



**Albert Frick Associates, Inc.**

**Soil Scientists & Site Evaluators**

95A County Road  
(207) 839-5563

Gorham, Maine 04038  
FAX (207) 839-5564

Albert Frick SS, SE  
James Logan SS, SE  
Matthew Logan SE

December 24, 1992

Melissa Wade Morrill  
Department of Environmental Protection  
State House, Station #17  
Augusta, ME 04333

Re: Richard Hersey, Overboard Discharge Permit Application, 25 Evergreen Avenue, Peaks Island, Portland

Dear Melissa:

Submitted in behalf of Richard Hersey for the above referenced property is an overboard discharge permit application. Mr. Hersey has received enforcement action letters (see attached) for removal of his untreated discharge.

We discussed this application by telephone from Mr. Hersey's dwelling during my field review on October 20, 1992. This dwelling is Mr. Hersey's principal residence and the only dwelling that he owns. He resides in the dwelling from May through late October or early November every year. He rents an apartment in Portland during the winter months and returns to his main residence as soon as possible in early Spring. This is a unique, atypical situation.

The property does not front on a road capable of vehicular travel. It is accessed by a pedestrian right-of-way (see photo). A subsurface disposal system is not possible due to soil and site constraints: the property is relatively small with a prevalence of steep slopes and rock outcrops. A holding tank is not possible, in my opinion, because a service pump cannot access the property (see tax map plan). It is my opinion that a treated overboard discharge system is the best solution to resolve Mr. Hersey's untreated discharge.

Please contact me if you have any questions or matters for additional discussion.

Respectfully,

Albert Frick  
AF/ph

copies:

Richard Hersey  
Samuel Hoffses, Code Enforcement Officer

25 Evergreen Ave, PI. 092-F037

# MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION



## Application

Residential and Commercial  
Wastewater Discharge License  
Bureau of Water Quality Control

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### General Instructions

Please read the entire application form before furnishing any information. If you need assistance in filling out the form or have any questions, please contact your project manager.

Applicants are responsible for publishing public notice of their applications. The notice must be published in a newspaper having a circulation in the area where the discharge occurs. Detailed instructions may be found on page 4 of this form.

After completing the application, you must submit one copy, including attachments, to the town or city municipal office where the discharge is to occur. Mail the original application with attachments to the Department of Environmental

Protection, State House Station 17, Augusta, Maine 04333. You should also retain a copy for your own records.

Failure to furnish all requested information will result in the application being returned to you. This will delay the processing of your application and issuing of your license.

Failure to return this application within a reasonable amount of time may result in enforcement action.

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Your project manager is Melissa Morrill.

He/She can be reached at 287-7683.

Department of Environmental Protection, State House Station 17, Augusta, ME 04333 (207) 289-3901

revision: December 1991

For office use only

Check #: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Accepted: \_\_\_\_\_

**APPLICANT AND FACILITY INFORMATION**

Total Fees Due \$300.00  
(processing and license fees)

Application Number: W 00 7780-40-A-N

(Please use a typewriter or print, using ink. Applications completed in pencil will not be accepted.)

1. Applicant's name RICHARD HERSEY  
(social security number)
2. Mailing address 93 OAKLAND AVENUE 854-4862  
(street & number) (telephone)  
WESTBROOK CUMBERLAND MAINE 04092  
(town/city) (county) (state) (zip code)
3. Location of proposed/existing discharge site 25 EVERGREEN AVENUE  
(street & number)  
PEAKS ISLAND - PORTLAND CUMBERLAND MAINE 04102  
(town/city) (county) (state) (zip code)  
854-4862  
(work telephone) (home telephone)
4. Name of receiving water ATLANTIC OCEAN
5. This application is for \_\_\_\_\_ Renewal \_\_\_\_\_ Modification \_\_\_\_\_ Transfer of ownership ☒ initial issuance  
Name of current or former owner RICHARD HERSEY  
(transfers only)
6. Is your dwelling or any part of your wastewater disposal system within 200 feet of a municipal or quasi-municipal sanitary sewer system?  
Yes \_\_\_\_\_ No ☒
7. Is the building on the property winterized? Yes \_\_\_\_\_ No ☒
8. If the building(s) is occupied less than 12 months per year, circle the months of occupancy.  
January \_\_\_\_\_ April May June July August September October \_\_\_\_\_  
February \_\_\_\_\_ March \_\_\_\_\_ November \_\_\_\_\_ December \_\_\_\_\_
9. How many bedrooms does your wastewater disposal system serve? 4
10. When did you last have your septic tank pumped out? Give date \_\_\_\_\_  
(not applicable for mechanical systems)

## SUPPLEMENTAL MATERIALS

The following required supplemental materials will be considered part of this application. Your application will not be accepted for processing until you have submitted all the materials checked ( x ) below.

- ✓ **Application Fees:** Submit the processing and license fees specified on page 2. Please make check payable to Treasurer State of Maine.
- ✓ **Geographic Site Map:** Submit a U.S. Geological Survey map or U.S. Coastal and Geodetic Survey map with a scale of 1:24,000 (7 1/2 minute series) illustrating the geographic site and locus of your waste discharge. Indicate the location of your property and discharge point on the map as accurately as possible. U. S. Geological Survey maps are available at local sporting goods and book stores.
- ✓ **Municipal Tax Map:** Submit a copy of a tax map from the Tax Assessor's office in the town or city where your waste discharge occurs. The tax map should identify the map and lot number of your property as well as the names of abutting landowners. If possible, indicate property line dimensions, the locations of wells, dwellings and the overboard discharge system.
- ✓ **Site Evaluation Report:** A site evaluation of your property, conducted in accordance with the State of Maine Subsurface Wastewater Disposal Rules, is required. The evaluation must be conducted by a licensed Site Evaluator and must be completed on HHE-200 form pages 1 and 2 for the purpose of determining whether subsurface disposal is possible. ~~Because your overboard discharge is into a \_\_\_\_\_, the Site Evaluator will use the \_\_\_\_\_ criteria of the Disposal Rules to make the determination. You can obtain a list of licensed Site Evaluators from your local plumbing inspector.~~ (SEE PHOTOGRAPHS OF SITE ENCLOSED)
- ✓ **Proof of Title, Right, or Interest:** Submit evidence of ownership or of interest in the property on which the overboard discharge system is located. Deed is required for owner, lease agreement for renter, purchase agreement for purchaser.
- \_\_\_ **Property Easement(s):** If any part of your overboard discharge system is located on property owned or controlled by another person (association, neighbor, relative, city or town, special district, State, etc.), submit a copy of all such deed easements.
- \_\_\_ **Service Contract:** If your overboard discharge system is a mechanical treatment plant, submit a copy of a valid service contract entered into with a qualified maintenance contractor approved by DEP.
- \_\_\_ **Certification of Good Standing:** Submit this document issued from the Secretary of the State of Maine (required for corporations only).
- ✓ **Evidence of Public Notice:** Complete and submit the certification of publication on page 4 of this application.
- ✓ **Applicant's Signature:** Signature is required by the applicant (or the applicant's authorized agent) on page 6 of the completed application. If the application is signed by an agent, a letter from the applicant authorizing the agent to act on his or her behalf must be attached.
- ✓ **Other:** A proposal for treatment and a system design.
- ✓ Clear and Convincing evidence that the discharge was in continuous existence for the twelve months prior to June 1, 1987. (utility bills, fuel bills)

