Name _____ Address _____ City, State & Zip _____	Cost Of Work: <u>10,000</u> 9928.75 C of O Fee: \$ _____ Total Fee: \$ <u>120.00</u>
Current legal use (i.e. single family) <u>commercial</u> If vacant, what was the previous use? _____ Proposed Specific use: _____ Is property part of a subdivision? <u>NO</u> If yes, please name _____ Project description: <u>Repair/rebuild south pier, including walkway, ramp & float</u>		
Contractor's name: <u>Robin Clark</u> Address: <u>2 Welch Street</u> City, State & Zip <u>Peaks ME 04108</u> Telephone: <u>207 766-2295</u> Who should we contact when the permit is ready: <u>Robin Clark</u> Telephone: <u>766-2295</u> Mailing address: <u>P.O. Box Peaks ME 04108</u>		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: Robin Clark Date: 1-29-13

This is not a permit; you may not commence ANY work until the permit is issue

*Strengthening a Remarkable City
Building a Community for Life*
**PORTLAND
MAINE**
Inspections Division
389 Congress Street, RM 315
Portland, Maine 04101-3509

**ROBIN CLARK
RE: 6 WELCH ST PERMIT
PO BOX 69
PEAKS ISLAND ME 04108**



Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

May 20, 2013

Big Black Dog, LLC
Robin Clark
2 Welch Street, P.O. Box 69
Portland, Maine 04108

Project Name: **Maintenance Repairs to Existing Wood Pier**
Project ID: 2013-099
Address: 6 Welch Street
CBL: 084 Q 003001
Applicant: Big Black Dog, LLC – Robin Clark
Planner: Philip DiPierro

Dear Ms. Clark:

On May 20, 2013, the Planning Authority approved with conditions a Level I: Site Alteration site plan for the Maintenance Repairs to an Existing Wood Pier project at 6 Welch Street, Peaks Island that includes repairing/rebuilding portions of the south pier including the walkway, ramp, and float. The decision is based upon the application received April 17, 2013 as submitted by Big Black Dog, LLC – Robin Clark, and prepared by Owen Haskell, Inc., and the survey/site plan dated April 15, 2013. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

SITE PLAN REVIEW

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following condition(s) of approval:

1. A building permit is required, and must be obtained from the Code Enforcement and Inspections office prior to starting any work.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

City Hall, 389 Congress Street . Portland, ME 04101-3509 . Ph (207) 874-8719 . Fx 756-8258 . TTY 874-8936

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STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Philip DiPierro at (207) 874-8632.

Sincerely,



Alexander Jaegerman
Planning Division Director

cc:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Planner/Development Review Coordinator, Planning
Marge Schmauckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guerin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katharine Farley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pinen, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services

Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tardif, City Arborist, Public Services
Jermiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodward and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

City Hall, 389 Congress Street, Portland, ME 04101-3509, Ph (207) 874-8719, Fx 756-8258, TTY 874-8936

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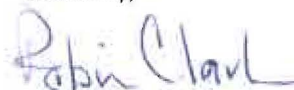
January 29, 2013

To Whom It May Concern;

Following my discussion yesterday with Ms Tammy Munson, Director of Inspection Services, I am submitting the General Building Permit application for the repair/rebuild work on my pier. Tammy instructed me to include the Permit A already issued by the Harbor Commissioners and a copy of the complete Application for the Marine Construction permit I submitted to them. The process for the Permit A required approval from the Department of Environmental Protection, the Army Corp of Engineers, the Department of Conservation and the Portland Fire Department. While consulting with these agencies, a well respected Marine Construction company and my attorney, it never came up during the process that a city permit was also required. Not until my electrician, Bill Flynn, applied for the electrical permit was I aware that a city building permit was also needed.

Please accept this building permit application in good faith.

Sincerely,

A handwritten signature in blue ink that reads "Robin Clark". The signature is written in a cursive style with a large initial "R".

Robin Clark

Contents

Section A Drawings

Section B Board of Harbor Commissioners Permit A 7/14/11

Section C Permit A Application Package

- exhibit #3 Photographs of existing south pier
- exhibit #6 DEP Permit
- Army Corp of Engineering Approval
- exhibit #8F Dept. of Conservation: Sub-Merged Lands Lease
- exhibit #9 Portland Fire Department Approval

Section D Notification of Completion 7/5/12

F14SE

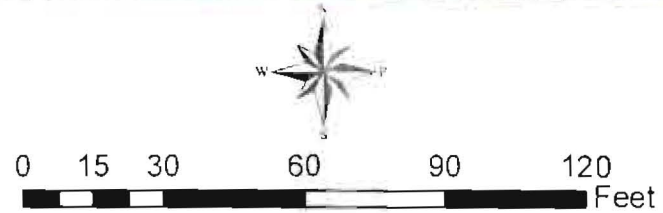


South Pier ↓



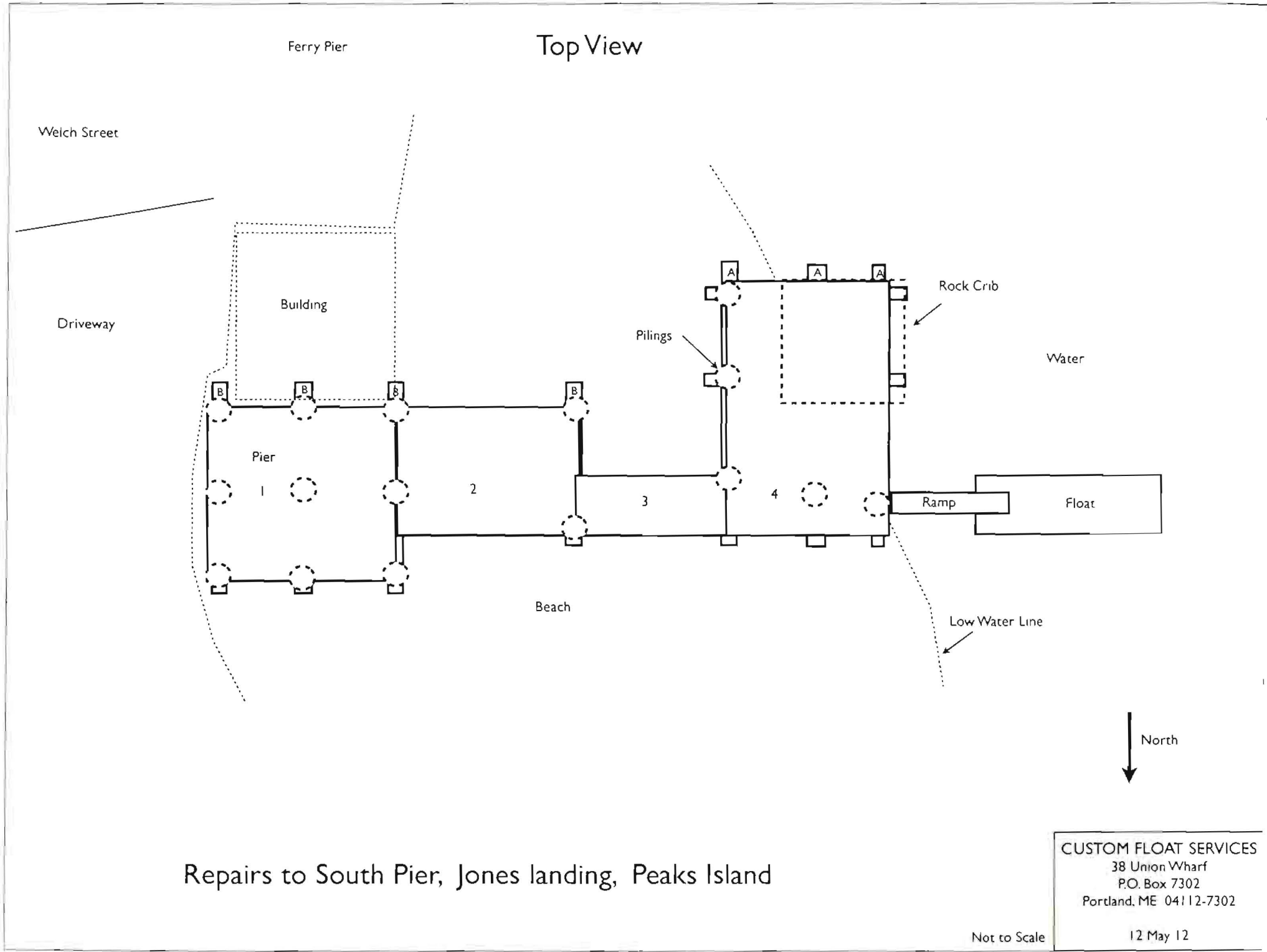
2008 Digital Parcel Lines from City of Portland
 Colored 2007 Aerial Photo from City of Portland

This map is for planning purposes only and
 should not be used for any legal purposes or
 property definition purposes



Maps created by:
 Peaks Information Exchange
www.peaksisland.info
 April 2010

Top View



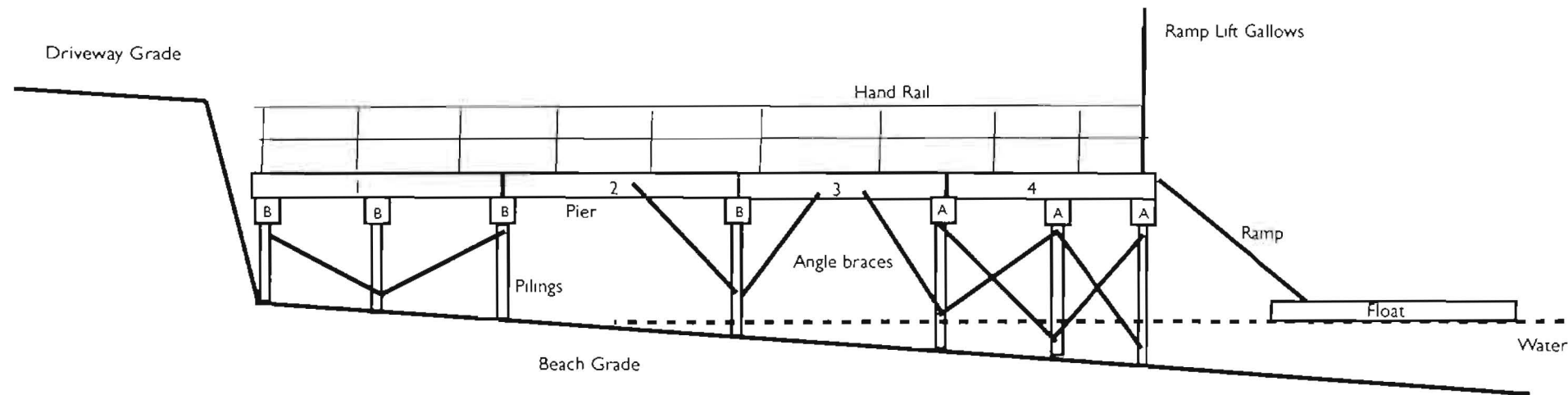
Repairs to South Pier, Jones landing, Peaks Island

CUSTOM FLOAT SERVICES
38 Union Wharf
P.O. Box 7302
Portland, ME 04112-7302
12 May 12

Not to Scale

North Elevation

- Notes
- Beams "A" = Replace old beams with new 7" x 12" hemlock beam, 4 ply 1.5" x 12" bolted together. 5/8" galvanized steel bolt, 2 every 24"
 - "B" = existing 7" x 12" existing wood beam 11" x 13"
 - Pier Sections 1, 2, 3, 4 = Existing, replace wood decking and framing as needed, use exterior rated fastenings
 - Wood Pilings = Existing wood pilings
 - Angle Bracing = wood angle braces replace as needed, through bolt 5/8" steel galvanized bolts
 - Ramp Lift Gallows = wood replace as needed
 - Hand Rail = Wood replace as needed



Repairs to South Pier, Jones landing, Peaks Island

CUSTOM FLOAT SERVICES
38 Union Wharf
P.O. Box 7302
Portland, ME 04112-7302

Not to Scale

12 May 12

BOARD OF HARBOR COMMISSIONERS
PORT OF PORTLAND

PERMIT-A

TO BE POSTED IN A CONSPICUOUS PLACE AT THE CONSTRUCTION SITE

To: Big Black Dog, LLC. 6 Welch Street, Peaks Island, ME 04108

The Board of Harbor Commissioners for the Port of Portland has carefully considered your application, dated the 2nd day of July 2011, for a permit authorizing:

- Repair/rebuild south pier, including walkway, ramp and float

Having given public notice of this pending application, as required by law, and therein designated the 14th day of July 2011, at 5:00 o'clock in the afternoon prevailing time as the time when they would meet at the Portland City Hall, to examine this issue and hear all interested parties, and having met at the time and place mentioned and examined the location of this proposed construction project and having heard all interested parties, the Board of Harbor Commissioners for the Port of Portland hereby issues this permit which authorizes you to proceed under all applicable local and federal regulations hereinafter stated, and to maintain within the limits mentioned in the permit application.

In addition, the construction project described above must be surrounded by a containment boom unless the Board of Harbor Commissioners for the Port of Portland has waived this requirement in writing, either as part of the above-listed conditions, or in a separate statement.

This permit is limited authorization, which contains a stated set of conditions with which the permit holder must comply. If a contractor performs the work for you, both you and the contractor are responsible for assuring that the work is done in conformance with the conditions and limitations of this authorization. Please be sure that the person who will be performing the work has read and understands these conditions.

Performing any work not specifically authorized by this permit, or that fails to comply with its conditions, may subject you to the enforcement provisions of Harbor Commission regulations. If any change in plans or construction methods is found necessary, please contact the Harbor Commission immediately to discuss modifications to your authorization. Any change must be approved by the Harbor Commission before it is undertaken.

Nothing in this permit shall be construed to justify or authorize any invasion to the private rights of others. Moreover, nothing in this permit shall limit or modify the authority of the Board of Harbor Commissioners for the Harbor of Portland with its applicable statute. Attested copies will be submitted to the U. S. Army Corps of Engineers, the Department of Environmental protection, the City of Portland, and the City of South Portland.

In Witness Whereof, of the Board of Harbor Commissioners for the Port of Portland hereunto affix their corporate seal on this 14th day of July 2011. The work authorized to this permit must be completed on or before the 14th day of July 2012.

BOARD OF HARBOR COMMISSIONERS PORT OF PORTLAND, MAINE

Application for a Marine Construction Permit

DECISION

Date of public hearing:
July 14th, 2011

Name and address of applicant:
Big Black Dog, LLC
6 Welch Street
Peaks Island, ME 04108

Location of project for which permit is requested:
6 Welch Street
Peaks Island, ME 04108

Description of project:
• Repair/rebuild south pier, including walkway, ramp and float

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Paul Driscoll, Norman, Hanson and DeTroy	Applicant
Robin Clark, Big Black Dog	Applicant
Thomas Johnson, Peaks Island	Against
Hugh Barker, Peaks Island	Against
Fred LaMontagne, Portland Fire Department	Neither for or against

Exhibits admitted (e.g. renderings, reports, etc.):
Marine Construction permit application packet prepared by Aaron Baltas, Norman, Hanson and DeTroy, LLC

Summary of testimony presented:
Applicant outlined proposed application and answered questions from the board

Findings of Fact and Conclusions of Law:

1) Waiver of 25ft rule as defined in Rule 16.2(b):

The Board of Harbor Commissioners may grant a waiver of the 25 foot rule if it finds that it would be unfair, inappropriate or unnecessary to apply the rule in a particular situation.

Granted X Not Granted

Reason:

Factors to be considered by the Board:

- a. Whether the particular marine structure or obstruction under consideration, even if allowed to be constructed or placed within 25 feet of a sideline, will permit a channel that will adequately allow the passage of vessels;
- b. Whether existing marine structures or obstructions make it impossible for a channel wide enough to allow the passage of vessels to exist, regardless of the placement or construction of the marine structure under consideration;
- c. The intended use of the marine structure or obstruction;
- d. Whether granting a waiver would significantly reduce an abutting property owner's use of that abutting property, including but not limited to the owner's ability in the future to attach a marine structure to that abutting property;
- e. Any boundary lines between properties that extend into the harbor as described in deeds, maps or plans; and
- f. Any other factor the Board believes is relevant to whether a waiver should be granted in a particular case.

2) The marine structure or obstruction will not substantially or unreasonably interfere with navigation, including its impact on convenient channels for the passage of vessels.

Satisfied Not Satisfied

Reason:

3) The marine structure or obstruction will not injure the rights of others.

Satisfied Not Satisfied

Reason:

4) The marine structure or obstruction will not threaten public safety.

Satisfied Not Satisfied

Reason:

Conclusion: (check one)

Option 1: The Board finds that the standards described above have been satisfied and therefore GRANTS the permit.



BOARD OF HARBOR COMMISSIONERS
PORT OF PORTLAND

REVISED
Application for Marine Construction Permit

PLEASE PRINT

1. Name of Applicant: Big Black Dog, LLC
2. Mailing Address of Applicant: c/o Aaron Baltes, Esq., Norman, Hanson & DeTroy, LLC
415 Congress Street, Portland, ME 04112
3. Applicant's Telephone Number: 207-774-7000 Applicant's Fax Number: 207-775-0806
Applicant's Email Address: abaltes@nhdlaw.com
4. Location of project for which permit is requested: The upland and submerged land adjacent to
property located at 6 Welch Street, Peaks Island, Portland, ME.
 - a. Attach enlargement of Portland Harbor chart showing exact location. **EXHIBIT 1**
5. Description of project for which permit is requested. (Use a separate sheet if necessary)
Repair/rebuild south pier, including walkway, ramp and float
6. Attach the following: **EXHIBIT 2**
 - a. For projects under \$10,000 - A **comprehensive drawing or drawings** (as necessary) of the item(s) to be built or installed that contains the following minimum details and information:
 1. Dimensions of all major components (to scale) with the scale clearly marked on each drawing;
 2. All distances between the item(s) being built/installed and any existing structures and property lines;
 3. A "plan" (overhead) view of the entire project;
 4. A description of the construction methods, connection points and materials to be used (i.e. types of fasteners, mooring systems, decking, framing, etc.).
 - b. For projects over \$10,000 - A **detailed scale drawing or drawings** prepared by a registered engineer that contains the following minimum details and information:
 1. Dimensions of all major components (to scale) with the scale clearly marked on each drawing;
 2. All distances between the item(s) being built/installed and any existing structures and property lines;
 3. A "plan" (overhead) view of the entire project;
 4. A description of the construction methods, connection points and materials to be used (i.e. types of fasteners, mooring systems, decking, framing, etc.).

Applicants are encouraged to submit technical data/specification sheets, photos or other materials in support of the project's drawing(s). **EXHIBIT 3**

7. All applications must be accompanied by a tax assessor's map and/or an engineer's drawing which shows the distances between the project and abutters' landmarks (piers, floats, dolphins, etc.) and a clear demarcation of the applicant's property lines. **EXHIBIT 4**

8. List the names and address of all abutters and lessees or other persons having an interest in property on which the project is located. (Use a separate sheet if necessary)

- a. City of Portland, 389 Congress Street, Portland, ME 04101
- b. State of Maine, Bureau of Parks and Lands, 22 State Street, Augusta, ME 04333
- c. State of Maine, Maine Port Authority, 16 State Street, Augusta, ME 04333
- d. _____

9. Estimated cost of the project: \$9,928.75

10. For all permit applications involving projects that cost more than \$10,000, the applicant must submit a survey, **EXHIBIT 5** certified by a registered engineer or a registered land surveyor, which shows the location of the proposed project. The Board, at its discretion, may require surveys to be submitted regarding other projects in cases where the project is close to a channel, in a congested area, close to a property line, or in cases where similar factors are present.

11. Attach copies of all applications, regarding this project, which have been submitted to the U.S. Army Corps of Engineers, Maine Department of Environmental Protection, Maine Bureau of Submerged Lands, City Planning Board, Etc. **EXHIBIT 6**

12. Please note:

- a. Applications and Plans must be submitted no less than 14 days before the Harbor Commission's next Workshop. Workshops are held on the last Tuesday of each month. However, there is no Workshop in December.
- b. The permit application fee and legal advertisement fee must be paid when the application is submitted. (See attached fee schedule)
- c. The applicant is required to submit one original and five copies of all applications, plans, drawings, letters, etc.

13. Notice to abutters: **EXHIBIT 7**

a. By filing this application with the Harbor Commission, the applicant certifies that a copy of the application (without exhibits), as well as information about the time, date, and location of the pertinent Harbor Commission Public Hearing, will be sent to all abutters, lessees, and other persons having an interest in the property on which the project is located. Notification must be made no less than 7 days before the Harbor Commission's next Public Hearing. Public Hearings are held on the second Thursday of each month.

1. In the case of real property, the owners will be considered to be the parties listed by the Assessor of the City in which such property is located as the persons to whom taxes are assessed.

2. In the case of vessels, the owners will be considered to be the parties listed as the owners by the United States Coast Guard, the Maine Inland Fisheries & Wildlife Department, or any other governmental entity, whether foreign or domestic, with which the vessel is registered and which has jurisdiction over the vessel.

b. Notice to abutters, lessees and other users will be made by registered or certified mail, return receipt requested, and the Commission may determine when notice by publication or other means may be utilized.

14. Right, Title and Interest: **EXHIBIT 8**

PERMIT APPLICATION FEE SCHEDULE

Permits required under Section 5(1) of the State Enabling Act for the Board of Harbor Commissioners P & SL 1981, c. 98 (creation and maintenance of any obstruction in the harbor)

• If the project has an estimated cost of less than \$10,000	\$100.00
• If the project has an estimated cost of between \$10,000 and \$50,000	\$250.00
• If the project has an estimated cost of between \$50,001 and \$250,000	\$500.00
• If the project has an estimated cost of between \$250,001 and \$500,000	\$1000.00
• If the project has an estimated cost of between \$500,001 and \$750,000	\$1500.00
• If the project has an estimated cost of between \$750,001 and \$1,000,000	\$2000.00
• If the project has an estimated cost of between \$1,000,001 and \$1,500,000	\$2500.00
• If the project has an estimated cost of between \$1,500,001 and \$2,000,000	\$3000.00
• If the project has an estimated cost of between \$2,000,001 and \$2,500,000	\$3500.00
• If the project has an estimated cost of between \$2,500,001 and \$3,000,000	\$4000.00
• If the project has an estimated cost of between \$3,000,001 and \$3,500,000	\$4500.00
• If the project has an estimated cost of between \$3,500,001 and \$5,000,000	\$5000.00
• If the project has an estimated cost of between \$5,000,001 and \$7,500,000	\$7500.00
• If the project has an estimated cost of between \$7,500,001 and \$10,000,000	\$10,000.00

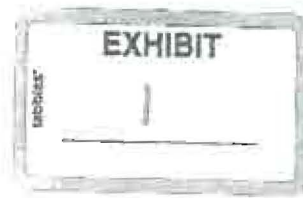
The Board of Harbor Commissioners will determine the proper permit application fee after reviewing and project in which the estimated cost exceeds \$10,000,000.

MARINE CONSTRUCTION PERMIT

EXHIBIT CHECKLIST

Please mark each exhibit in the application as follows:

Date	EXHIBIT		
<u>7/8/11</u>	EXHIBIT	1	Portland Harbor Chart
<u>7/8/11</u>	EXHIBIT	2	Drawings
<u>7/8/11</u>	EXHIBIT	3	Technical Data, Specifications, Photos
<u>7/8/11</u>	EXHIBIT	4	Tax Map
<u>7/8/11</u>	EXHIBIT	5	Survey
<u>7/8/11</u>	EXHIBIT	6	Copies of other applications
<u>7/8/11</u>	EXHIBIT	7	Notice to abutters
<u>7/8/11</u>	EXHIBIT	8	Right, title and interest
7/8/11	EXHIBIT	9	Fire Department materials
7/8/11	EXHIBIT	10	Estimates

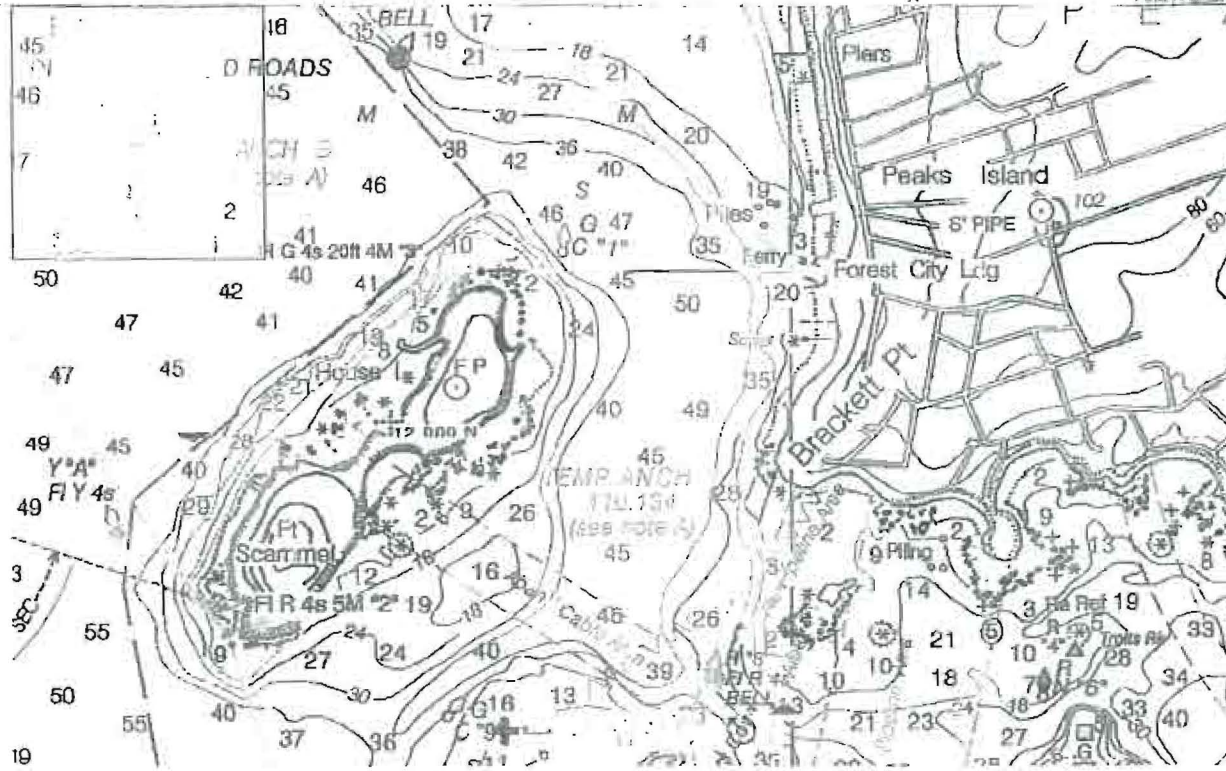


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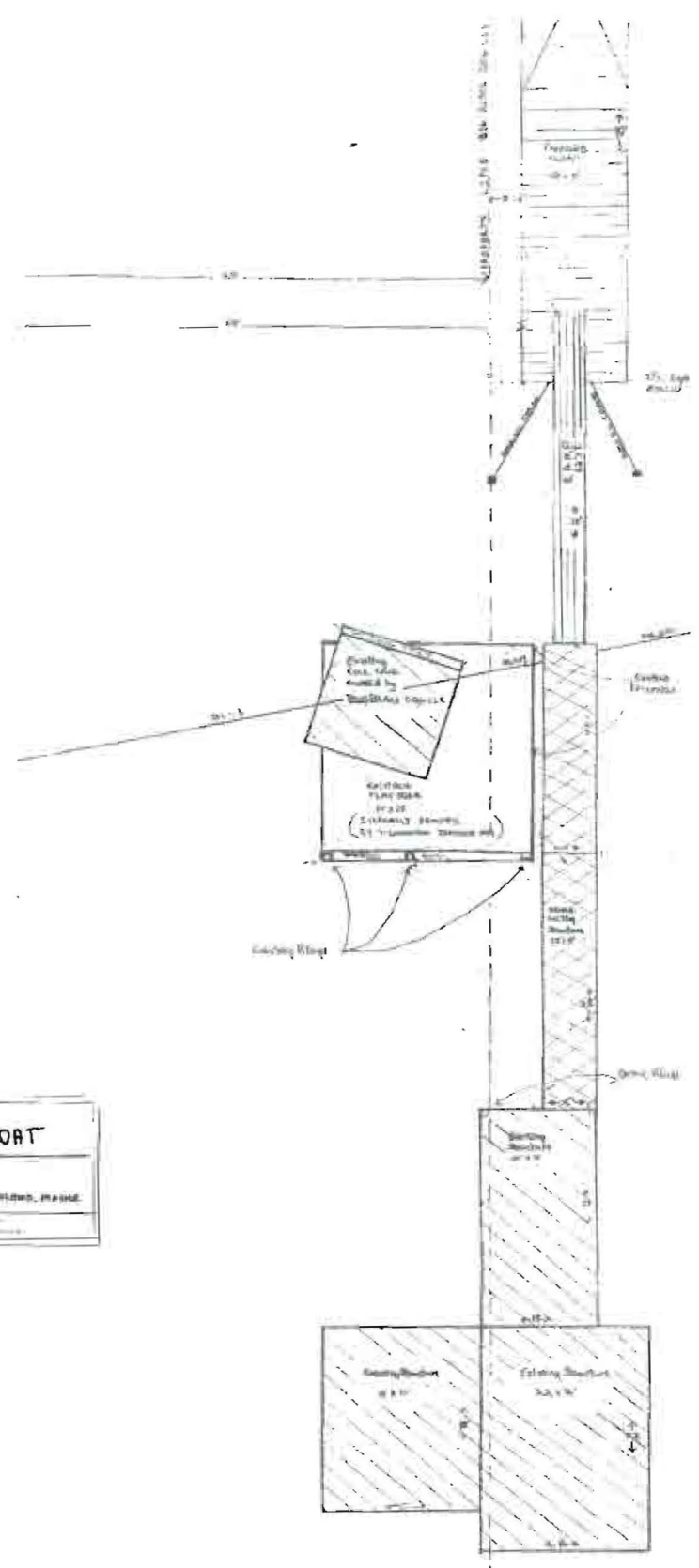
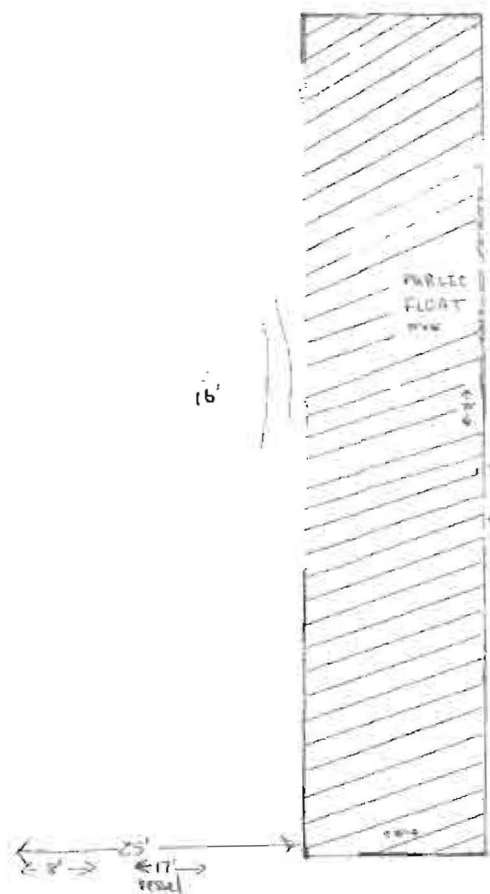
- Click the +/- buttons and drag the slider tool (solid triangle) to zoom in and out.
- Click the arrow buttons to pan left/right and up/down.
- Drag the navigation box in the upper-left hand corner to move around the chart image.

This chart display or derived product can be used as a planning or analysis tool and may not be used as a navigational aid.

NOTE: Use the official, full scale NOAA nautical chart for real navigation whenever possible. These are available from authorized NOAA nautical chart sales agents. Screen captures of the on-line viewable charts available here do NOT fulfill chart carriage requirements for regulated commercial vessels under Titles 33 and 46 of the Code of Federal Regulations.