## INSTRUCTIONS FOR PUBLISHING PUBLIC NOTICES

Applicants for waste discharge licenses are required to have published a public notice that an application is being filed with DEP. The notice must be published within the same week the application is received by DEP and municipal offices. The notice should be published in the legal advertisement section of a newspaper having general circulation in the area where the discharge will occur. If the public notice is not published at the proper time or if the application is returned because it is incomplete, you may be asked to have the public notice published a second time.

Using the format on page 5 of this application, fill in the blanks with the indicated information. Then detach the notice and submit it to the Advertising Department of the newspaper you have selected.

By law, the public has 15 days in which to submit comments on the proposed license. Therefore, the final date for submitting comments should be indicated on the public notice as being 15 days after the first day of the publication of the notice. For example, if the notice is first published on June 1, the last day comments may be submitted is June 16.

Please file the following certification of publication with your application. Applications cannot be processed without a completed certification and will be returned.

### CERTIFICATION OF PUBLICATION

I hereby certify that a public notice of RICHARD HERSEY 's application for a Waste  
(applicant)

Discharge License for discharge to CISCO BEY in  
(receiving water)

Portland is being published in PORTLAND PRESS HERALD  
(municipality) (name of newspaper)

on 1/4/93  
(date of publication)

BY

Richard Hersey  
(signature of applicant or authorized agent)

RICHARD HERSEY 12/29/92  
(printed name) (date)

# PUBLIC NOTICE FORMAT

## PUBLIC NOTICE

### WASTE DISCHARGE LICENSE

Please take notice that Richard HEASEY of 25 Greigton Ave Portland, ME 04108  
(applicant) (address)

is filing an application with the Maine Department of Environmental Protection for the initial issuance  
(type of license action:

\_\_\_\_\_ of a Waste Discharge License pursuant  
(renewal, modification, transfer, or initial issuance)

to 38 MRSA Sections 413 and 414. The application is for discharge of 300 gallons per day of  
treated sanitary wastewater  
(volume and type(s) of discharge)

to Casco Bay, CLASS \_\_\_\_\_  
(receiving water)

in the (town) (city) of Portland. The application will be filed for public  
(municipality)

inspection at the DEP's offices in Augusta and at the Portland municipal office. All  
(city or town)

interested persons have 15 days in which to submit written comments on the application or requests for a public hearing to the Director, Division of Licensing and Enforcement, Bureau of Water Quality Control, Department of Environmental Protection, State House Station 17, Augusta, Maine 04333. Comments or requests should be postmarked no later than

January 19 1993  
(date 15 days after first date of publication)

A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection.

### APPLICANT AFFIRMATION

RICHARD HERSEY hereby applies for a Waste Discharge License from the State of Maine  
(name of applicant)

Department of Environmental Protection under the provisions of Title 38, Chapter 3, Sections 413 and 414 of the Maine Revised Statutes of 1964, as amended, to discharge into a segment of CASCO BAY and  
(body of water receiving discharge)  
located at PORTLAND  
(town)

I (the applicant) agree to submit all required information and supplemental materials for approval by DEP. Such approval will be obtained prior to the commencement of construction. I further agree that DEP staff may inspect the facility at various stages of construction.

The information contained in this application and all attached materials are, to the best of my knowledge, true. All materials submitted to substantiate this application will be considered part of the application and identified by me.

I am familiar with and understand the statutory requirements of Title 38 MRSA Chapter 3, Protection and Improvement of Waters and the Water Classification Program.

I hereby certify that a copy of this application has been forwarded to the municipal office of the city or town in which the discharge is to occur with the request that it be placed on file for public review. I further certify that a public notice of this application is being published as required and I have attached evidence of such notice.

RICHARD HERSEY  
(name of applicant or authorized agent for applicant and title or position)

Richard Hersey  
(signature)

1/4/93  
(date)

If the applicant has been assisted in preparing this application, the person assisting in the preparation must sign below.

Name of person assisting ALBERT FRICK

Address ALBERT FRICK ASSOC. INC, 95A COUNTY RD 839-5563  
(street & number) (telephone)  
GORHAM ME 04038  
(city) (county) (state) (zip code)

SIGNED Albert Frick  
(signature of person assisting)

12/22/92  
(date)

Don Smith 766-2241  
878-2610



STATE OF MAINE

# Department of Environmental Protection

MAIN OFFICE: RAY BUILDING, HOSPITAL STREET, AUGUSTA  
MAIL ADDRESS: State House Station 17, Augusta, 04333  
207-289-7688

JOHN R. McKERNAN, JR.  
GOVERNOR

DEAN C. MARRIOTT  
COMMISSIONER

November 4, 1991

R. M. Hersey  
Evergreen Landing  
Peaks Island, ME 04108

Dear Mr. Hersey,

On August 27, 1990, staff of the Maine Department of Environmental Protection and the City of Portland conducted a sanitary survey on Peaks Island, Maine. During that survey, we detected a straight pipe conveying untreated sewage from your residence on Peaks Island to the Atlantic Ocean. This straight pipe is illegal under the laws of the State of Maine, as well as the Ordinances of the City of Portland.

The City of Portland will be taking the lead in enforcing State Laws and City Ordinances concerning private sewage treatment systems. Please contact Mr. Arthur Rowe, City of Portland Code Enforcement Officer (207-874-8704), concerning the requirements for designing an acceptable subsurface waste disposal system.

The solution to this illegal discharge will depend upon the options available in your specific circumstances. The usual first step is to retain a licensed site evaluator to examine your property or available adjacent properties for suitability as subsurface disposal sites.

If you have any questions or wish to discuss this matter, please do not hesitate to call me at 207-289-7695.