Adobe Flash Player is required to view the chart image.
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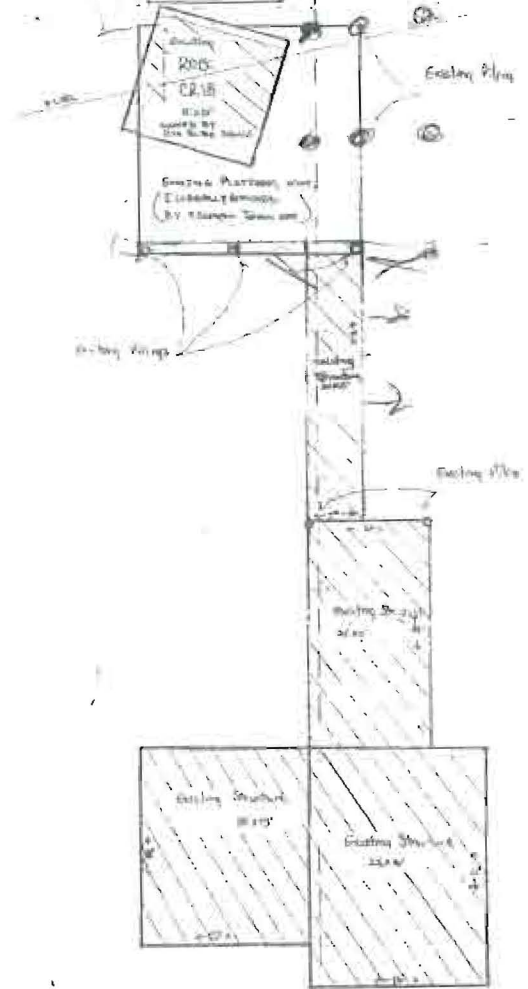
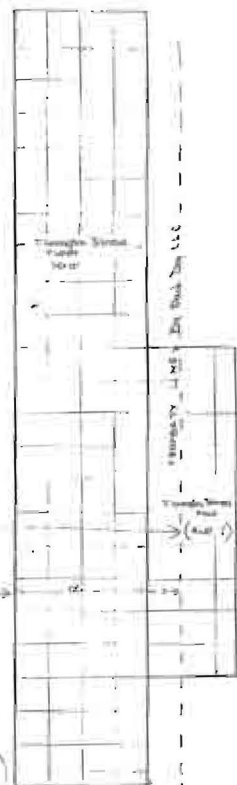
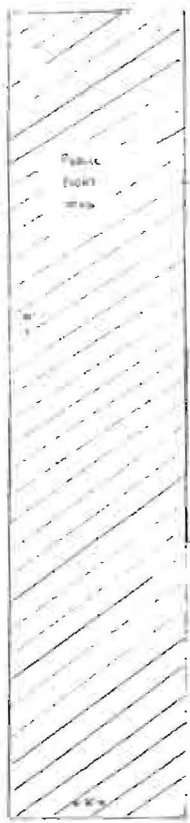


PROPOSED FLOAT

1-45 200 Big Stone Bay, U.C.
P.O. Box 271 Pemaquid, Maine

SCALE 1/4" = 1'-00"

EXHIBIT
2



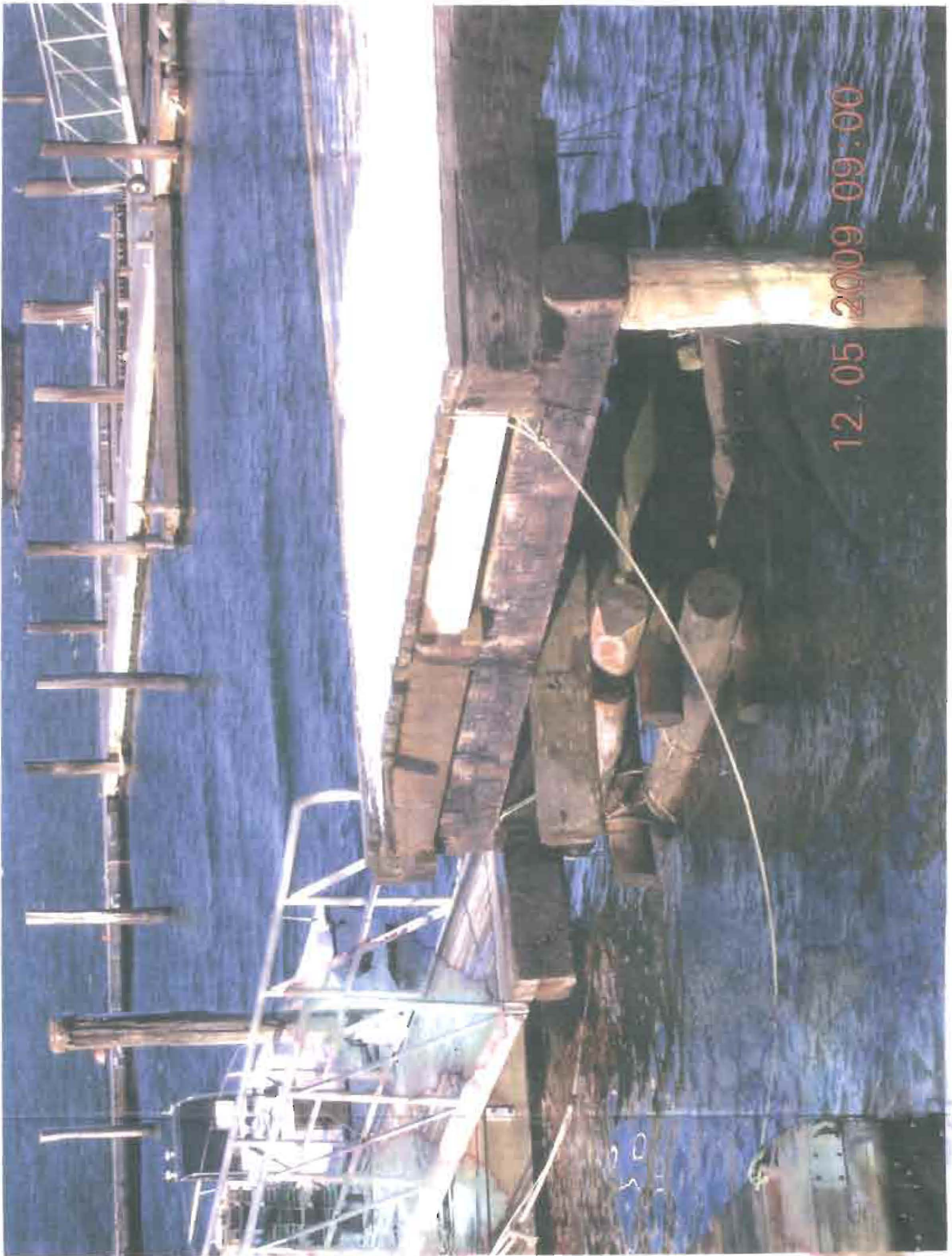
EXISTING FLOOR
 1-1-11 BIG BAMA DOG LLC
 2-6 WELCH ST. FERRIS TEXAS 75751
 SCALE 1/4" = 1 FOOT



03 25 2009 14:54







12.05.2009 09:00



No. 84
PEAKS ISLAND



CITY OF PORTLAND
RECORDS DEPARTMENT
1878-1900

EXHIBIT
A

DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT BY RULE NOTIFICATION FORM
 (For use with DEP Regulation, Chapter 305)

PLEASE TYPE OR PRINT IN BLACK INK ONLY

Name of Applicant (owner): C. Banta COL	Name of Agent: ROBERT C. BANTA
Applicant Mailing Address: 08 69	Agent Phone # (include area code): 207 252 94
Town/City: PERCIE	PROJECT Information Name of Town/City: PERCIE
State and Zip code: ME 04961	Name of Wetland or Waterbody: BENTONIC CREEK
Daytime Phone # (include area code): 207 76	Map #: 34
Detailed Directions to Site: RTE 101 N. TO PERCIE RD. TO BENTONIC CREEK	
Description of Project: REPAIR OF DAM	
Part of a larger project? (check one) → <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	After the Fact? (check one) → <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Check one → This project <input checked="" type="checkbox"/> does (or) <input type="checkbox"/> does not involve work below mean low water (average low water).	

PERMIT BY RULE (PBR) SECTIONS: (Check at least one)

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Rules Chapter 305. I and my agents, if any, have read and will comply with all of the standards in the Sections checked below

- | | | |
|--|---|--|
| <input type="checkbox"/> Sec. (2) Act. Adj. to Protected Natural Res. | <input type="checkbox"/> Sec. (10) Stream Crossing | <input type="checkbox"/> Sec. (17) Transfers/Permit Extension |
| <input type="checkbox"/> Sec. (3) Intake Pipes | <input type="checkbox"/> Sec. (11) State Transportation Facil. | <input type="checkbox"/> Sec. (18) Maintenance Dredging |
| <input checked="" type="checkbox"/> Sec. (4) Replacement of Structures | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas | <input type="checkbox"/> Sec. (19) Activities In/Over significant vernal pool habitat |
| <input type="checkbox"/> Sec. (5) REPEALED | <input type="checkbox"/> Sec. (13) F&W Creation/Enhance/Water Quality Improvement | <input type="checkbox"/> Sec. (20) Activities in existing dev. areas located in/over high or moderate value inland waterfowl & wading bird habitat or shorebird nesting, feeding & staging areas |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Vegetation | <input type="checkbox"/> Sec. (14) REPEALED | |
| <input type="checkbox"/> Sec. (7) Outfall Pipes | <input type="checkbox"/> Sec. (15) Public Boat Ramps | |
| <input type="checkbox"/> Sec. (8) Shoreline Stabilization | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects | |
| <input type="checkbox"/> Sec. (9) Utility Crossing | | |

I have attached the following required submittals. **NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:**

- Attach** a check for \$65 made payable to: "Treasurer, State of Maine".
- Attach** a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- Attach Proof of Legal Name.** If applicant is not an individual or municipality, provide a copy of Secretary of State's registration information (available at <http://www.maine.gov>).
- Attach photos of the proposed site where activity will take place as outlined in PBR Sections checked above.**
- Attach all other required submissions as outlined in the PBR Sections checked above.**

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that **this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.**

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in the rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant: Robert C. Banta	Date: 5/12/11
---	------------------

Keep a copy as a record of permit. Send the form with attachments via certified mail or hand deliver to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. Work carried out in violation of any standard is subject to enforcement action.

AUGUSTA DEP 17 STATE HOUSE STATION AUGUSTA, ME 04333-0017 (207)287-3901	PORTLAND DEP 312 CANCO ROAD PORTLAND, ME 04103 (207)822-6300	BANGOR DEP 105 HOGAN ROAD BANGOR, ME 04401 (207)941-4570	PRESQUE ISLE DEP 1235 CENTRAL DRIVE PRESQUE ISLE, ME 04769 (207)764-0477
OFFICE USE ONLY	Off#	Date	Staff
PBR #	FP	Date	Staff
			After Photos



Aaron K. Baltes

From: r1peak@aol.com
Sent: Monday, June 27, 2011 10:34 AM
To: Aaron K. Baltes
Subject: Fwd: Big Black Dog LLC

-----Original Message-----

From: Vickers, Lisa <Lisa.Vickers@maine.gov>
To: r1peak@aol.com
Sent: Mon, Jun 27, 2011 10:29 am
Subject: RE: Big Black Dog LLC

Hi Robin,
I just wanted to let you know that John MacLaine approved your PBR.

You won't be receiving anything but a copy of the approval will be sent to the town.

Thanks,
Lisa
Department of Environmental Protection
Division of Land Resource Regulation
312 Canco Road
Portland, ME 04103
(207) 615 - 3236 *please note change in phone number

From: r1peak@aol.com [mailto:r1peak@aol.com]
Sent: Monday, June 20, 2011 7:39 AM
To: Vickers, Lisa
Subject: Big Black Dog LLC

Hi Lisa, I was a little tired when I sent the e-mails last night. I was hoping you would check what was sent against what is needed. If you need more information, would you please let me know, then I can overnight the application with the info and a check. Thanks for your help. Sincerely, Robin Clark

Aaron K. Baltes

From: Clement, Jay L NAE [Jay.L.Clement@usace.army.mil]
Sent: Thursday, June 02, 2011 3:25 PM
To: Aaron K. Baltes
Subject: RE: Peaks Island project

Spot on Aaron. Our mailing address is

US Army Corps of Engineers
675 Western Avenue #3
Manchester, Maine 04351

-----Original Message-----

From: Aaron K. Baltes [mailto:abaltes@nhdlaw.com]
Sent: Thursday, June 02, 2011 3:22 PM
To: Clement, Jay L NAE
Subject: Peaks Island project

Mr. Clement:

Thank you for speaking with me. I spoke with Bob Green at Maine DEP and it sounds like we do have to get a DEP permit. I understand I am to submit a copy of the DEP permit with your office, which if granted will also serve as permission from the Army Corps for the project. If I misunderstood you, please let me know. Thank you.

Aaron K. Baltes, Esq.
Norman, Hanson & DeTroy, LLC
415 Congress Street
P.O. Box 4600
Portland, Maine 04112-4600
(207) 774-7000 telephone
(207) 775-0806 fax
www.nhdlaw.com
abaltes@nhdlaw.com

*****PRIVILEGE AND CONFIDENTIALITY***** The information contained in this electronic mail is intended for the addressed recipient only. The email may contain privileged and confidential material.

If you have received this electronic mail in error, please notify the sender immediately by replying to this e-mail or by calling (207)774-7000.
Please do not disclose the contents to anyone.

In accordance with Internal Revenue Service Circular 230, we hereby advise you that if this email or any attachment hereto contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer by the Internal Revenue Service.

Application No. 22
License/Permit No. 1127-6-31



Department of Conservation
Bureau of Parks and Lands
22 State House Station
Augusta, Maine 04133
(207) 287-3821



APPLICATION FOR SUBMERGED LANDS LEASE OR EASEMENT
PURSUANT TO TITLE 11 M.R.S.A. SECTION 1801 & 1802
MODIFICATION

PLEASE TYPE OR PRINT

1) Applicant Information: ^{legal name} Big Black Dog LLC c/o Robin Clark
A. Name of Applicant: (Alexis Realty Trust) c/o Robin Clark
B. Address: PO Box 69 Tel No 232-1196
C. City Lewis Island ME zip 04185
D. Email Address: r.3.p@ecol.com
E. Local Contact or Agent (Name, Address, Tel No)

2) General Information:
A. Name of Tidal Water, Pond, Lake, River: Casco Bay
B. Nearest Road, Street, or Route No: US102 Rt
C. City/Town/Township (County): Cumberland
D. Directions To The Site:

at 10300
Please modify attached existing site plan for South side to show proposed changes
Show distances from property boundaries
Distances to structures on adjoining properties that extend into the water
Location of property lines and corners of shorefront abutment
Municipal map and lot number of property
Location of high and low water lines
Scale of drawings

3. Enclose the \$100.00 application fee that is required to process this application, made payable to: Treasurer, State of Maine.

I authorize staff from the Department of Conservation, Marine Resources and Inland Fisheries and Wildlife to access the site in conjunction with this application and for the purpose of determining compliance with the Submerged Lands Rules.

By signing below, as the applicant (or authorized agent), you certify that the information contained in this application and attached drawings is complete and accurate to the best of your knowledge.

DATE: 6-2-10 SIGNATURE OF APPLICANT: Robin Clark

If signature is other than applicant, attach letter of agent authorization signed by applicant
Big Black Dog LLC by Robin Clark owner/manager
PRINT NAME AND TITLE



Aaron K. Baltes, Esq.
Direct 207.553.4636

May 24, 2011

Via certified mail

Ann Freeman, Esq. - Associate Counsel
City of Portland
389 Congress Street
Portland, ME 04101

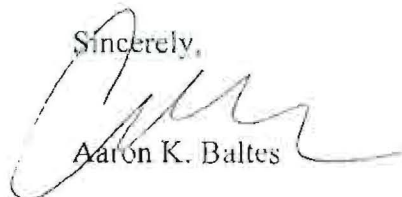
Re: Big Black Dog, LLC/Jones Landing
Application for Marine Construction Permit
File No. 883505.83505

Dear Attorney Freeman:

As you know, I represent Robin Clark, the proprietor of Jones Landing, and her entity, Big Black Dog, LLC. I am enclosing a copy of an Application for Marine Construction Permit without exhibits being submitted to the Board of Harbor Commissioners for the Port of Portland. Because the City is an abutter in the immediate vicinity of this project, it is entitled to notice of this permit application.

My understanding is this matter will be on the agenda for the Board's workshop at 5:00 p.m. on May 31 at 2 Portland Fish Pier, Suite 105, Portland, Maine, and will be on the agenda for a public hearing before the Board at 5:00 p.m. on June 9 at the South Portland City Council Chambers at 25 Cottage Road, South Portland, Maine. Thank you.

Sincerely,



Aaron K. Baltes

Enclosures

cc: Harbor Master Jeff Liick, Port of Portland
Ms. Robin Clark, Big Black Dog, LLC



Aaron K. Baltes, Esq.
Direct 207.553.4636

May 24, 2011

Via certified mail

Sara Brusila, Submerged Lands Technician
State of Maine, Bureau of Parks and Lands
22 State House Station
Augusta, ME 04333

Re: Big Black Dog, LLC/Jones Landing
Application for Marine Construction Permit
File No. 883505.83505

Dear Attorney Freeman:

As you know, I represent Robin Clark, the proprietor of Jones Landing, and her entity, Big Black Dog, LLC. I am enclosing a copy of an Application for Marine Construction Permit without exhibits being submitted to the Board of Harbor Commissioners for the Port of Portland. Because the State is an abutter in the immediate vicinity of this project, it is entitled to notice of this permit application.

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Sincerely,



Aaron K. Baltes

Enclosures

cc: Harbor Master Jeff Lick, Port of Portland
Ms. Robin Clark, Big Black Dog, LLC



Norman Hanson & DeTroy, LLC
Attorneys at Law
415 Congress Street
P.O. Box 4600
Portland, ME 04112-4600

T 207.774.7000
F 207.775.0806
www.nhdllaw.com
abaltes@nhdllaw.com

Aaron K. Baltes, Esq.
Direct 207.553.4636

June 2, 2011

Via certified mail
State of Maine, Maine Port Authority
16 State House Station
Augusta, ME 04333

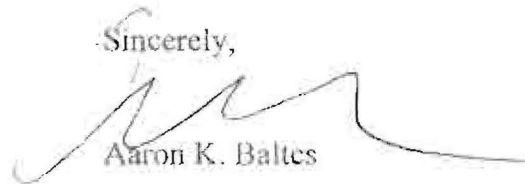
Re: Big Black Dog, LLC/Jones Landing
Application for Marine Construction Permit
File No. 883505.83505

Dear Sir/Madam:

I represent Robin Clark, the proprietor of Jones Landing, and her entity, Big Black Dog, LLC. I am enclosing a copy of an Application for Marine Construction Permit without exhibits that has been submitted to the Board of Harbor Commissioners for the Port of Portland. Because the State is an abutter in the immediate vicinity of this project, it is entitled to notice of this permit application. I sent a notice to the Bureau of Parks and Lands in their role as the overseer of the State's submerged lands, and they informed me that the Maine Port Authority should also receive a notice as the owner of the ferry terminal.

My understanding is this matter will be on the agenda for a public hearing before the Board at 5:00 p.m. on June 9 at the South Portland City Council Chambers at 25 Cottage Road, South Portland, Maine. Thank you.