Your attention to this matter prior to November 20, 1991, would be appreciated.

Sincerely,

Philip Garwood  
Division of Licensing and Enforcement  
Bureau of Water Quality Control

cc. Arthur Rowe, City of Portland

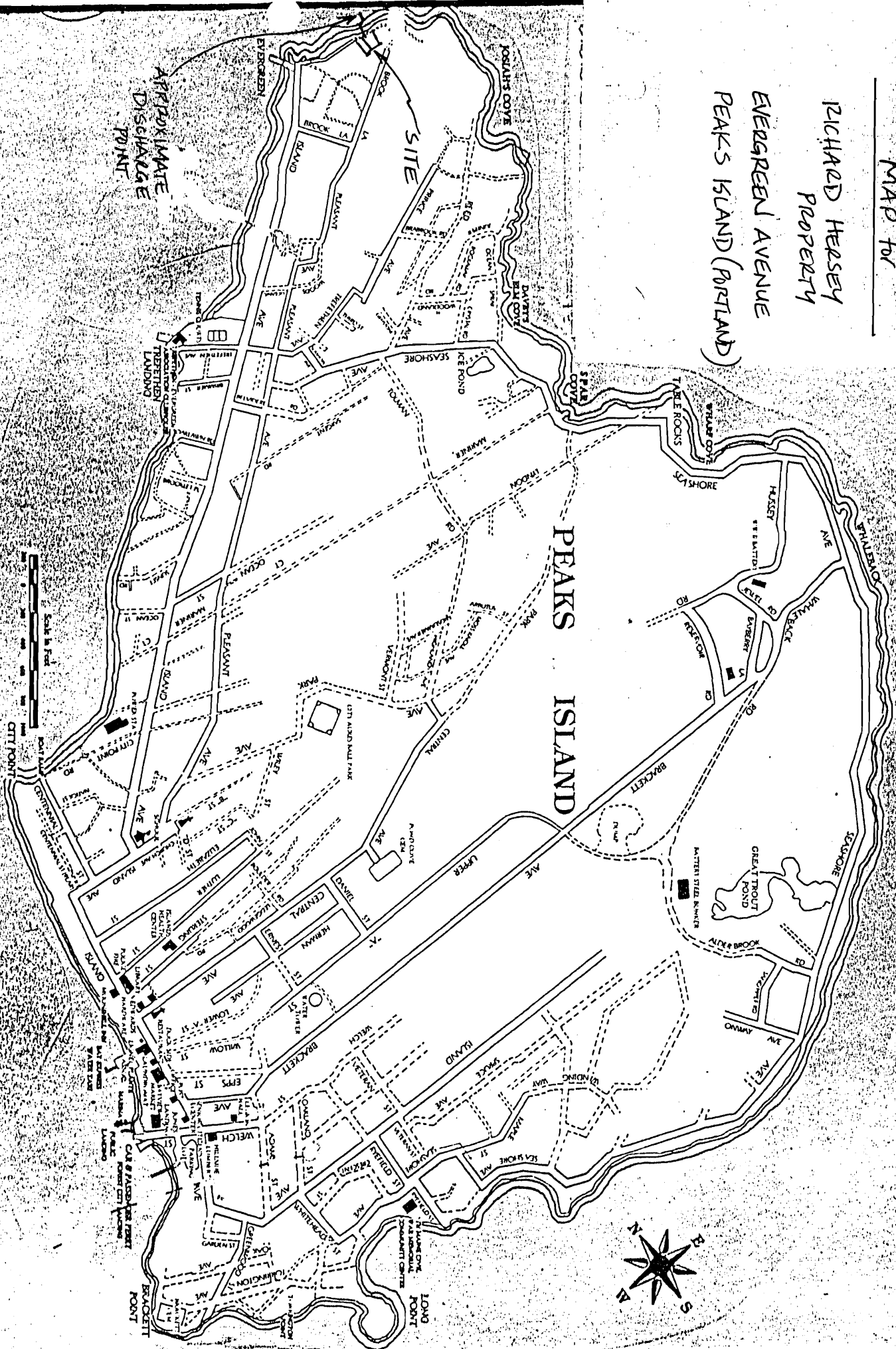
*printed on recycled paper*



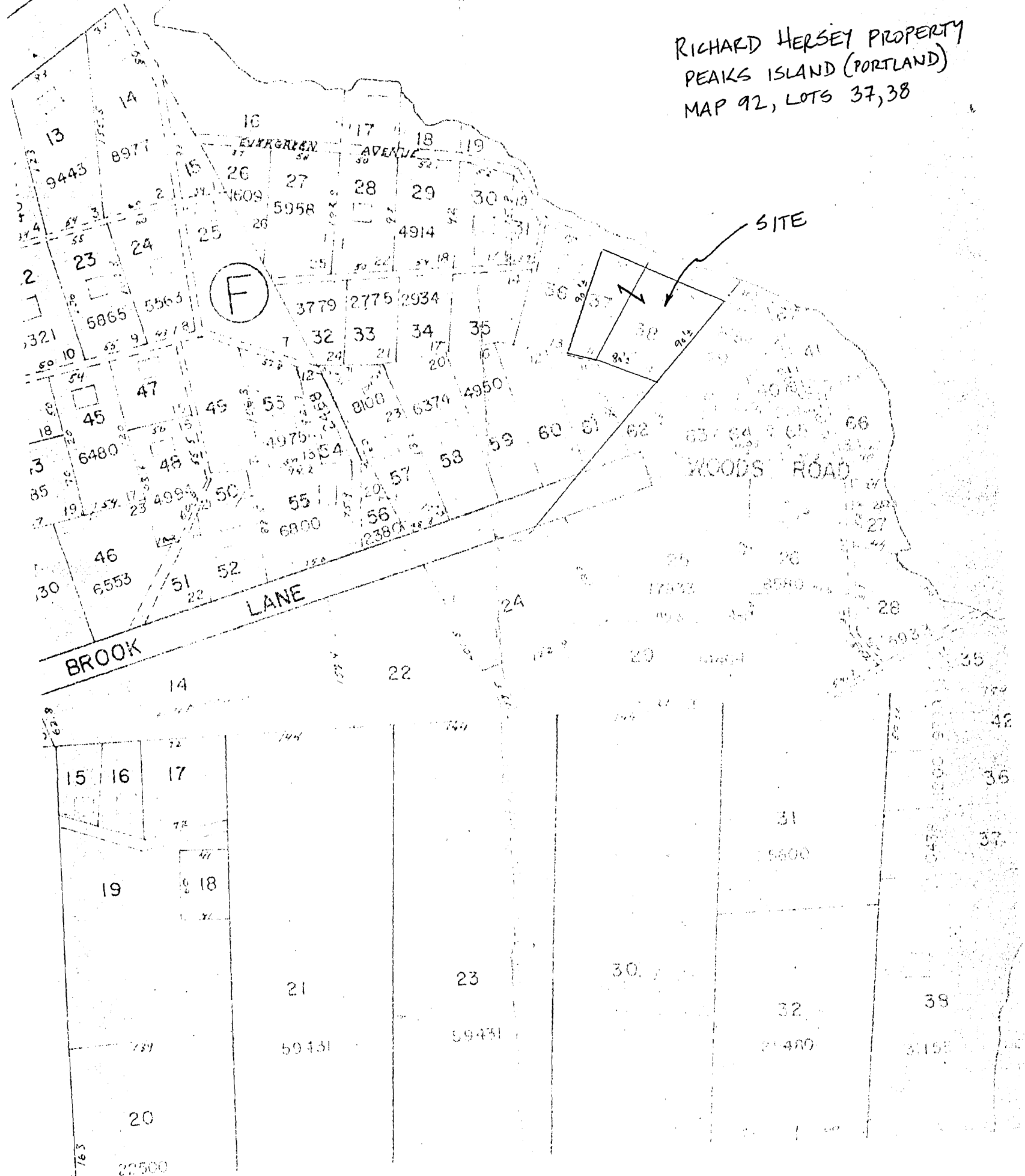
SITE LOCATION  
MAP for

RICHARD HESEY  
PROPERTY

EVERGREEN AVENUE  
PEAKS ISLAND (PORTLAND)



RICHARD HERSEY PROPERTY  
PEAKS ISLAND (PORTLAND)  
MAP 92, LOTS 37, 38



# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

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

<b>PROPERTY ADDRESS</b>	
Town Or Plantation	PORTLAND (PEAKS ISLAND)
Street Subdivision Lot #	EVERGREEN AVE. MAP 92, LOTS 37, 38
<b>PROPERTY OWNERS NAME</b>	
Last: HERSEY	First: RICHARD
Applicant Name:	
Mailing Address of Owner/Applicant (If Different)	93 OAKLAND AVE. WESTBROOK, ME. 04092

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

Signature of Owner/Applicant \_\_\_\_\_ Date \_\_\_\_\_

**Caution: Permit Required**  
The Subsurface Wastewater Disposal System shall not be installed until a Permit is attached here by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.

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

Local Plumbing Inspector Signature \_\_\_\_\_ Date Approved \_\_\_\_\_

## PERMIT INFORMATION

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

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