Sincerely,



Aaron K. Baltes

Enclosures

cc: Harbor Master Jeff Liick, Port of Portland
Ms. Robin Clark, Big Black Dog, LLC



QUITCLAIM DEED WITH COVENANT

We, ROBIN A. CLARK, of Peaks Island, Cumberland County, Maine, GEORGE NICHOLAS CLARK, of Boston, Suffolk County, Massachusetts and ALEXANDRA CLARK of Peaks Island, Cumberland County, Maine for consideration paid, grant to BIG BLACK DOG, LLC, of Peaks Island, Cumberland County, Maine, whose mailing address is c/o Robin A. Clark, PO Box 69, Peaks Island, ME 04108 with quitclaim covenant, all our right, title and interest in a certain lot or parcel of land with the buildings thereon situated on Peaks Island bounded and described as follows:

A certain lot or parcel of land with the buildings thereon, situated on Peaks Island in Portland in the County of Cumberland and State of Maine, bounded and described as follows:

BEGINNING: At the corner formed by the intersection of the Westerly sideline of Island Avenue with the Northeasterly side of Welch Street;

THENCE: Running Northerly by the Westerly line of Island Avenue to line of land formerly of John Brackett, later of W.T. Jones;

THENCE: Running North Sixty-three Degrees Twenty-six Minutes West (N 63° 26' W), adjoining said Jones land and over a bolt in the ledge by the shore to low water mark;

THENCE: Running Southerly by low water mark to a point where the Northeasterly sideline of Welch Street or the Northeasterly side of said Street extended Northwesterly, intersects said low water mark;

THENCE: Running Southerly adjoining the Northeasterly side of Welch Street to the corner and point of beginning, being the property commonly known as the Peaks Island House and lot.

ALSO another certain lot or parcel of land, with the buildings thereon, situated on Peaks Island, in said Portland, and bounded and described as follows:

BEGINNING: At the corner formed by the intersection of the Westerly sideline of Island Avenue with the Northeasterly side of Welch Street;

THENCE: Running Northerly by the Westerly line of Island Avenue to line of land formerly of John Brackett, later of W.T. Jones;

THENCE: Running North Sixty-Three Degrees Twenty-Six Minutes West (N 63° 26' W), adjoining said Jones land and over a bolt in the ledge by the shore to low water mark;

THENCE: Running Southerly by low water mark to a point where the Northeasterly side of said Street extended Northwesterly, intersects said low water mark;

THENCE: Running Southeasterly adjoining the Northeasterly side of Welch Street to the corner

and point of beginning, being the property known as the Peaks Island House and lot.

The above-described property being the same premises conveyed to Charles L. Tolford and Emily S. Tolford, both of said Portland by warranty deed of Maine Forty-Four Corporation, dated October 3, 1938, and recorded in the Cumberland County Registry of Deeds in Book 1564, Page 468.

ALSO another certain lot or parcel of land situated on Peaks Island in said City of Portland bounded and described as follows:

BEGINNING: At a stake on the shore on the Northwesterly side of said Peaks Island in the line of land set off to Mary S. Welch in the division of the Estate of John Brackett, as per plan filed in the office of the Registry of Deeds for said County of Cumberland;

THENCE: Running South Sixty-Six and one-half Degrees East (S 66 ½° E) to a road;

THENCE: Running Northerly by said road Sixty feet (60') or far enough so that a line parallel with the first line will be Sixty feet (60') therefrom;

THENCE: Running Westerly parallel with the first line and Sixty feet (60') therefrom to the shore aforesaid, together with all buildings and wharf connected with the above-described premises, and also all right, title, and interest in and to all flats adjoining said premises to low water mark and all shore rights and privileged (sic) appurtenant to or adjoining said land and wharf. Reference is made to deed of Ellen T. Way, et als to Charles A. Plummer, dated August 18, 1902, recorded in said Registry of Deeds in Book 718, Page 466.

ALSO another certain lot or parcel of land situated on Peaks Island, in said City of Portland, being the Westerly end of Lot No. 5 on Section A of a plan of the Estate of Mary A. Brackett made by C.E. Staples, 1899, and recorded in the Probate Court of said County of Cumberland, said lot being more particularly bounded and described as follows:

BEGINNING: At an iron monument set at the West corner of Lot No. 4 on the aforesaid plan, said monument being also in the middle of the Easterly line of Lot No. 6 and running Easterly by the line of said Lot No. 4 Seventeen feet (17') to a stake;

THENCE: Running at right angles Southerly Forty-Five and one-half feet (45 ½') to land formerly owned by William T. Jones to a point Easterly by said Jones land two tenths of a foot (2/10') from an iron monument marking the South corner of Lot No. 6;

THENCE: Running by said Jones land to said monument;

THENCE: Running Northerly by said Lot No. 6 Forty-Seven and one-half feet (47 ½') to the point of beginning.

Reference is made to a deed of Epps A. Trefethen to Charles A. Plummer, dated October 7, 1902, recorded in said Registry in Book 723, Page 281.

ALSO another certain lot or parcel of land situated on Peaks Island, in the City of Portland, being a part of the Mary A. Brackett Estate and known and described in the division of the Mary A. Brackett Estate made by Commissioners appointed by the Probate Court to divide said estate among the heirs of said Mary A. Brackett as Lot No. 6 located on the Southerly side of Wiley Street, otherwise known as Wylie Street, in Section A in said division, said lot being Fifty feet (50'), more or less in width on said Wiley Street, and extending Southerly a distance of Eighty-Seven and two-tenths feet (87.20'), more or less, to lot of land described in Paragraph 1 hereof. Reference is made to deed of George A. Brackett to Charles A. Plummer, dated July 26, 1890, recorded in said Registry of Deeds in Book 580, Page 143.

ALSO another certain lot or parcel of land situated on Peaks Island, in said City of Portland, being Lot No. 7, Section A, as mentioned and described in the plan and division made by Commissioners appointed by the Probate Court for the County of Cumberland to make division of the Estate of Mary A. Brackett, to which plan and report reference is hereby made. Together with all right, title, and interest in and to the passageway Ten feet (10') in width leading thereto from the southerly side of Wiley Street, and also right, title, and interest in and to all flats adjoining said Lot No. 7 to low water mark and all shore rights and privileges appurtenant to Lot No. 7 to low water mark and all shore rights and privileges appurtenant to Lot No. 7.

Reference is made to deed of Gilman L. Brackett to Charles A. Plummer, dated April 28, 1891, and recorded in said Registry of Deeds in Book 580, Page 144.

ALSO another certain lot or parcel of land, situated on Peaks Island, in said City of Portland, being Lot No. 8 in Section A as mentioned and described in the plan and division made by Commissioners appointed by the Probate Court for the County of Cumberland to make division of the Estate of Mary A. Brackett, to which plan, copy of which is recorded in said Registry, Plan Book 12, Page 101, and to which report, recorded in said Registry in book 577, Page 408, reference is hereby made for further particulars of description of said lot; together with all right, title, and interest in and to all flats lying Southerly of the Southerly side of Wiley Street adjoining said Lot No. 8 to low water mark, and all right, title, and interest in and to all shore rights and privileges appurtenant to said Lot No. 8.

Reference is made to deed of Epps G.H. Brackett to Charles A. Plummer, dated April 28, 1890, recorded in said Registry in Book 567, Page 238.

The above-described property being the same premises conveyed to Charles L. Tolford and Emily S. Tolford, both of said Portland, by warranty deed of Maine Forty-Four Corporation dated October 3, 1938 and recorded in said Registry of Deeds in Book 1568, Page 356.

All the above-described premises being the same conveyed to Granville W. Angell by warranty deed of Charles L. Tolford and Emily S. Tolford, dated April 30, 1946 and recorded in the Cumberland Country Registry of Deeds in Book 1819, Page 102.

This conveyance is subject to an easement for the maintenance, etc. of a pole line granted to Central Maine Power Co. and New England Telephone Telegraph Co. dated July 23, 1973 and

recorded in said Registry of Deeds in Book 3475, Page 56.

Excepting and reserving those premises and rights conveyed by Richard A. Faulkner and Frances I. Dugan to Howard U. Heller, et ux, by deed dated March 10, 1979 and recorded in said Registry of Deeds in Book 4394, Page 55.

ALSO a certain lot or parcel of land, with the buildings thereon, situated on the westerly side of Island Avenue on Peaks Island in the City of Portland, County of Cumberland and State of Maine, being Lot No. 5 in Section A, as shown on Plan of the Estate of Mary A. Brackett, made by C.E. Staples, 1889, a copy of which is recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 101.

Excepting, however, so much of said Lot No. 5 as was conveyed by Epps A. Trefethen to Charles A. Plummer by deed dated October 7, 1902 and recorded in said Registry of Deeds in Book 723, Page 281.

ALSO another certain lot or parcel of land situated on the westerly side of Island Avenue on Peaks Island in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

BEGINNING on the westerly side of Island Avenue at the southeasterly corner of land conveyed by Stanley R. Williamson, et al to William I. Paine, et al, by deed dated October 2, 1978 and recorded in the Cumberland County Registry of Deeds in Book 4315, Page 304; thence southerly along said Island Avenue sixteen (16) feet; thence westerly along other land of Howard U. Heller one hundred twenty (120) feet more or less to the northwesterly sideline of said Heller's land; thence northeasterly thirty three (33) feet to the southwesterly corner of said Paine Land; thence southeasterly along a fence and said Paine's land one hundred twelve and eight tenths (112.8) feet to the westerly side of Island Avenue and the point of beginning.

Being the same premises conveyed to Northern Realty Trust by deed of John W. Coffin, et al dated July 5, 1985 and recorded in Cumberland County Registry of Deeds in Book 7423, Page 270.

Excepting and reserving the portion of the property, sometimes referred to as "62 Island Avenue," was conveyed out by warranty deed from George W. Clark, Jr. and James Lagoulis, Trustees of the Northern Realty Trust to Edward R. Crabb and Kristen M. Chalmers dated April 14, 1995 and recorded at Book 11891, Page 187.

Together with all rights and obligations regarding a rock crib located at the end of Welch Street set forth in a Deed from the City of Portland to George W. Clark and James Lagoulis dated May 17, 1997 and recorded at Book 13110, Page 10.

Together with all right, title and interest to the shore and flats, and the docks, piers and floats. Meaning and intending to convey and hereby conveying all property bounded by Welch Street, Island Avenue, the waters of Casco Bank (sic) and Wylie Street.

The above described premises are conveyed SUBJECT TO the following:

1. Mortgage from George W. Clark, Jr. and James Lagoulis, Trustees of the Northern Realty Trust to First & Ocean National Bank dated December 13, 2002 in the amount of up to \$500,000 and recorded at Book 18582, Page 110.
2. Terms and provision of a Sewer Connection Agreement between City of Portland and George W. Clark, Jr. and James Lagoulis, Trustees of the Northern Realty Trust, dated August 22, 1991 and recorded in Book 9694, Page 335.
3. Easement for a sewer line set forth in an instrument dated July 7, 1991 and recorded in Book 9784, Page 66.
4. Rights and easements set forth in a deed dated March 10, 1979 and recorded in Book 4394, Page 55.
5. Possible Water Line Easement granted to George W. Clark, Jr. and James Lagoulis by instrument dated April 20, 1984 and recorded in Book 6488, Page 98.
6. Pedestrian right of way easement granted to John W. Coffin and Constance A. Coffin by instrument dated May 8, 1984 and recorded in Book 6448, Page 99.
7. Easement to Central Maine Power Company by instrument dated July 23, 1973 and recorded in Book 3475, Page 56.
8. Passageways encumbering a portion of the insured premises as depicted on a "Plan of Mary A. Brackett Estate, Peaks Island" recorded in Plan Book 12, Page 101.
9. Rights of the U.S.A., the State of Maine and the public in and to that portion of the premises lying below the mean high water mark of Casco Bay.
10. Rights of others in and to any appurtenant easements that may be conveyed with the foregoing premises.

The above described property was conveyed by James Lagoulis, sole surviving trustee of the Northern Realty Trust to Robin Clark, Personal Representative of the Estate of George W. Clark, Jr., Robin Clark, personally, Nicholas Clark, and Alexandra Clark by deed dated December 31, 2008 and recorded in Cumberland County Registry of Deeds at Book 26527, Page 307 and Book 26527, Page 319.

Being the same premises conveyed from James Lagoulis as the sole surviving Trustee of the Northern Realty Trust to Robin A. Clark, as Personal Representative of the Estate of George W. Clark, Jr. by deed dated December 31, 2008 and recorded in the Cumberland County Registry of Deeds in Book 26527, Page 307.

Being the same property conveyed by a Deed of Distribution to Robin A. Clark, George Nicholas Clark and Alexandra Clark of even date and recorded at the Cumberland County Registry of Deeds.

Also hereby conveying all rights, easements, privileges, and appurtenances belonging to the above described property.

Witness our hands and seals this 22 day of December, 2009.

Susan EHT
Witness

Robin A. Clark
Robin A. Clark

Witness

George Nicholas Clark
George Nicholas Clark

Witness

Alexandra Clark
Alexandra Clark

STATE OF MAINE
Cumberland, ss.

December 30, 2009

Personally appeared before me the above-named ROBIN A. CLARK and acknowledged this instrument to be her free act and deed.

Susan EHT
Notary Public/Attorney at Law
Please type/print name below.

Susan E Hunter

Received
Recorded Register of Deeds
Dec 31:2009 11:07:31A
Cumberland County
Pamela E. Lovley

DEED

KNOW ALL BY THESE PRESENTS, That JAMES LAGOULIS, of 79 State Street, Newburyport, Massachusetts 01950, pursuant to an Agreement and Plan of Complete Settlement of the Estate of George Clark, hereby GRANTS to ROBIN CLARK in her capacity as PERSONAL REPRESENTATIVE of the ESTATE of GEORGE CLARK and ROBIN CLARK, GEORGE NICHOLAS CLARK and ALEXANDRA CLARK as the surviving spouse and intestate heirs of said GEORGE CLARK, of 2 Welch Street, Peaks Island, Portland, Maine with quitclaim covenant, a 1/2 in common and undivided interest in and to certain real estate located at Jones Landing on Peaks Island in Portland, County of Cumberland and State of Maine, which is more particularly described in Exhibit A attached hereto and made a part hereof.

This conveyance is made SUBJECT, HOWEVER, to real estate taxes which are not yet due and payable, which, by acceptance hereof, Grantee assumes and agrees to pay.

WITNESS my hand and seal this 31st day of December, 2008.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
Witness

[Signature]
James Lagoulis, Trustee of
Northern Realty Trust and Individually
dated July 5, 1985.

STATE OF MAINE
CUMBERLAND, ss.

December 31, 2008

Then personally appeared the above named James Lagoulis in his said capacity as Trustee of Northern Realty Trust and acknowledged the foregoing instrument to be his free act and deed, individually and in his said capacity.

Before me,

[Signature]
Notary Public/Maine Attorney At Law
Printed Name: PHILIP C. HUNT
Commission Expires December 11, 2012

Exhibit A

A certain lot or parcel of land with the buildings thereon, situated on Peaks Island in Portland in the County of Cumberland and State of Maine, and bounded and described as follows:

BEGINNING: At the corner formed by the intersection of the Westerly sideline of Island Avenue with the Northeasterly side of Welch Street;

THENCE: Running Northerly by the Westerly line of Island Avenue to line of land formerly of John Brackett, later of W.T. Jones;

THENCE: Running North Sixty-three Degrees Twenty-Six Minute West (N 63° 26' W), adjoining said Jones land and over a bolt in the ledge by the shore to low water mark;

THENCE: Running Southerly by low water mark to a point where the Northeasterly sideline of Welch Street or the Northeasterly side of said Street extended Northwesterly, intersects said low water mark;

THENCE: Running Southerly adjoining the Northeasterly side of Welch Street to the corner and point of beginning, being the property commonly known as the Peaks Island House and lot.

ALSO another certain lot or parcel of land, with the buildings thereon, situated on Peaks Island, in said Portland, and bounded and described as follows:

BEGINNING: At the corner formed by the intersection of the Westerly sideline of Island Avenue with the Northeasterly side of Welch Street;

THENCE: Running Northerly by the Westerly line of Island Avenue to line of land formerly of John Brackett, later of W.T. Jones;

THENCE: Running North Sixty-Three Degrees Twenty-Six Minutes West (N 63° 26' W), adjoining said Jones land and over a bolt in the ledge by the shore to low water mark;

THENCE: Running Southerly by low water mark to a point where the Northeasterly side of said Street extended Northwesterly, intersects said low water mark;

THENCE: Running Southeasterly adjoining the Northeasterly side of Welch Street to the corner and point of beginning, being the property known as the Peaks Island House and lot.

The above-described property being the same premises conveyed to Charles L. Tolford and Emily S. Tolford, both of said Portland by warranty deed of Maine Forty-Four Corporation, dated October 3, 1938, and recorded in the Cumberland County Registry of Deeds in Book 1564, Page 468.

ALSO another certain lot or parcel of land situated on Peaks Island in said City of Portland bounded and described as follows:

BEGINNING: At a stake on the shore on the Northwestern side of said Peaks Island in the line of land set off to Mary S. Welch in the division of the Estate of John Brackett, as per plan filed in the office of the Registry of Deeds for said County of Cumberland;

THENCE: Running South Sixty-Six and one-half Degrees East (S 66 ½ E) to a road;

THENCE: Running Northerly by said road Sixty feet (60') or far enough so that a line parallel with the first line will be Sixty feet (60') therefrom;

THENCE: Running Westerly parallel with the first line and Sixty feet (60') therefrom to the shore aforesaid, together with all buildings and wharf connected with the above-described premises, and also all right, title, and interest in and to all flats adjoining said premises to low water mark and all shore rights and privileged appurtenant to or adjoining said land and wharf. Reference is made to deed of Ellen T. Way, et als to Charles A. Plummer, dated August 18, 1902, recorded in said Registry of Deeds in Book 718, Page 466.