<b>TREATMENT TANK</b> 1. <input type="checkbox"/> SEPTIC: <input type="checkbox"/> Regular <input type="checkbox"/> Low Profile 2. <input type="checkbox"/> AEROBIC SIZE: _____ GALS.	<b>WATER CONSERVATION</b> 1. <input type="checkbox"/> NONE 2. <input type="checkbox"/> LOW VOLUME TOILET 3. <input type="checkbox"/> SEPARATED LAUNDRY SYSTEM 4. <input type="checkbox"/> ALTERNATIVE TOILET SPECIFY: _____	<b>PUMPING</b> 1. <input type="checkbox"/> NOT REQUIRED 2. <input type="checkbox"/> MAY BE REQUIRED (DEPENDENT ON TREATMENT TANK LOCATION AND ELEVATION) 3. <input type="checkbox"/> REQUIRED DOSE: _____ GALS.	CRITERIA USED FOR DESIGN FLOW (BEDROOMS, SEATING, EMPLOYEES, WATER RECORDS, ETC.) SINGLE FAMILY DWELLING (4 BEDROOMS) DESIGN FLOW: 360 (GALLONS/DAY)
<b>SOIL CONDITIONS USED FOR DESIGN PURPOSES</b> PROFILE: 2 CONDITION: A DEPTH TO LIMITING FACTOR: 0-10	<b>SIZE RATINGS USED FOR DESIGN PURPOSES</b> 1. <input type="checkbox"/> SMALL 2. <input type="checkbox"/> MEDIUM 3. <input type="checkbox"/> MEDIUM-LARGE 4. <input type="checkbox"/> LARGE 5. <input type="checkbox"/> EXTRA LARGE	<b>DISPOSAL AREA TYPE/SIZE</b> 1. <input type="checkbox"/> BED _____ Sq. Ft. 2. <input type="checkbox"/> CHAMBER _____ Sq. Ft. <input type="checkbox"/> REGULAR <input type="checkbox"/> H-20 3. <input type="checkbox"/> TRENCH _____ Linear Ft. 4. <input type="checkbox"/> OTHER: _____	

## SITE EVALUATOR STATEMENT

On OCTOBER 20, 1992 (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

Site Evaluator Signature

SE#

Date

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

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering

Town, City, Plantation

Street, Road, Subdivision MAP 92

Owners Name

PEAKS ISLAND (PORTLAND)

EVERGREEN DR. LOTS 37, 38

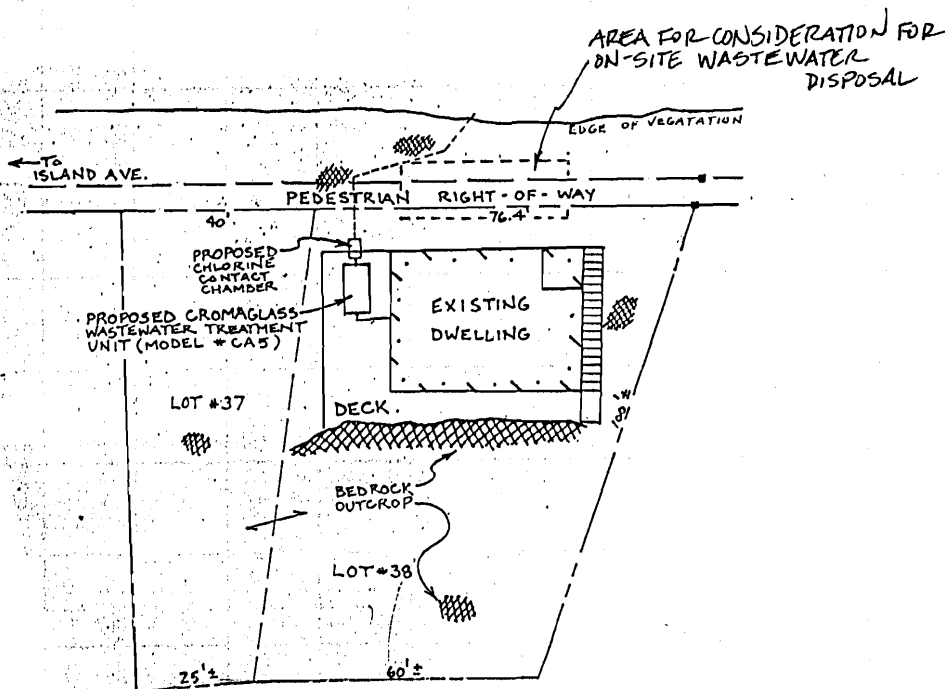
HERSEY, RICHARD

## SITE PLAN

Scale 1" = 40 Ft.

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

APPROX.



## SOIL DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole \_\_\_\_\_ ☐ Test Pit ☐ Boring

\_\_\_\_\_ " Depth of Organic Horizon Above Mineral Soil

	Texture	Consistency	Color	Mottling
0				
6				
10				
15				
20				
30				
40				
50				

NOTE:

NUMEROUS BORINGS IN AREA SHOWN ON SITE PLAN INDICATE VARYING DEPTH TO BEDROCK FROM ROCK OUTCROP (BEDROCK ABOVE SOIL SURFACE) TO 10".

Soil 2	Classification A	Slope %	Limiting Factor 0-10'	<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock
Profile	Condition			

Observation Hole \_\_\_\_\_ ☐ Test Pit ☐ Boring

\_\_\_\_\_ " Depth of Organic Horizon Above Mineral Soil

	Texture	Consistency	Color	Mottling
0				
6				
10				
15				
20				
30				
40				
50				

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

Albert Frick  
Site Evaluator Signature

163  
SE#

12/22/92  
Date

RICHARD HERSEY PROPERTY  
EVERGREEN AVENUE  
PEAKS ISLAND, PORTLAND



SIDE VIEW OF DWELLING, SHOWING LOCATION OF  
PROPOSED CHROMAGLASS WASTEWATER TREATMENT UNIT  
(UNDER DECK)