ALSO another certain lot or parcel of land, situated on Peaks Island, in said City of Portland, being the Westerly end of Lot No. 5 on Section A of a plan of the Estate of Mary A. Brackett made by C.E. Staples, 1899, and recorded in the Probate Court of said County of Cumberland, said lot being more particularly bounded and described as follows:

BEGINNING: At an iron monument set at the West corner of Lot No. 4 on the aforesaid plan, said monument being also in the middle of the Easterly line of Lot No. 6 and running Easterly by the line of said Lot No. 4 Seventeen feet (17') to a stake;

THENCE: Running at right angles Southerly Forty-Five and one-half feet (45 1/2') to land formerly owned by William T. Jones to a point Easterly by said Jones land two tenths of a foot (2/10') from an iron monument marking the South corner of Lot No. 6;

THENCE: Running by said Jones land to said monument;

THENCE: Running Northerly by said Lot No. 6 Forty-Seven and one-half feet (47 1/2') to the point of beginning.

Reference is made to a deed of Epps A. Trefethen to Charles A. Plummer, dated October 7, 1902, recorded in said Registry in Book 723, Page 281.

ALSO another certain lot or parcel of land situated on Peaks Island, in the City of Portland, being a part of the Mary A. Brackett Estate and known and described in the division of the Mary A. Brackett Estate made by Commissioners appointed by the Probate Court to divide

said estate among the heirs of said Mary A. Brackett as Lot No. 6 located on the Southerly side of Wiley Street, otherwise known as Wylie Street, in Section A in said division, said lot being Fifty feet (50'), more or less in width on said Wiley Street, and extending Southerly a distance of Eighty-Seven and two-tenths feet (87.20'), more or less, to lot of land described in Paragraph 1 hereof. Reference is made to deed of George A. Brackett to Charles A. Plummer, dated July 26, 1890, recorded in said Registry of Deeds in Book 580, Page 143.

ALSO another certain lot or parcel of land, situated on Peaks Island, in said City of Portland, being Lot No. 7, Section A, as mentioned and described in the plan and division made by Commissioners appointed by the Probate Court for the County of Cumberland to make division of the Estate of Mary A. Brackett, to which plan and report reference is hereby made. Together with all right, title, and interest in and to the passageway Ten feet (10') in width leading thereto from the southerly side of Wiley Street, and also right, title and interest in and to all flats adjoining said Lot No. 7 to low water mark and all shore rights and privileges appurtenant to Lot No. 7 to low water mark and all shore rights and privileges appurtenant to Lot No. 7.

Reference is made to deed of Gilman L. Brackett to Charles A. Plummer, dated April 28, 1891, and recorded in said Registry of Deeds in Book 580, Page 144.

ALSO another certain lot or parcel of land, situated on Peaks Island, in said City of Portland, being Lot No. 8 in Section A as mentioned and described in the plan and division made by Commissioners appointed by the Probate Court for the County of Cumberland to make division of the Estate of Mary A. Brackett, to which plan, copy of which is recorded in said Registry, Plan Book 12, Page 101, and to which report, recorded in said Registry in Book 577, Page 408, reference is hereby made for further particulars of description of said lot; together with all right, title and interest in and to all flats lying Southerly of the Southerly side of Wiley Street adjoining said Lot No. 8 to low water mark, and all right, title and interest in and to all shore rights and privileges appurtenant to said Lot No. 8.

Reference is made to deed of Epps G.H. Brackett to Charles A. Plummer, dated April 28, 1890, recorded in said Registry in Book 567, Page 238.

The above-described property being the same premises conveyed to Charles L. Tolford and Emily S. Tolford, both of said Portland, by warranty deed of Maine Forty-Four Corporation dated October 3, 1938 and recorded in said Registry of Deeds in Book 1568, Page 356.

All the above-described premises being the same conveyed to Granville W. Angell by warranty deed of Charles L. Tolford and Emily S. Tolford, dated April 30, 1946 and recorded in the Cumberland County Registry of Deeds in Book 1819, Page 102.

This conveyance is subject to an easement for the maintenance, etc. of a pole line granted to Central Maine Power Co. and New England Telephone Telegraph Co. dated July 23, 1973 and recorded in said Registry of Deeds in Book 3475, Page 56.

Excepting and Reserving those premises and rights conveyed by Richard A. Faulkner and Frances I. Dugan to Howard U. Heller, et ux, by deed dated March 10, 1979 and recorded in said Registry of Deeds in Book 4394, Page 55.

ALSO a certain lot or parcel of land, with the buildings thereon, situated on the westerly side of Island Avenue on Peaks Island in the City of Portland, County of Cumberland State of Maine, being Lot No. 5 in Section A, as shown on Plan of the Estate of Mary A. Brackett, made by C.E. Staples, 1889, a copy of which is recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 101.

Excepting, however, so much of said Lot No. 5 as was conveyed by Epps A. Trefethen to Charles A. Plummer by deed dated October 7, 1902 and recorded in said Registry of Deeds in Book 723, Page 281.

ALSO another certain lot or parcel of land situated on the westerly side of Island Avenue on Peaks Island in the City of Portland, County of Cumberland and state of Maine, bounded and described as follows:

Beginning on the westerly side of Island Avenue at the southeasterly corner of land conveyed by Stanley R. Williamson, et al to William I. Paine, et al, by deed dated October 2, 1978 and recorded in the Cumberland County Registry of Deeds in Book 4315, Page 304; thence southerly along said Island Avenue sixteen (16) feet; thence westerly along other land of Howard U. Heller one hundred twenty (120) feet more or less to the northwesterly sideline of said Heller's land; thence northeasterly thirty three (33) feet to the southwesterly corner of said Paine Land; thence southeasterly along a fence and said Paine's land one hundred twelve and eight tenths (112.8) feet to the westerly side of Island Avenue and the point of beginning.

Being the same premises conveyed to the Grantors by deed of John W. Coffin, et al dated July 5, 1985 and recorded in Cumberland County Registry of Deeds in Book 7423, Page 270

Excepting and reserving the portion of the property, sometimes referred to a "62 Island Avenue," was conveyed out by warranty deed from George W. Clark, Jr. and James Lagoulis, Trustees of the Northern Realty Trust to Edward R. Crabb and Kristen M. Chalmers dated April 14, 1995 and recorded at Book 11891, Page 10

Together with all rights and obligations regarding a rock crib located at the end of Welch Street set forth in a Deed from the City of Portland to George W. Clark and James Lagoulis dated May 17, 1997 and recorded at Book 13110, Page 187.

Together with all right, title and interest to the shore and flats, and the docks, piers and floats. Meaning and intending to convey and hereby conveying all property bounded by Welch Street, Island Avenue, the waters of Casco Bank and Wylie Street

The above described premises are Conveyed SUBJECT TO the following:

1. Mortgage from George W. Clark, Jr. and James Lagoulis, Trustees of the Northern Realty Trust to First & Ocean National Bank dated December 13, 2002 in the amount of up to \$500,000 and recorded at Book 18582, Page 110.
2. Terms and provisions of a Sewer Connection Agreement between City of Portland and George W. Clark, Jr. and James Lagoulis, Trustees of Northern Realty Trust, dated August 22, 1991 and recorded in Book 9694, Page 335.
3. Easement for a sewer line set forth in an instrument dated July 7, 1991 and recorded in Book 9784, Page 66.
4. Rights and easements set forth in a deed dated March 10, 1979 and recorded in Book 4394, Page 55.
5. Possible Water Line Easement granted to George W. Clark, Jr. and James Lagoulis by instrument dated April 20, 1984 and recorded in Book 6488, Page 98.
6. Pedestrian right of way easement granted to John W. Coffin and Constance A. Coffin by instrument dated May 8, 1984 and recorded in Book 6448, Page 99.
7. Easement to Central Maine Power Company by instrument dated July 23, 1973 and recorded in Book 3475, Page 56.
8. Passageways encumbering a portion of the insured premises as depicted on a "Plan of Mary A. Brackett Estate, Peaks Island" recorded in Plan Book 12, Page 101.
9. Rights of the U.S.A., the State of Maine and the public in and to that portion of the premises lying below the mean high water mark of Casco Bay.
10. Easement granted to Central Maine Power Company by instrument dated July 23, 1973 and recorded in Book 3475, Page 56.
11. Matters set forth on a "Plan of Mary A. Brackett Estate, Peaks Island" recorded in Plan Book 12, Page 101.
12. Rights of others in and to any appurtenant easements that may be conveyed with the foregoing premises.

EXHIBIT
80

DEED OF DISTRIBUTION OF TRUSTEE

KNOW ALL BY THESE PRESENTS, That JAMES LAGOULIS, of 79 State Street, Newburyport, Massachusetts 01950, as the sole surviving TRUSTEE OF NORTHERN REALTY TRUST, a Trust established under a Declaration of Trust dated July 5, 1985 and recorded in the Cumberland County Registry of Deeds in Book 6824, Page 12, by the power conferred by law, and every other power, in distribution of the Trust, GRANT to ROBIN CLARK in her capacity as PERSONAL REPRESENTATIVE of the ESTATE of GEORGE CLARK and ROBIN CLARK, GEORGE NICHOLAS CLARK and ALEXANDRA CLARK as the surviving spouse and intestate heirs of said GEORGE CLARK, a 1/2 in common and undivided interest in and to certain real estate located at Jones Landing on Peaks Island in Portland, County of Cumberland and State of Maine, which is more particularly described in Exhibit A attached hereto and made a part hereof.

This conveyance is made SUBJECT, HOWEVER, to real estate taxes which are not yet due and payable, which, by acceptance hereof, Grantee assumes and agrees to pay.

WITNESS my hand and seal this 21st day of December, 2008.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
Witness

[Signature]
James Lagoulis, Trustee of
Northern Realty Trust
dated July 5, 1985

STATE OF MAINE
CUMBERLAND, ss.

December 21, 2008

Then personally appeared the above named James Lagoulis in his said capacity as Trustee of Northern Realty Trust and acknowledged the foregoing instrument to be his free act and deed.

Before me,

[Signature]

Notary Public/Maine Attorney At Law

Printed Name: PHILIP C. HUNT

Commission Expires: Notary Public, Maine

My Commission Expires December 11, 2012

Exhibit A

A certain lot or parcel of land with the buildings thereon, situated on Peaks Island in Portland in the County of Cumberland and State of Maine, and bounded and described as follows:

BEGINNING: At the corner formed by the intersection of the Westerly sideline of Island Avenue with the Northeasterly side of Welch Street;

THENCE: Running Northerly by the Westerly line of Island Avenue to line of land formerly of John Brackett, later of W.T. Jones;

THENCE: Running North Sixty-three Degrees Twenty-Six Minute West ($N 63^{\circ} 26' W$), adjoining said Jones land and over a bolt in the ledge by the shore to low water mark;

THENCE: Running Southerly by low water mark to a point where the Northeasterly sideline of Welch Street or the Northeasterly side of said Street extended Northwesterly, intersects said low water mark;

THENCE: Running Southerly adjoining the Northeasterly side of Welch Street to the corner and point of beginning, being the property commonly known as the Peaks Island House and lot.

ALSO another certain lot or parcel of land, with the buildings thereon, situated on Peaks Island, in said Portland, and bounded and described as follows:

BEGINNING: At the corner formed by the intersection of the Westerly sideline of Island Avenue with the Northeasterly side of Welch Street;

THENCE: Running Northerly by the Westerly line of Island Avenue to line of land formerly of John Brackett, later of W.T. Jones;

THENCE: Running North Sixty-Three Degrees Twenty-Six Minutes West ($N 63^{\circ} 26' W$), adjoining said Jones land and over a bolt in the ledge by the shore to low water mark;

THENCE: Running Southerly by low water mark to a point where the Northeasterly side of said Street extended Northwesterly, intersects said low water mark;

THENCE: Running Southeasterly adjoining the Northeasterly side of Welch Street to the corner and point of beginning, being the property known as the Peaks Island House and lot.

The above-described property being the same premises conveyed to Charles L. Tolford and Emily S. Tolford, both of said Portland by warranty deed of Maine Forty-Four Corporation, dated October 3, 1938, and recorded in the Cumberland County Registry of Deeds in Book 1564, Page 468.

ALSO another certain lot or parcel of land situated on Peaks Island in said City of Portland bounded and described as follows:

BEGINNING: At a stake on the shore on the Northwesterly side of said Peaks Island in the line of land set off to Mary S. Welch in the division of the Estate of John Brackett, as per plan filed in the office of the Registry of Deeds for said County of Cumberland;

THENCE: Running South Sixty-Six and one-half Degrees East (S 66 1/2 E) to a road;

THENCE: Running Northerly by said road Sixty feet (60') or far enough so that a line parallel with the first line will be Sixty feet (60') therefrom;

THENCE: Running Westerly parallel with the first line and Sixty feet (60') therefrom to the shore aforesaid, together with all buildings and wharf connected with the above-described premises, and also all right, title, and interest in and to all flats adjoining said premises to low water mark and all shore rights and privileged appurtenant to or adjoining said land and wharf. Reference is made to deed of Ellen T. Way, et als to Charles A. Plummer, dated August 18, 1902, recorded in said Registry of Deeds in Book 718, Page 466.

ALSO another certain lot or parcel of land, situated on Peaks Island, in said City of Portland, being the Westerly end of Lot No. 5 on Section A of a plan of the Estate of Mary A. Brackett made by C.E. Staples, 1899, and recorded in the Probate Court of said County of Cumberland, said lot being more particularly bounded and described as follows:

BEGINNING: At an iron monument set at the West corner of Lot No. 4 on the aforesaid plan, said monument being also in the middle of the Easterly line of Lot No. 6 and running Easterly by the line of said Lot No. 4 Seventeen feet (17') to a stake;

THENCE: Running at right angles Southerly Forty-Five and one-half feet (45 1/2') to land formerly owned by William T. Jones to a point Easterly by said Jones land two tenths of a foot (2/10') from an iron monument marking the South corner of Lot No. 6;

THENCE: Running by said Jones land to said monument;

THENCE: Running Northerly by said Lot No. 6 Forty-Seven and one-half feet (47 1/2') to the point of beginning;

Reference is made to a deed of Epps A. Trefethen to Charles A. Plummer, dated October 7, 1902, recorded in said Registry in Book 723, Page 281.

ALSO another certain lot or parcel of land situated on Peaks Island, in the City of Portland, being a part of the Mary A. Brackett Estate and known and described in the division of the Mary A. Brackett Estate made by Commissioners appointed by the Probate Court to divide

said estate among the heirs of said Mary A. Brackett as Lot No. 6 located on the Southerly side of Wiley Street, otherwise known as Wylie Street, in Section A in said division, said lot being Fifty feet (50'), more or less in width on said Wiley Street, and extending Southerly a distance of Eighty-Seven and two-tenths feet (87.20'), more or less, to lot of land described in Paragraph 1 hereof. Reference is made to deed of George A. Brackett to Charles A. Plummer, dated July 26, 1890, recorded in said Registry of Deeds in Book 580, Page 143.

ALSO another certain lot or parcel of land, situated on Peaks Island, in said City of Portland, being Lot No. 7, Section A, as mentioned and described in the plan and division made by Commissioners appointed by the Probate Court for the County of Cumberland to make division of the Estate of Mary A. Brackett, to which plan and report reference is hereby made. Together with all right, title, and interest in and to the passageway Ten feet (10') in width leading thereto from the southerly side of Wiley Street, and also right, title and interest in and to all flats adjoining said Lot No. 7 to low water mark and all shore rights and privileges appurtenant to Lot No. 7 to low water mark and all shore rights and privileges appurtenant to Lot No. 7.

Reference is made to deed of Gilman L. Brackett to Charles A. Plummer, dated April 28, 1891, and recorded in said Registry of Deeds in Book 580, Page 144.

ALSO another certain lot or parcel of land, situated on Peaks Island, in said City of Portland, being Lot No. 8 in Section A as mentioned and described in the plan and division made by Commissioners appointed by the Probate Court for the County of Cumberland to make division of the Estate of Mary A. Brackett, to which plan, copy of which is recorded in said Registry, Plan Book 12, Page 101, and to which report, recorded in said Registry in Book 577, Page 408, reference is hereby made for further particulars of description of said lot; together with all right, title and interest in and to all flats lying Southerly of the Southerly side of Wiley Street adjoining said Lot No. 8 to low water mark, and all right, title and interest in and to all shore rights and privileges appurtenant to said Lot No. 8.

Reference is made to deed of Epps G.H. Brackett to Charles A. Plummer, dated April 28, 1890, recorded in said Registry in Book 567, Page 238.

The above-described property being the same premises conveyed to Charles L. Tolford and Emily S. Tolford, both of said Portland, by warranty deed of Maine Forty-Four Corporation dated October 3, 1938 and recorded in said Registry of Deeds in Book 1568, Page 356.

All the above-described premises being the same conveyed to Granville W. Angell by warranty deed of Charles L. Tolford and Emily S. Tolford, dated April 30, 1946 and recorded in the Cumberland County Registry of Deeds in Book 1819, Page 102.

This conveyance is subject to an easement for the maintenance, etc. of a pole line granted to Central Maine Power Co. and New England Telephone Telegraph Co. dated July 23, 1973 and recorded in said Registry of Deeds in Book 3475, Page 56.

Excepting and Reserving those premises and rights conveyed by Richard A. Faulkner and Frances I. Dugan to Howard U. Heller, et ux, by deed dated March 10, 1979 and recorded in said Registry of Deeds in Book 4394, Page 55.