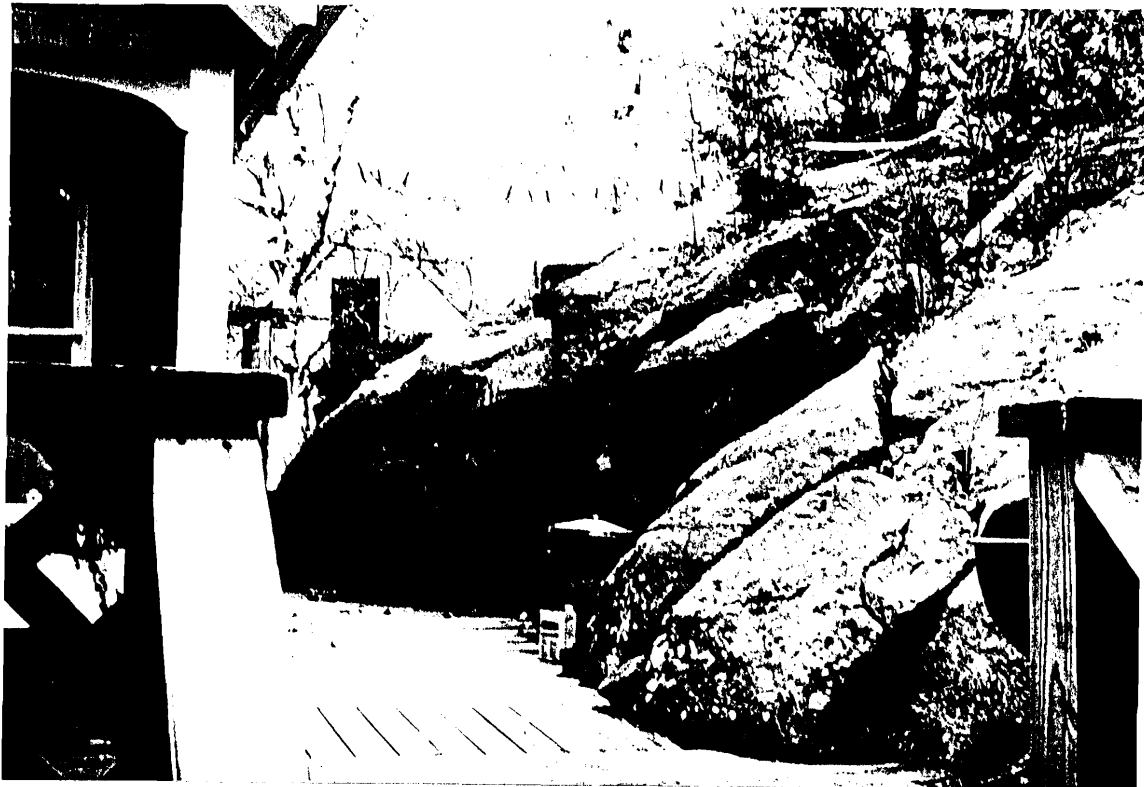


VIEW ALONG FRONT OF DWELLING, SHOWING  
PEDESTRIAN RIGHT-OF-WAY W/ BEDROCK OUTCROPS



Albert Frick Associates, Inc.  
Soil Scientists & Site Evaluators

RICHARD HERSEY PROPERTY  
EVERGREEN AVENUE  
PEAKS ISLAND, PORTLAND

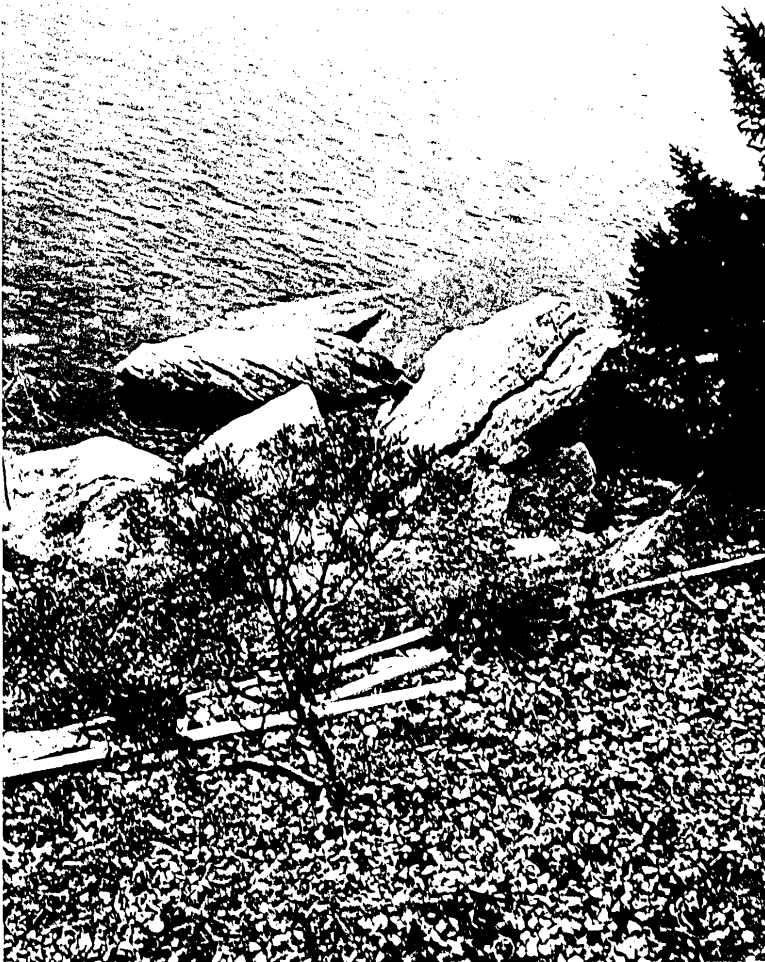
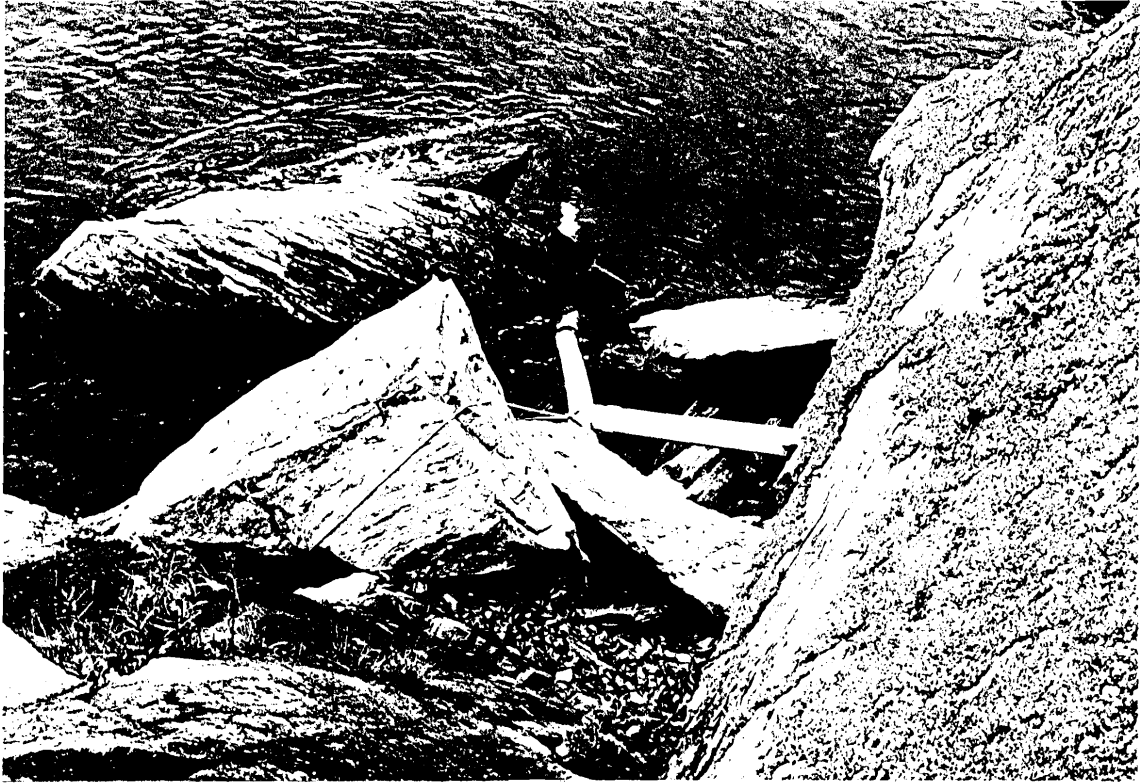


BEDROCK OUTCROPS ALONG EDGE OF DECK IN REAR OF  
DWELLING (BOTH PHOTOS)



Albert Frick Associates, Inc.  
Soil Scientists & Site Evaluators

RICHARD HERSEY PROPERTY  
EVERGREEN AVENUE  
PEAKS ISLAND, PORTLAND



VIEW OF EXISTING  
STRAIGHT PIPE FROM  
FRONT OF DWELLING

(NOTE SEASONAL WATER LINE  
IN BOTTOM PHOTO)



Albert Frick Associates, Inc.  
Soil Scientists & Site Evaluators

RICHARD HERSEY PROPERTY  
25 EVERGREEN AVENUE  
PEAKS ISLAND  
PROPOSED WASTEWATER TREATMENT-  
OVERBOARD DISCHARGE



**Albert Frick Associates, Inc.**  
Soil Scientists & Site Evaluators  
95A County Road    Gorham, Maine 04038

DATE: 11/30/92

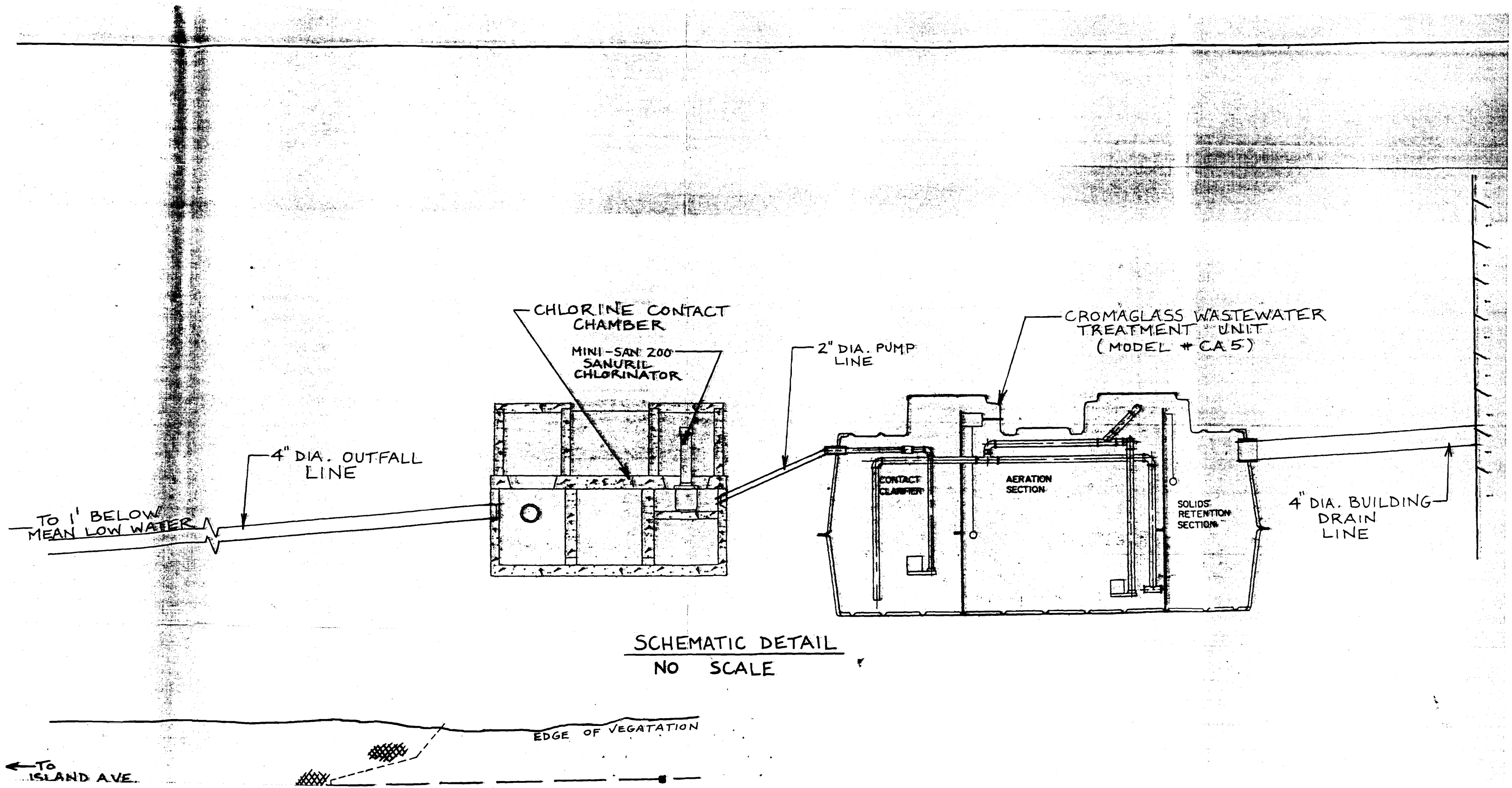
PROJECT NO. 92710

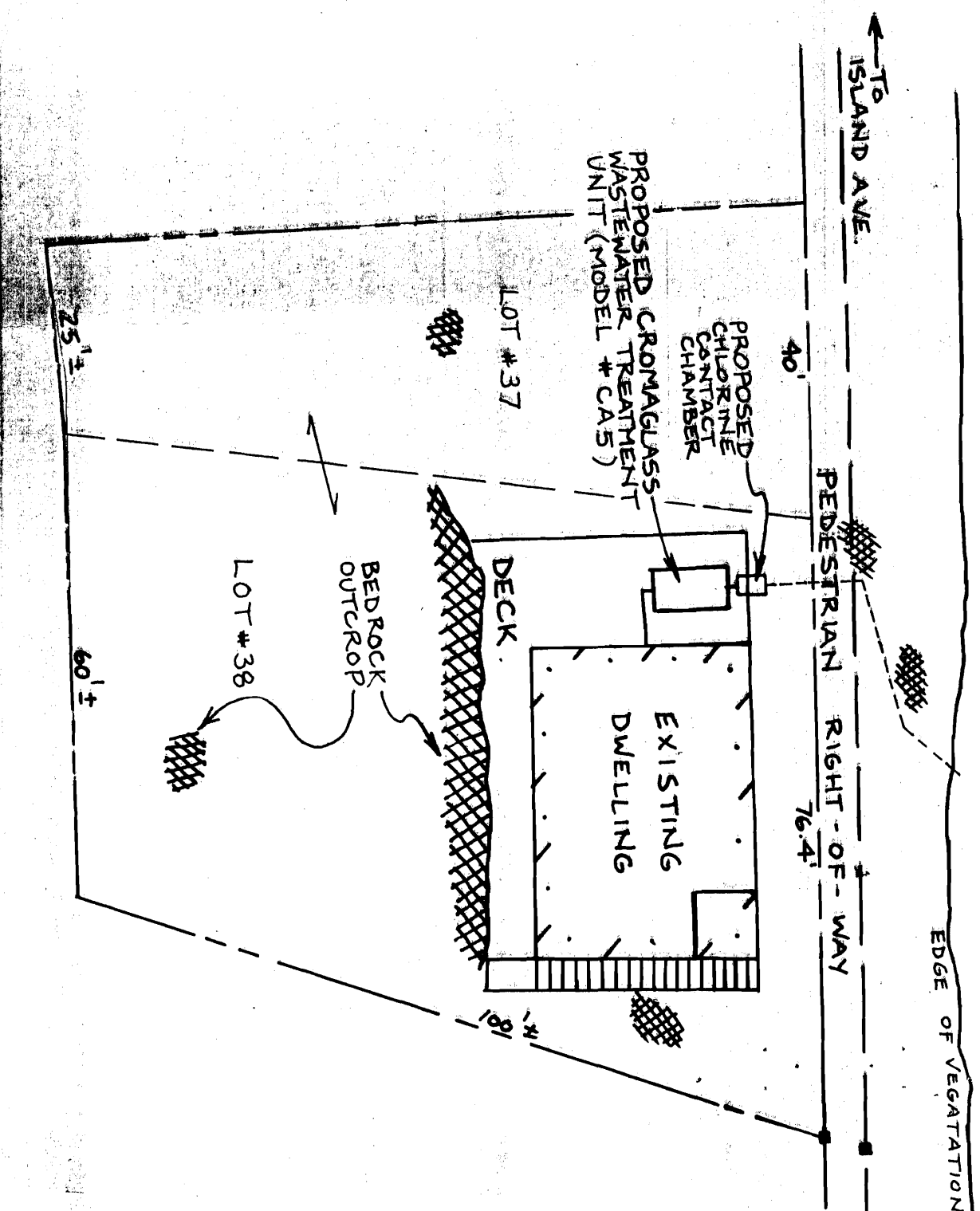
DRN: M.L.

CHK: A.F.