ALSO a certain lot or parcel of land, with the buildings thereon, situated on the westerly side of Island Avenue on Peaks Island in the City of Portland, County of Cumberland State of Maine, being Lot No. 5 in Section A, as shown on Plan of the Estate of Mary A. Brackett, made by C.E. Staples, 1889, a copy of which is recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 101.

Excepting, however, so much of said Lot No. 5 as was conveyed by Epps A. Trefethen to Charles A. Plummer by deed dated October 7, 1902 and recorded in said Registry of Deeds in Book 723, Page 281.

ALSO another certain lot or parcel of land situated on the westerly side of Island Avenue on Peaks Island in the City of Portland, County of Cumberland and state of Maine, bounded and described as follows:

Beginning on the westerly side of Island Avenue at the southeasterly corner of land conveyed by Stanley R. Williamson, et al to William I. Paine, et al, by deed dated October 2, 1978 and recorded in the Cumberland County Registry of Deeds in Book 4315, Page 304; thence southerly along said Island Avenue sixteen (16) feet; thence westerly along other land of Howard U. Heller one hundred twenty (120) feet more or less to the northwesterly sideline of said Heller's land; thence northeasterly thirty three (33) feet to the southwesterly corner of said Paine Land; thence southeasterly along a fence and said Paine's land one hundred twelve and eight tenths (112.8) feet to the westerly side of Island Avenue and the point of beginning.

Being the same premises conveyed to the Grantors by deed of John W. Coffin, et al dated July 5, 1985 and recorded in Cumberland County Registry of Deeds in Book 7423, Page 270.

Excepting and reserving the portion of the property, sometimes referred to as "62 Island Avenue," was conveyed out by warranty deed from George W. Clark, Jr. and James Lagoulis, Trustees of the Northern Realty Trust to Edward R. Crabb and Kristen M. Chalmers dated April 14, 1995 and recorded at Book 11891, Page 10.

Together with all rights and obligations regarding a rock crib located at the end of Welch Street set forth in a Deed from the City of Portland to George W. Clark and James Lagoulis dated May 17, 1997 and recorded at Book 13110, Page 187.

Together with all right, title and interest to the shore and flats, and the docks, piers and floats. Meaning and intending to convey and hereby conveying all property bounded by Welch Street, Island Avenue, the waters of Casco Bay and Wylie Street.

The above described premises are Conveyed SUBJECT TO the following:

1. Mortgage from George W. Clark, Jr. and James Lagoulis, Trustees of the Northern Realty Trust to First & Ocean National Bank dated December 13, 2002 in the amount of up to \$500,000 and recorded at Book 18582, Page 110.
2. Terms and provisions of a Sewer Connection Agreement between City of Portland and George W. Clark, Jr. and James Lagoulis, Trustees of Northern Realty Trust, dated August 22, 1991 and recorded in Book 9694, Page 335.
3. Easement for a sewer line set forth in an instrument dated July 7, 1991 and recorded in Book 9784, Page 66.
4. Rights and easements set forth in a deed dated March 10, 1979 and recorded in Book 4394, Page 55.
5. Possible Water Line Easement granted to George W. Clark, Jr. and James Lagoulis by instrument dated April 20, 1984 and recorded in Book 6488, Page 98.
6. Pedestrian right of way easement granted to John W. Coffin and Constance A. Coffin by instrument dated May 8, 1984 and recorded in Book 6448, Page 99.
7. Easement to Central Maine Power Company by instrument dated July 23, 1973 and recorded in Book 3475, Page 56.
8. Passageways encumbering a portion of the insured premises as depicted on a "Plan of Mary A. Brackett Estate, Peaks Island" recorded in Plan Book 12, Page 101.
9. Rights of the U.S.A., the State of Maine and the public in and to that portion of the premises lying below the mean high water mark of Casco Bay.
10. Easement granted to Central Maine Power Company by instrument dated July 23, 1973 and recorded in Book 3475, Page 56.
11. Matters set forth on a "Plan of Mary A. Brackett Estate, Peaks Island" recorded in Plan Book 12, Page 101.
12. Rights of others in and to any appurtenant easements that may be conveyed with the foregoing premises.

027281

8X13110PG187

QUITCLAIM DEED



KNOW ALL PERSONS BY THESE PRESENTS, that the City of Portland, a body politic and corporate in the County of Cumberland, State of Maine, in consideration of one dollar (\$1.00) and other valuable consideration paid by George Clark, of Peaks Island, County of Cumberland and State of Maine and James Lagoullis, of Peaks Island, County of Cumberland and State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim to the said George Clark and James Lagoullis, as joint tenants, their successors and assigns, all right, title and interest the Grantor may have in a rock crib, located at the end of Welch Street, Peaks Island, Maine, subject to the terms and conditions set forth in a certain license granted by the Portland City Council, dated April 23, 1997 to be recorded herewith.

IN WITNESS WHEREOF, the said City of Portland has hereunto caused this instrument to be signed by Duane G. Kline, its duly authorized Director of Finance, this 1st day of May, 1997.

Donna Katsiaficas
Witness

CITY OF PORTLAND
By: Duane G. Kline
Duane G. Kline
Its Director of Finance

State of Maine
Cumberland, ss.

May 1, 1997

Personally appeared the above named Duane G. Kline, in his capacity as the Director of Finance of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Portland.

Before me,
Donna M. Katsiaficas
Notary Public/Attorney-at-Law
Donna Katsiaficas
(Print or type name)



STATE OF MAINE
SUBMERGED LANDS LEASE

No. 1127A-L-34

This SUBMERGED LANDS LEASE (hereinafter Lease) conveys certain limited rights in the submerged lands held by the State of Maine in trust for the public. It is not an environmental permit for the use of these lands.

This Lease is entered into by the Bureau of Parks and Lands (hereinafter Lessor), an agency of the State of Maine Department of Conservation, by its Director acting pursuant to the provisions of Title 12 M.R.S.A. Section 1801 & 1862, and Big Black Dog, LLC (hereinafter Lessee) c/o Robin Clark, PO Box 69 Peaks Island, ME 04108. Lessor hereby leases to Lessee, on the terms and conditions hereinafter set forth, the following described submerged land (hereinafter leased premises) situated in Cumberland County, Maine, to wit:

A certain parcel of public submerged land located in Casco Bay, Portland, Maine, totaling 9,747 +/- square feet, abutting adjacent upland now owned by Big Black Dog, LLC, as further described in Attachments A, B, C and D which are hereby incorporated into this Lease.

1. **TERM.** This lease shall commence on July 26, 2010 and continue to December 31, 2034.
2. **USE.** Lessee is hereby authorized to use leased premises for the purposes of a rock crib, two piers and associated ramps, floats and berthing areas for use as a commercial fishing operation and commercial marina as described in Submerged Lands Lease No. 130-13, Submerged Lands Lease No. 1127-L-34 and Submerged Lands Lease Application Number SF. 1573, and for no other purposes.
3. **OTHER USES.** Lessor reserves the rights of the general public to transitory fishing, fowling, recreation, navigation, and other traditional uses of leased premises, and the right of Lessor to make such other uses of leased premises, including by way of example and without limitation, the right to permit pipes to be laid thereunder or telephone wires to be maintained thereover, as shall not unreasonably interfere with Lessee's use and enjoyment of leased premises for the purposes stated in Paragraph 2 above.
4. **REGULATORY PERMITS.** Lessee shall be responsible for obtaining any and all permits required by any agency of the United States, the State of Maine, or any political subdivision thereof, having jurisdiction over the activities on the submerged lands contemplated by this Lease. Lessee's compliance with such permits and conditions thereof shall be a requirement of this Lease for all purposes including, without limitation, for purposes of defining the extent and purpose of any alteration or use of in, on, under, or over leased premises. Unless all required permits authorizing the uses contemplated hereby are issued prior to the expiration of the calendar year next following the creation of this leasehold, this Lease shall be void. In the event that any agency of the United States, the State of Maine, or any political subdivision thereof, denies or disapproves any portion of any application by Lessee for the use of leased premises or any portion thereof, this Lease shall be void as to the denied or disapproved use as of the date of such denial or disapproval. Rental payments made by Lessee for such denied or

disapproved use may, upon proper request, be refunded or equitably adjusted, subject to a service charge. Failure by Lessee to abide by, or conform to, the terms and conditions of any such permit shall be an event of default hereunder.

5. **ASSIGNMENT OR SUBLEASING:** All rights leased herein by Lessor may be assigned or sublet by Lessee with the prior written consent of Lessor. Such assignment shall not be unreasonably withheld under then applicable laws, regulations, and public trust principles. Notwithstanding any such assignment or sublease, Lessee shall be and remain liable for compliance with the terms and conditions of this lease unless released by Lessor in writing.

6. **RENTAL.** Annual rental shall be payable hereunder throughout the term hereof as follows, except that rental shall be no less than the minimum, or more than the maximum amount established by law:

The sum of:

- A. Rent for service areas, main piers, walkways, gas docks, and other water dependent and upland use areas not used for slip space: \$478.91, plus
- B. Four percent (4%) of the total gross annual income received by Lessee or any sublessee from seasonal, transient or other rental or fees for any slip space for recreational boats, plus
- C. Two percent (2%) of the total gross annual income received by Lessee or any sublessee from seasonal, transient or other rental or fees for any slip space for commercial boats.

Rental is payable on or before the first day of February each year throughout the term hereof, except as may be adjusted from time to time in accordance with Paragraph 7 below. Payment is to be made to the Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333. Checks are to be made payable to the Treasurer, State of Maine.

7. **RENTAL ADJUSTMENT.** Lessor may adjust the rental from time to time as necessary to conform with its regulations and laws as they may be amended, but Lessor may not adjust rental for five years from the commencement date of this Lease. Subsequent adjustments may not be made more frequently than once every five years. Lessor shall give Lessee at least 120 days notice of such adjustment. In the event Lessee is unwilling to accept such adjustment, Lessee may terminate the Lease and vacate the premises within 120 days of Lessor's notice of adjustment.

8. **TAXES.** Lessee shall pay when due all taxes, charges, assessments and other impositions levied by any governmental entity upon the structures and improvements on leased premises or any operations or activities thereon.

9. **INDEMNITY.** Lessee shall defend, or cause to be defended, and indemnify and hold Lessor harmless from and against any and all manner of claims, suits, expenses, damages or causes of action arising out of, in whole or in part, the use or occupancy of leased premises by Lessee, its agents, contractors, employees, guests, invitees, permittees and sublessees.

10. **MAINTENANCE.** Lessee, at Lessor's expense, shall keep leased premises free of garbage, refuse, and other discarded material and shall maintain all improvements upon leased premises in good condition and repair.

11. **GENERAL RESTRICTIONS.** No nuisance shall be permitted on leased premises. No minerals, including, without limitation, sand and gravel, shall be removed from leased premises, and no rock, earth, ballast or other material shall be deposited upon leased premises, without the prior written consent of Lessor.

12. **CASUALTY REPLACEMENT.** In the event that the improvements and structures placed on leased premises are substantially destroyed by fire or other casualty, and Lessee does not, within two years following such casualty, rebuild or replace the affected improvements and structures, Lessor may cancel this Lease upon thirty (30) days notice to Lessee. Such rebuilding or replacement shall not be undertaken by Lessee without the prior written approval of Lessor.

13. **DEFAULT.** The following shall be deemed to be events of default hereunder:

- A. Failure of Lessee to pay when due any rent payable hereunder;
- B. Failure of Lessee to comply with any other provision of this Lease. When Lessee's failure is caused by circumstances beyond Lessee's control, Lessor shall bring about compliance within thirty (30) days of notice of such failure, or, if such failure of compliance beyond Lessee's control cannot be cured within thirty (30) days, Lessee shall promptly and diligently undertake to cure such failure of compliance and cause the same to be cured as soon as the nature of the failure of compliance permits;
- C. A transfer by Lessee in fraud of creditors, or petition initiated by Lessee or adjudgement of Lessee as bankrupt or insolvent in any proceedings;
- D. Appointment of a receiver or trustee for all, or substantially all, assets of Lessee; or
- E. Abandonment by Lessee of any portion of leased premises.

Upon the occurrence of any such event of default, Lessor may, in addition to, and not instead of, any other remedies available at law or in equity, cancel this lease without notice or demand to Lessee and enter onto and take possession of leased premises. Lessee shall be liable to Lessor for any loss and expenses incurred by Lessor by reason of such termination.

14. **ENTRY.** Lessor, its agents and representatives shall have access to leased premises and all improvements and structures thereon at all times for the purpose of inspecting and securing compliance with the terms and conditions of this Lease, and for all other lawful purposes.

15. **NOTICE.** Any notice required or permitted under this Lease shall be deemed to have been given when actually delivered, or when deposited in the United States mail, first class postage prepaid, addressed as follows: *To Lessor:* Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333, ATTN: Submerged Lands Program, *To Lessee:* at the address given below by Lessee, or at such other address as Lessee may have theretofore specified by written notice actually received and placed of record with Lessor.

16. **ALTERATION.** Lessee shall make no alteration to leased premises, and shall place no improvements or structures in, on, or over leased premises except as specifically described in Paragraph 2 of this Lease, without Lessor's prior written consent.
17. **IMPROVEMENTS.** Upon the expiration, cancellation, or termination of this Lease, regardless of the reason therefore, Lessee shall have ninety (90) days to remove his property. Lessor, at its discretion, shall become owner of all improvements and structures upon leased premises not so removed. Lessor may, at its option, require Lessee to remove all such improvements and structures at Lessee's expense, and to restore leased premises to the condition in which they existed prior to the placement of any improvements or structures thereon.
18. **OTHER APPLICABLE LAWS AND RULES.** This Lease is subject to cancellation by an Act of the Legislature. This lease is issued in accordance with the Rules of the Bureau of Parks and Lands in effect on the effective date of this lease.
19. **ABANDONMENT.** Structures as described under section 2 of this Lease shall be placed on the leased premises within two (2) years of the issuance of this Lease. Once installed, such structures shall be used and maintained for their intended purpose. Failure of the Lessee to install the structures within this time frame or to use and maintain the leased premises shall be deemed an abandonment. Upon determining that the leased premises or a portion thereof have been abandoned, the Lessor at its option may terminate this lease as to the entire leased premises, or as to such portion as has not been so used or maintained, in accordance with the default provisions of Section 13.
20. **MISCELLANEOUS.** This Lease shall be binding upon, and shall inure to the benefit of, Lessor and Lessee and their respective successors, assigns and legal representatives. Failure of either party to complain of any act or omission on the part of the other, no matter how long the same may continue, shall not be deemed to be a waiver by said party of any of its rights hereunder. A waiver by either party at any time, express or implied, of any breach of any provision of this Lease shall not be deemed a waiver of, or consent to, any subsequent breach of the same or any other provision. Lessee may not file this Lease of record, or cause or permit the same, without Lessor's prior written consent. Lessor makes no warranty of Lessee's leasehold estate, and in the event of any lawful ejection of Lessee, Lessor shall refund to Lessee any rentals paid to Lessor for any period of Lease term then remaining. Lessee shall comply with all applicable laws, regulations and ordinances of governmental entities having jurisdiction over leased premises. This Lease contains the entire agreement of the parties and may not be modified except by a writing subscribed by both parties.
21. **GENERAL RIGHT TO TERMINATE.** Lessee shall have the right to terminate this Lease by notifying Lessor at least thirty (30) days prior to termination date. In terminating, Lessee agrees to vacate leased premises and remove all structures and personal property of Lessee located thereon, unless other arrangements have been made, with prior approval of Lessor, to transfer ownership or otherwise dispose of same. Rental payments made by Lessee for such terminated use may, upon proper request, be equitably adjusted, subject to a service charge.
22. **EXTINGUISHMENT OF CONSTRUCTIVE EASEMENT.** Lessee hereby relinquishes any and all rights to leased premises, or any portion thereof, that may have been formerly held by constructive easement under Title 12 M.R.S.A. Sections 1801 and 1862, or otherwise.



Strengthening a Remarkable City. Building a Community for Life www.portlandmaine.gov

Fire Department
Chief Frederick J. LaMontagne, Jr.



June 8, 2011

via email

Aaron K. Baltes, Esq.
Norman, Hanson & DeTroy, LLC
415 Congress Street
P.O. Box 4600
Portland, Maine 04112-4600

Sir,

I am in receipt of your letter dated June 1, 2011 re: marine construction permit for Jones Landing.

As you are aware, your proposed pier will be adjacent to the public float, specifically the landing we use for emergency response.

I am writing to approve the landing with the following conditions:

- 1) That the distance between floats at the nearest points be at least 60 feet. (See amended drawing 6.8.11)
- 2) That consideration be made to increase this distance if possible by angling the float. (See amended drawing 6.8.11)

If you have questions, please call me.