SCALE: VARIOUS







SITE PLAN

SCALE : 1" = 20'±

PR

DA

DR

KNOW ALL MEN BY THESE PRESENTS, That I, Evelyn R. Sills, of Montreal, in the County of Hochelaga, Province of Quebec, Dominion of Canada, in consideration of one dollar and other valuable consideration, paid by Richard W. Hersey and Barbara M. Hersey, both of Portland, in the County of Cumberland and State of Maine, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey, unto the said Richard W. Hersey and Barbara M. Hersey, as joint tenants and not as tenants in common, their heirs and assigns forever, the following described property:

Those lots of land, with the buildings thereon, situated on Peaks Island in the City of Portland, County of Cumberland and State of Maine, near Evergreen Landing, bounded and described as follows:

1. Beginning at a stake driven into the southerly side of a right of way running westerly along the bank from the Woods Road, so called, towards Evergreen Landing Wharf, said point of beginning being twenty-five and two tenths (25.2) feet northwesterly from the northwesterly corner of the piazza of the cottage known as the Patchen cottage and twenty-nine and eight tenths (29.8) feet northeasterly from the northeasterly corner of the piazza of the cottage known as the Bibber Cottage standing on the lot now being conveyed; thence running westerly by the said southerly side of said right of way, passing the northwesterly corner of the piazza of the said Bibber Cottage at distance of thirteen and one tenth (13.1) feet northerly from said northwesterly corner of said piazza, seventy-six and four tenths (76.4) feet to a point; thence deflecting to the left ninety-four degrees fifty-seven minutes ( $94^{\circ} 57'$ ) and running southerly ninety-one (91) feet to a stake; thence deflecting to the left eighty-five degrees forty-five minutes ( $85^{\circ} 45'$ ) and running easterly fifty-six (56) feet to a stake; thence deflecting to the left eighty-one degrees thirteen minutes ( $81^{\circ} 13'$ ) and running northerly ninety (90) feet to the point of beginning; with shore rights.

Also another lot of land on said Peaks Island, bounded and described as follows:

2. Beginning at an iron pipe driven into the ground in the southerly side of a right of way five (5) feet wide, leading along the shore, and in the northwesterly corner of the above described parcel; thence southerly following the westerly line of said above described parcel ninety-one (91) feet, more or less, to an iron pipe driven into the ground in the southwesterly corner thereof; thence deflecting to the right eighty-three degrees seven minutes ( $83^{\circ} 07'$ ) and running westerly twenty-two (22) feet to a stake; thence deflecting to the right eighty-seven degrees fifteen minutes ( $87^{\circ} 15'$ ) and running northerly ninety-four (94) feet to a stake on the southerly side of the aforesaid right of way; thence deflecting to the right one hundred sixteen degrees twenty-eight minutes ( $116^{\circ} 28'$ ) and following the said right of way southeasterly forty (40) feet to the point of beginning; containing two thousand five

hundred fifty (2,550) feet of land; and being Lot No. 11 (eleven) on plan of lots near Evergreen Landing surveyed for Mrs. Georgia M. Maggi by A. E. Skillin, C. E., September 1911.

Also another lot of land on said Peaks Island, near said Landing on the northerly side of the right of way above mentioned and northerly of the next above described lot, bounded and described as follows:

3. Beginning at a point in the northerly line of the aforesaid right of way, where the westerly line of said first above described parcel continued northerly intersects the northerly line of said right of way; thence northwesterly following the northeasterly line of said right of way forty (40) feet, more or less, to its intersection with the westerly line of the second above described parcel continued northerly; thence northerly in the same direction as the said westerly line of the next above described lot ten (10) feet, more or less, to the top of the bank on the shore; thence southeasterly following the top of the bank forty-one (41) feet, more or less, to its intersection with the westerly line of said first above described parcel continued northerly; thence southerly by said line eighteen (18) feet, more or less, to the point of beginning; containing five hundred sixty (560) square feet of land.

The within conveyance includes also all of the Grantor's right, title and interest in and to:

4. A strip of land northerly of said right of way and northerly and in front of Lot No. 9 (nine), the first above described parcel, similar in location relative to said Lot No. 9 (nine) to that described in front of Lot No. 11 (eleven) and limited in extent to the space within the extension of the easterly and westerly side lines of said Lot No. 9 (nine) northerly to the shore line at high water mark, to which line and mark said strips in front of both Lots No. 9 (nine) and 11 (eleven) are to extend.

The plan of lots herein referred to is recorded in Cumberland County Registry of Deeds in Plan Book 15, Page 29.

Hereby conveying the same premises conveyed to the Grantor herein by Helen Doherty by warranty deed dated July 26, 1956 and recorded in said Registry of Deeds in Book 2304, Page 387.

Catherine B. Doherty, late of Everett, in the County of Middlesex, Commonwealth of Massachusetts, died intestate, March 10, 1951, leaving no widower and the said Helen Doherty and Alice M. Doherty as her sole heirs at law. The said Alice M. Doherty died intestate, September 4, 1952, leaving no widower and the said Helen Doherty as her sole heir at law. Reference is made to Docket No. 311578, Middlesex County Probate Court, Commonwealth of Massachusetts.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all privileges and appurtenances thereof to the said Richard W. Hersey and Barbara M. Hersey, as joint tenants and not as tenants in common, their heirs and assigns, to them and their use and behoof forever.

AND I do covenant with the said Grantees, as joint tenants and not as tenants in common, their heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all encumbrances; that I have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that I and my heirs, shall and will Warrant and Defend the same to the said Grantees, as joint tenants and not as tenants in common, their heirs and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I, the said Evelyn R. Sills, and I, Arthur K. Sills, husband of the said Evelyn R. Sills, joining in this deed as Grantor, and relinquishing and conveying my rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this 17<sup>th</sup> day of June, in the year of our Lord one thousand nine hundred and sixty-three.

Signed, Sealed and Delivered  
in presence of

McDonald Gardner  
John Peterson

Evelyn R. Sills  
A. Sills  
Arthur K. Sills

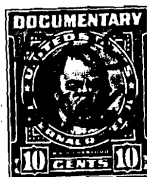
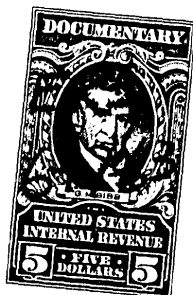
STATE OF MAINE,  
Cumberland, ss.

June 17, 1963.

Personally appeared the above named Evelyn R. Sills and acknowledged the above instrument to be her free act and deed.

Before me

McDonald Gardner  
Justice of the Peace



REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE JUN 17 1963

Received at 11 H 35 M A M, and recorded in

BOOK 2755 PAGE 106

Swain R. Thayer Register