Sincerely,

Fred LaMontagne
Chief of Department

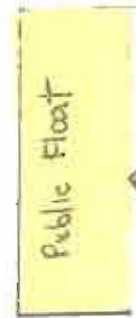
6-4-10

COPY #5

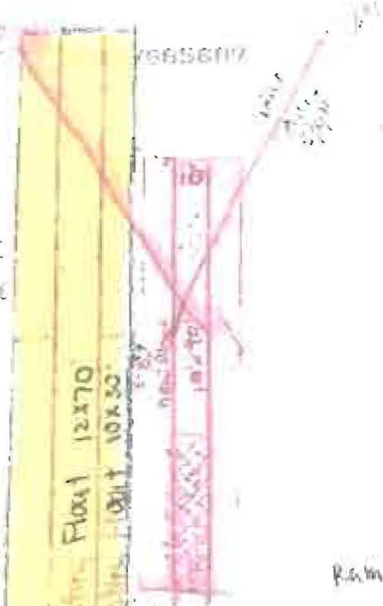
COPY FOR

P. Conroy

Big Black Bay, LLC
Pease Island, Rockport

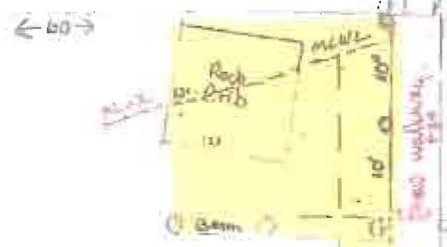


PFD COMMENT
60' MIN



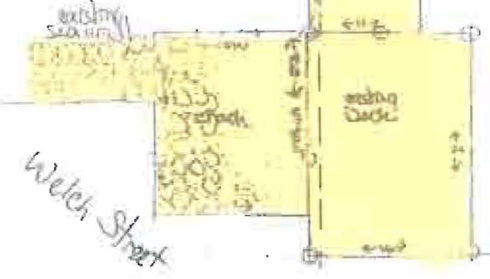
Ramp 48'x4'

modified south pier



Planned Approach
Approach Incline
Angle
PFD Comment

South property boundary line prohibited to MCLW



Welch Street

PFD Amended
6-8-11

Scale: 1" = 15'

The applicant seeks a new conveyance in its name, and to modify the configuration of the south pier and associated ramp and float as shown in a site plan as revised June 4, 2010. With the proposed modifications to the south pier structure, a portion of the southerly side of the pier would be removed so that the pier is no longer connected to the rock crib, and the float would be located approximately 25 feet farther north than its current location.

REVIEW COMMENTS: Notification letters were sent to the City of Portland, the Maine Port Authority, owner of the adjacent ferry terminal, and to Mr. Johnson and his attorney, Nicholas Bull. Mr. Bull commented that Mr. Johnson agrees with the location of the applicant's structures as shown in the June 4, 2010 site plan and tax map excerpt attached to the notice.

The City of Portland Fire Captain, David Pendleton, commented that the adjacent city's pier and float at the ferry landing is a very active facility. Capt. Pendleton raised concerns that the applicant's float be set back sufficiently from these structures to provide for adequate and safe access for the city's fire response vessels and other parties utilizing the municipal facility. Capt. Pendleton indicated that his concerns were addressed when Bureau staff responded that the applicant's float in its proposed new location would be farther away from the city float as further discussed below.

FINDINGS: Based upon its review of all information in the administrative record, the Bureau of Parks and Lands makes the following findings in accordance with Title 12 M.R.S.A. Sections 1801 & 1862 and pertinent regulations.

PUBLIC ACCESS WAYS:

The project is located on private property but it is adjacent to a public access point to the shore as described above. However, the project will not unreasonably interfere with public access ways to submerged lands from the adjacent ferry terminal and municipal facility as discussed under "Littoral Zones and Setback Distances" and "Ingress and Egress of Riparian Owners," below.

PUBLIC TRUST RIGHTS:

The project does not unreasonably interfere with fishing, fowling, navigation, or other existing marine uses of the area.

RECREATION:

The project does not unreasonably interfere with recreation.

SERVICES AND FACILITIES NECESSARY FOR COMMERCIAL MARINE ACTIVITIES:

The project does not unreasonably diminish the availability of services and facilities necessary for commercial marine activities.

LITTORAL ZONES AND SETBACK DISTANCES:

Under the Submerged Lands Rules (Rules), boundaries of littoral zones lying off-shore of upland properties are established by right angle projections from a baseline established along the shoreline at the intersection of the high water line and the side boundary of each property. Setback standards are established from other existing structures, the applicant's littoral zone boundary, and the midpoint between divergent littoral boundaries. The Rules allow for exceptions to the setback standards when

OFFICIAL REPORT

TO: Chief LaMontagne
FROM: Deputy Chief Flynn
RE: Peaks Island emergency access for Marine One

The access to Peaks Island for marine one is obstructed by a float and boats docked at the float. The obstructing float is located to the north of the city float about 30 feet away without a boat alongside. This makes it difficult to dock Marine One bow in, and impossible to make the swing and dock Marine One bow out. On one run last winter during high winds, Marine one had to abort the landing for an EMS call and return to the mainland without the patient.

23. **EXTINGUISHMENT OF SUBMERGED LANDS LEASE NO. 130-13.** This Lease hereby cancels and replaces Submerged Lands Lease No. 130-13 and Submerged Lands Lease No. 1127-L-34 that commenced on January 17, 1994 and October 1, 2005, respectively.

Accepted and agreed to on

_____, 2010

_____, 2010

(Lessee Signature)

(Lessor Signature)

(Print Name)

Willard R. Harris, Jr.

Director, Bureau of Parks and Lands

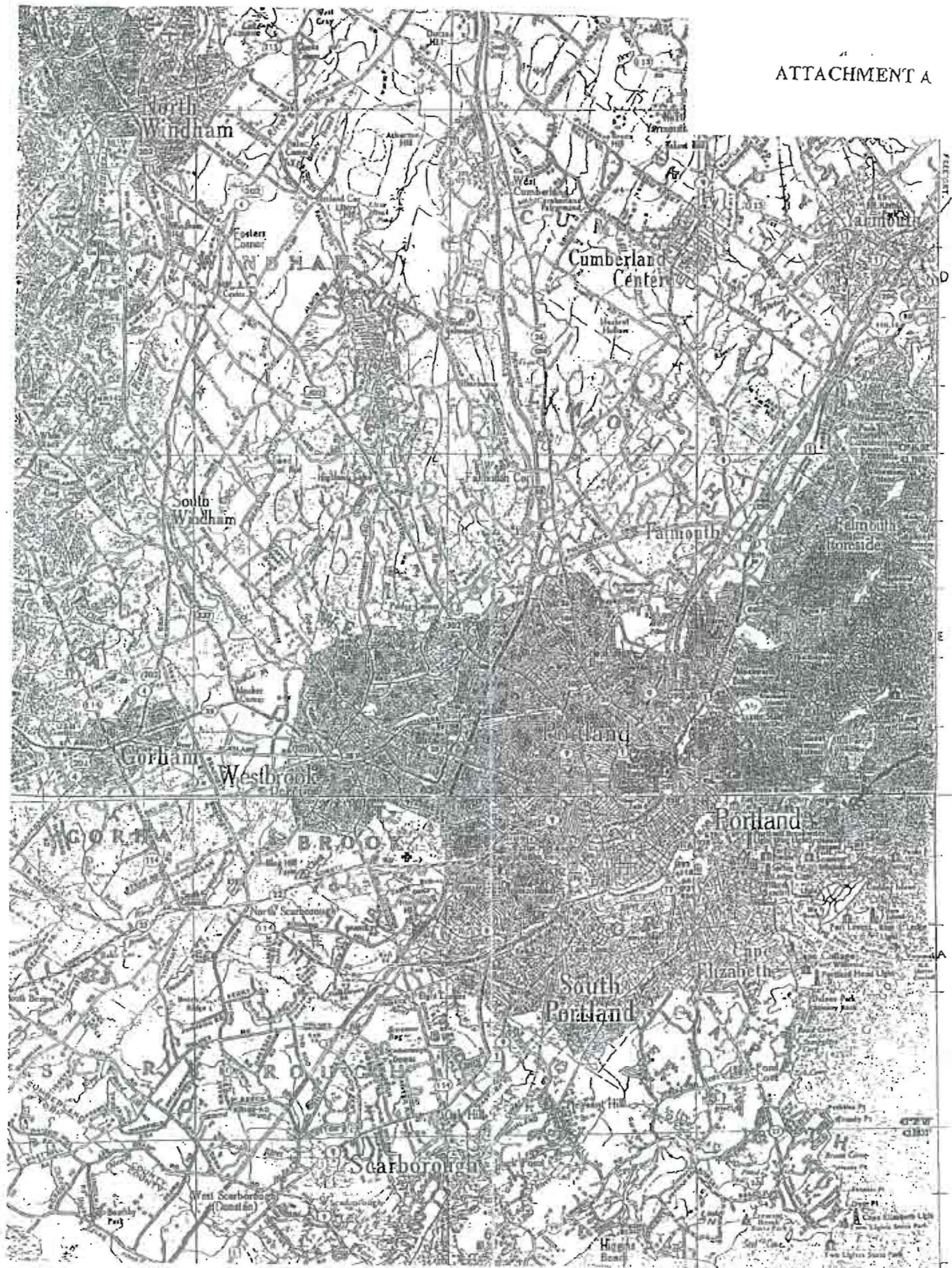
(Title)

Department of Conservation

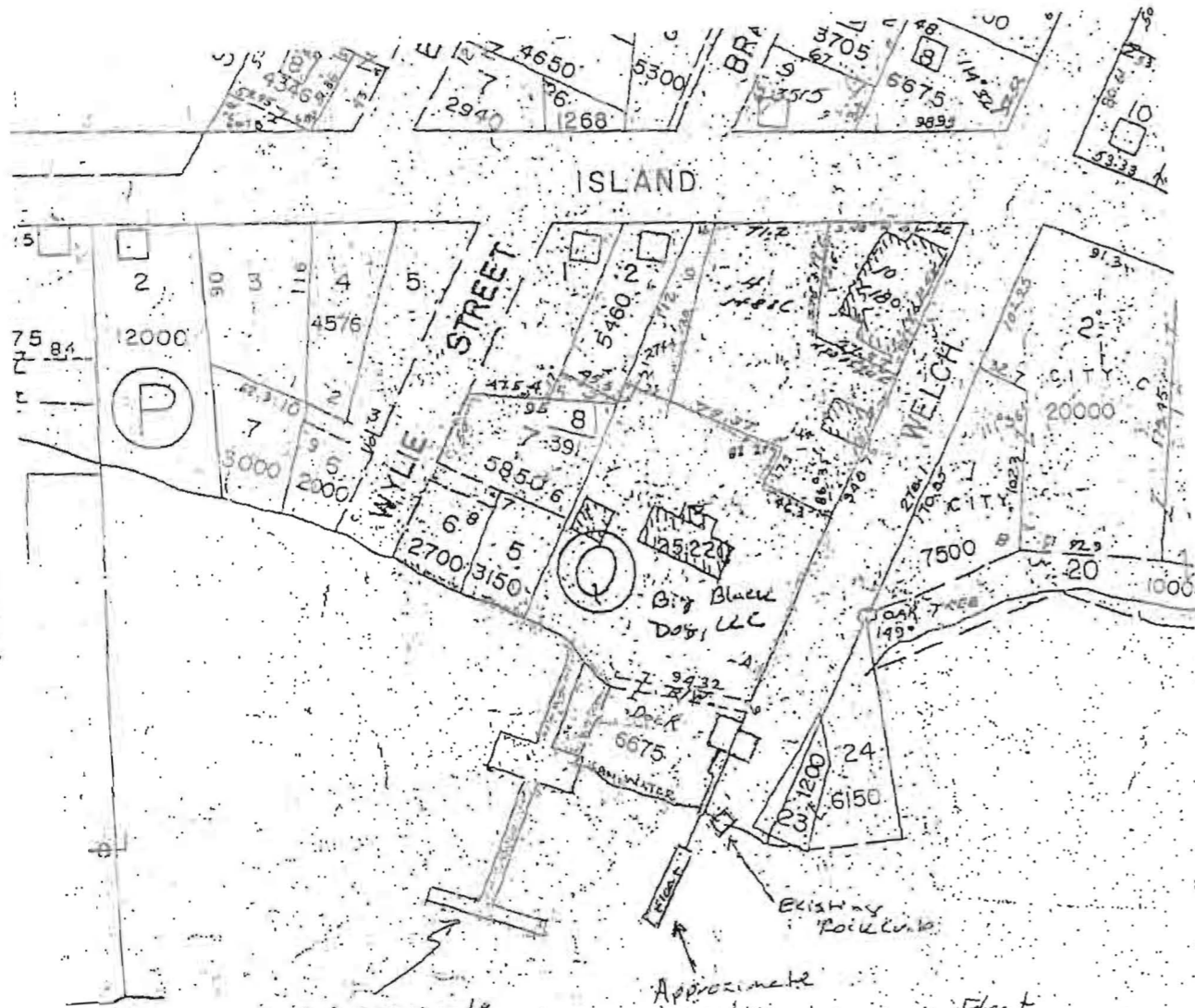
(Address of Record)

State of Maine

4/01



Big Blue Dogs, LLC
Peaks Island, Portland



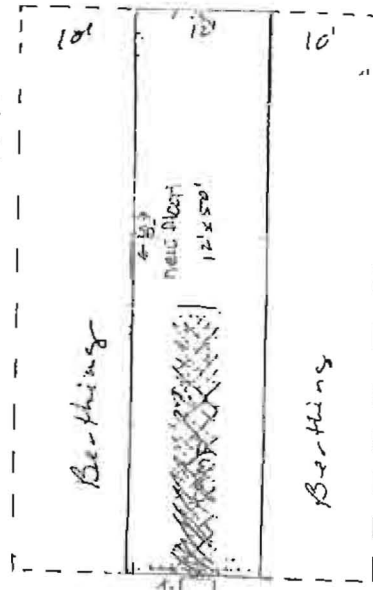
Approximate
Location
North pier, Ramp
& Float 5

Approximate
Location
South pier, Ramp & Float

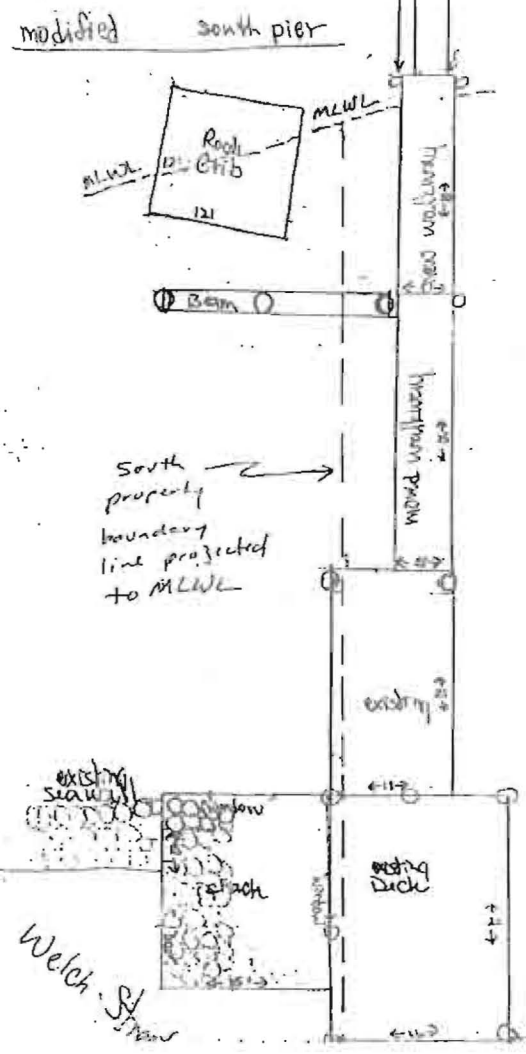
Portland
Tax map #84

ATTACHMENT B
Rev. 6/4/10

Big Black Dog, LLC
Peaks Island, Portland



ATTACHMENT C
Rev. 6/4/10

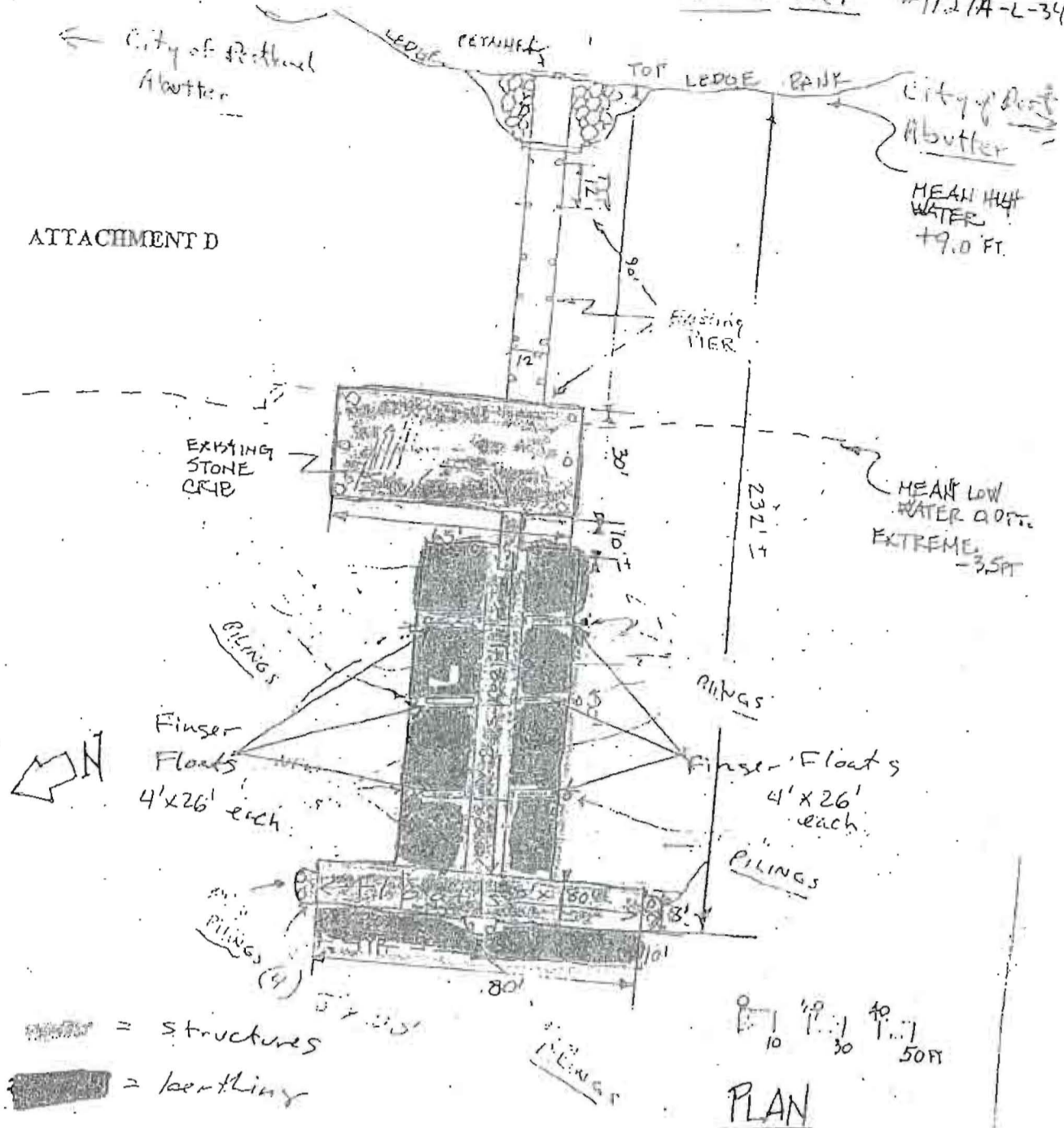


SCALE: 1" = 15'

6/4/10

Northern Realty Trust
 North Pier #1127A-L-34

ATTACHMENT D



PURPOSE: DOCKING FACILITIES
 DATUM: MEAN LOWER LOW WATER NATIONAL OCEAN SURVEY
 ADJACENT PROPERTY OWNERS:
 ① CITY OF PORTLAND
 ② CITY OF PORTLAND

PROPOSED PIER RECONSTRUCTION
 IN CASCO BAY / PORTLAND
 IN CUMBERLAND COUNTY
 STATE OF MAINE
 APPLICATION BY:
 JONES LANDING PUD



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE STREET
AUGUSTA, MAINE
04333-0022



ELIZA TOWNSEND
COMMISSIONER

SUBMERGED LANDS LEASE – FINAL FINDINGS AND DECISION

APPLICANT: Big Black Dog, LLC

PROJECT LOCATION: Portland (Peaks Island)

APPLICATION: Bureau of Parks and Lands Submerged Lands Application No. SL 1573

PROJECT DESCRIPTION & HISTORY: The applicant maintains a rock crib, two piers and associated ramps, floats and berthing areas on submerged lands in Casco Bay for use as a commercial fishing operation and commercial marina. The subject property is located at the end of Welch Street and adjacent to the island's ferry terminal and a municipal float. A 30-year constructive easement was granted by statute in 1975 for use of submerged lands for the original rock crib, southern pier, ramp and float at this location. The subject property was transferred to Northern Realty Trust in 1989 with James Lagoulis and George W. Clark, Jr. as Trustees. The Bureau issued Submerged Lands Lease No. 130-13 to Mr. Clark in 1994 for the northern pier, ramp and floats for use as a commercial marina. The Bureau subsequently issued Submerged Lands Lease No. 1127-L-34 to Northern Realty Trust in July of 2008 that includes the rock crib, both piers and associated float systems and berthing areas, and replaced the constructive easement and Submerged Lands Lease No. 130-13. At the time that the property was owned by Northern Realty Trust, Covington Johnson used the south pier and floats for commercial fishing purposes with the consent of Mr. Lagoulis and Mr. Clark. Mr. Johnson also utilizes a building located within the Welch Street right-of-way for his commercial fishing business under a license from the city. The building is physically connected to a deck that is in turn connected to the applicant's south pier.

Mr. Clark is now deceased, and the subject property, including the rock crib, was subsequently acquired by Robin Clark, George Nicholas Clark and Alexandra Clark, Mr. Clark's widow and two children, respectively. Mr. Lagoulis no longer retains any interest in the subject property. Ms. Clark and Mr. Clark transferred the subject property to the applicant, Big Black Dog, LLC in December of 2009.

In the spring of 2010, a dispute arose between Robin Clark and Mr. Johnson regarding Mr. Johnson's use of the south pier and the placement of his float at the end of the pier. The dispute was resolved by a court mediated settlement. As part of the settlement, the applicant is to lease the south pier, ramp, float and berthing areas to Mr. Johnson in accordance with the terms and conditions set forth by the court.

BUREAU OF PARKS AND LANDS
WILLARD R. HARRIS, JR. DIRECTOR



www.maine.gov/doc
PHONE: (207) 287-3821
FAX: (207) 287-6170
FAX: (207) 287-8111
TTY: (207) 287-2213

The applicant seeks a new conveyance in its name, and to modify the configuration of the south pier and associated ramp and float as shown in a site plan as revised June 4, 2010. With the proposed modifications to the south pier structure, a portion of the southerly side of the pier would be removed so that the pier is no longer connected to the rock crib, and the float would be located approximately 25 feet farther north than its current location.

REVIEW COMMENTS: Notification letters were sent to the City of Portland, the Maine Port Authority, owner of the adjacent ferry terminal, and to Mr. Johnson and his attorney, Nicholas Bull. Mr. Bull commented that Mr. Johnson agrees with the location of the applicant's structures as shown in the June 4, 2010 site plan and tax map excerpt attached to the notice.

The City of Portland Fire Captain, David Pendleton, commented that the adjacent city's pier and float at the ferry landing is a very active facility. Capt. Pendleton raised concerns that the applicant's float be set back sufficiently from these structures to provide for adequate and safe access for the city's fire response vessels and other parties utilizing the municipal facility. Capt. Pendleton indicated that his concerns were addressed when Bureau staff responded that the applicant's float in its proposed new location would be farther away from the city float as further discussed below.

FINDINGS: Based upon its review of all information in the administrative record, the Bureau of Parks and Lands makes the following findings in accordance with Title 12 M.R.S.A. Sections 1801 & 1862 and pertinent regulations.

PUBLIC ACCESS WAYS:

The project is located on private property but it is adjacent to a public access point to the shore as described above. However, the project will not unreasonably interfere with public access ways to submerged lands from the adjacent ferry terminal and municipal facility as discussed under "Littoral Zones and Setback Distances" and "Ingress and Egress of Riparian Owners," below.

PUBLIC TRUST RIGHTS:

The project does not unreasonably interfere with fishing, fowling, navigation, or other existing marine uses of the area.

RECREATION:

The project does not unreasonably interfere with recreation.

SERVICES AND FACILITIES NECESSARY FOR COMMERCIAL MARINE ACTIVITIES:

The project does not unreasonably diminish the availability of services and facilities necessary for commercial marine activities.

LITTORAL ZONES AND SETBACK DISTANCES:

Under the Submerged Lands Rules (Rules), boundaries of littoral zones lying off-shore of upland properties are established by right angle projections from a baseline established along the shoreline at the intersection of the high water line and the side boundary of each property. Setback standards are established from other existing structures, the applicant's littoral zone boundary, and the midpoint between divergent littoral boundaries. The Rules allow for exceptions to the setback standards when

the project otherwise meets the terms, conditions, and standards of the rules, and the applicant has demonstrated that no reasonable alternative location is available.

The applicant's littoral zone diverges from the Welch Street right-of-way littoral zone to the south. The Bureau finds that the applicant's northerly pier and float system are located entirely within its littoral zone and meet the 25-foot setback littoral boundary standard for new structures, and the 50-foot setback standard from adjacent structures. The Bureau finds that the applicant's proposed reconfigured south pier, ramp and float would also meet the 50-foot setback standard from adjacent structures since they would be set back approximately 65 feet from the municipal float and pier to the south. The proposed reconfiguration would improve the setback distances between the applicant's and the city's structures since the south pier and float as previously configured were set back approximately 40 feet from the city's float.


Portions of the applicant's rock crib and proposed reconfigured south pier, ramp and float extend beyond the applicant's littoral zone boundary and/or setback lines. The Bureau also finds that the rock crib, which is set back approximately 40 ft. from the ferry terminal pier, does not meet the setback standard from adjacent structures. The Bureau finds that given the permanent nature of the rock crib and south pier it would not be reasonable to require these structures to be removed or relocated to improve their setback distances from the adjacent structures and/or littoral setback line to the south. As such, the Bureau grants an exception to the littoral zone boundary setback standard for the applicant's rock crib and south pier, ramp and float; and to the structure setback standard for the rock crib.

INGRESS AND EGRESS OF RIPARIAN OWNERS:

The Bureau recognizes that the applicant's structures have been maintained in their original location for many years and that based on the site plan and photographs, there appears to have been sufficient space between the existing adjacent structures to provide safe navigation for the vessels utilizing those structures. Furthermore, the proposed reconfiguration of the south pier, ramp and float would increase the setback distances to the city's float and the ferry terminal pier. In addition, comments from the city's fire department confirm that the setback distance would be adequate for ingress to and egress from the municipal facility and ferry terminal. As such, the Bureau finds that the project will not unreasonably interfere with ingress and egress of riparian owners.

DECISION: In accordance with Title 12 M.R.S.A. Sections 1801 & 1862, the Director of the Bureau of Parks and Lands has determined that Submerged Lands No. 1127A-L-34 will be granted to Big Black Dog, LLC.

APPEAL RIGHTS: In accordance with 5 M.R.S.A. section 11002 and Maine Rules of Civil Procedure 80C, this decision may be appealed to Superior Court within 30 days after receipt of notice of the decision by a party to this proceeding, or within 40 days from the date of the decision by any other aggrieved person.

Signed: 
for Willard R. Harris, Jr., Director

Date: July 20, 2010

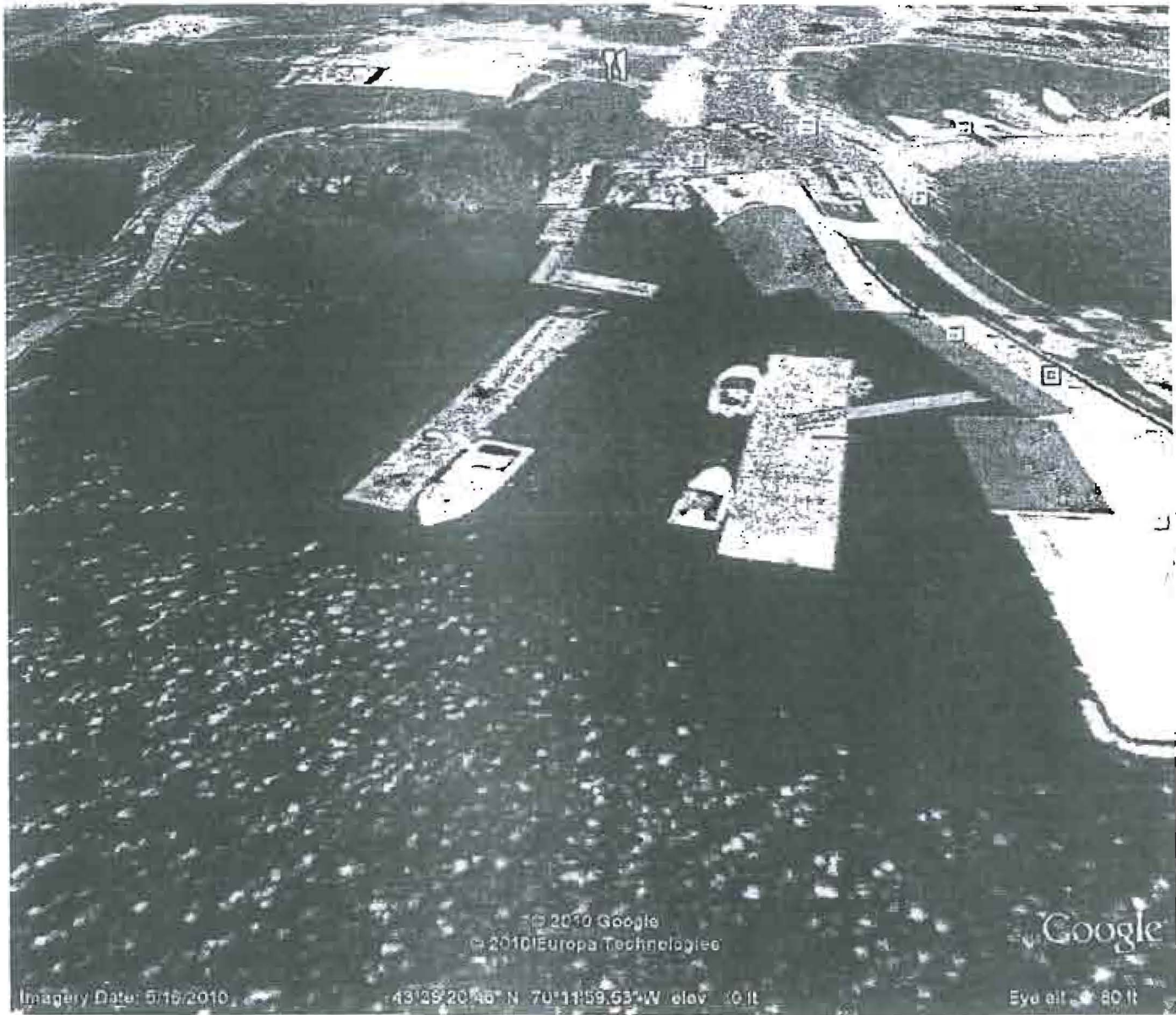


PANTE'S
MARINA

JONES
LANDING
MARINA

PUBLIC FLOAT
(Fire Boat Landing)

JOHNSON'S
FLOAT



© 2010 Google
© 2010 Europa Technologies

Google

Imagery Date: 5/15/2010

43°29'20.46" N 70°11'59.53" W elev 10 ft

Eye alt 80 ft



① Public Float

Weidemann Carpentry, LLC
74 Welch Street, Peaks Island, ME 04108
(207) 766-3030

Estimate

20 - may- 11

Robin Clark: Welch St

Hi Robin,

Based on our discussions and looking at the dock, I think we can get the loose boards nailed down and replace the missing ones for \$1,000

This work would be done on the south dock, the one that is closer to the ferry dock than your other dock which is to the north.

We will use wood and fasteners that are suited for the marine conditions and similar to what is there.

We would be able to start as soon as you ready. We just need a few days notice.

Thank you,

Adam Weidemann
766-3030



6/6/11

Estimate

Block Moorings \$ 3,000 ⁰⁰
hooked up w/ chains

36 Union Wharf • P.O. Box 7302 • Portland, Maine 04112
Tel 207-772-3796 • 1-888-844-9666 • Fax 207-347-7283
www.customfloat.com • info@customfloat.com

From: Robin <r1peak@aol.com>
To: phm.admin <phm.admin@maine.rr.com>
Cc: pdriscoll <pdriscoll@nhdlaw.com>
Subject: Jones Landing Marina
Date: Thu, Jul 5, 2012 11:57 am

Hi, I would like to know if and when an inspection can be done of the south pier at Jones Landing. Reference Permit issued to Big Black Dog LLC, 6 Welch Street, Peaks Island, Maine 04108 7/14/11

Thanks, Robin Clark 232-5496

772-8121 4/11

Brad Saucier - Re: 6 Welch Street, Peaks Island

From: Philip DiPierro
To: Barhydt, Barbara; Machado, Ann
Date: 3/18/2013 12:36 PM
Subject: Re: 6 Welch Street, Peaks Island
CC: Saucier, Brad

I just talked to Ellen Brewer this morning. She told me it was her understanding that the applicant was in no hurry to get this moving. As a result, she said she didn't plan on going to the island for another couple of weeks to gather the survey information. She is still planning to submit the Level I Site Alteration Application.

Thanks.

Phil

>>> Barbara Barhydt 3/18/2013 12:30 PM >>>
Hi Ann:

I saw your notes in the building permit section and I had given Phil all the paperwork you provided to me. I had asked Phil to talk with the applicant when we first discussed it. He had several conversations with Ellen Brewer on what was needed for the application; however, we have not received the application. Phil said he would double check, but nothing was submitted.

Thanks.

Barbara

>>> Ann Machado Monday, March 18, 2013 11:13 AM >>>
Barbara -

6 Welch St, Peaks Island (Jones Landing) applied for a building permit (#2013-00228) on 2/4/13 to repair/rebuild their south pier. I spoke to you about it then and you decided that it required a Level I Site Alteration. I made you a copy of everything that had been submitted to us and gave you the contact information for the applicant. It appears that they never applied for a Level I Site Alteration. Do you remember anything about this?

The building permit is ready to be issued but there appears to be no Level I Site Alteration Application in Urban Insight.

Thanks.

Ann



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Fire Department
Chief Frederick J. LaMontagne, Jr.

May 9, 2011

Jeff C. Lick
Harbormaster
2 Portland Fish Pier
Marine Trade Center
Suite 105
Portland, Maine 04101

RE: Peaks Island emergency access for Marine One

Dear Jeff,

We have encountered the enclosed issue surrounding emergency access for Marine One at Peak's island.

I look forward to your timely review of this situation.

Sincerely,


Fred LaMontagne
Chief of Department

Enclosure: Official Report
Photo documentation

531-11
6-9-11
Tues
5:00
Public Hearing