

TOWN OF YARMOUTH

200 Main Street

Yarmouth, Maine 04096

(207)846-2401

WWW.YARMOUTH.ME.US

Fax: (207)846-2438

SHORELAND ZONING PERMIT APPLICATION

PERMIT # _____ ISSUE DATE _____ FEE AMOUNT _____

Date: _____ Zoning District _____ Map _____ Lot _____ Ext _____

APPLICANT NAME: ERIC PAN & JENNIFER M. MILLIARD PHONE NO: 207.835.1635

MAILING ADDRESS: 35 Westcustogo Pt. Yarmouth, Me 04096 e-mail bizdevwiz@gmail.com

OWNER (other than applicant)

NAME: _____ PHONE NO: _____

MAILING ADDRESS: _____ e-mail _____

CONTRACTOR NAME: Falls Point Marine PHONE NO: 207.865.4567

MAILING ADDRESS: PO Box 61 South Freeport Me 04078 e-mail kathy@fallspoint.com

PROPERTY LOCATION: 35 Westcustogo Pt. Yarmouth, Me 04096

Applicant must also include a narrative of the project including a description of all proposed construction, (E.G. Land clearing, road building, septic systems and wells – Please note: A site plan sketch is required on a separate sheet of paper no less than 11" x 17" or greater than 24"x36"

Please note: Plan set must be bound (not rolled) with a cover sheet and index.

Proposed use of project: _____

Estimated cost of construction _____

Lot area (sq. ft.) 1.3 acres

Frontage on Road (FT) _____

SQ. FT. of lot to be covered by non-vegetated surfaces _____

Elevation above 100 YR Flood Plain _____

Frontage on water body (FT.) _____

Height of proposed structure 10' walking surface, 42" handrails, 15' gallows

Existing use of property_____

Proposed use of property_____

Note: NEXT Questions apply only to expansions of portions of existing structures that are less than the required setback.

- A) Total building footprint area of portion of structure that is less than required setback as of 1/1/89:_____SQ.FT.
- B) Actual shore setback of existing structure proposed for expansion (measured as required in SOD, e.g.: Highest Annual Tide; Upland Edge of Coastal Wetland; Top of Bank (RP); Normal High Water Line of rivers and streams; as applicable): _____
- C) Building footprint area of expansions of portion of structure that is less than required setback from 1/1/89 to present: _____SQ.FT.
- D) Building footprint area of proposed expansion of portion of structure that is less than required setback: _____SQ.FT.
- E) % Increase of building footprint of previous and proposed expansions of portion of structure that is less than required setback since 1/1/89: % increase = $((C+D) \times 100) / A =$ _____%
- F) Floor Area and Market Value of Structure prior to improvements: (a) Area:_____ Value:_____. Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) Area:_____ Value:_____. If the floor area or market value of (b) exceeds 50% of the area or value of (a), then the Relocation provisions of Article IV.R.5.a.(3) and (4) shall apply. **Note:** A value appraisal may be required or submitted in close cases where the applicant asserts that that 50% trigger and relocation assessment provision is not met. **Any plan revisions after initial approvals to replace rather than renovate building components (foundations, framing, etc.) shall be required to re-calculate the extent of removal, damage or destruction relative to retained structure.**
- ☒ Please provide a site plan to include lot lines, area to be cleared of trees and other vegetation; the exact position of proposed structures, including decks, porches, and out buildings with accurate setback distances from the shoreline, side and rear property lines; the location of proposed wells, septic systems, and driveways; and areas and amounts to be filled or graded. If the proposal is for the expansion of an existing structure, please distinguish between the existing structure and the proposed expansion.
- ☒ Note: For all projects involving filling, grading, or other soil disturbance you must provide a soil erosion control plan describing the measures to be taken to stabilize disturbed areas before, during and after construction.
- ☒ Draw a simple sketch showing both the existing and proposed structures with dimensions.

SHORELAND ZONING PERMIT CHECKLIST

Please note that this checklist is intended to help applicants identify major submittal components but it is the applicant's responsibility to review the SOD/RP provisions outlined in Chapter 701 of the Yarmouth Code and provide all required information as well as conform to all design components. Copies of Chapter 701 are available at the Yarmouth Town Hall or can be downloaded on the Town website which is www.yarmouth.me.us.

- ☒ Complete Shoreland Zoning Permit application including signatures of property owners and agents.
- ☒ Appropriate fee.
- ☒ Square footage of lot area within the 250' SOD
- ☒ Square footage and % of lot covered by non-vegetated surfaces within the SOD
- ☐ Square footage and % of cleared area within lot area within the SOD
- ☐ Delineation of 75' setback from upland edge of the coastal wetland
- ☐ Delineation of 250' SOD line from upland edge of the coastal wetland.
- ☒ Delineation of Resource Protection District
- ☒ Height of any proposed structures as measured between the mean original grade at the downhill side of the structure and the highest point of the structure
- ☒ Building elevations of any proposed structures as viewed from side and rear lot lines
- ☒ % Increase of expansions of portion of structure which is less than the required setback (if applicable)
- ☐ Floor Area and Market Value of Structure prior to improvements: (a) Area: _____ Value: _____. Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) Area: _____ Value: _____.
- ☐ Elevation of lowest finished floor to 100 year flood elevation
- ☒ Evidence of submission of the application to the Maine Historic Preservation Commission (MHPC) at least twenty (20) days prior to the Planning Board meeting as required in Article IV.R.O
- ☒ Copy of additional permit(s) if applicable:
 - Planning Board (e.g. Subdivision, Site Plan Review)
 - Board of Appeals
 - Flood Hazard
 - Exterior plumbing permit (Approved HHE 200 Application Form)
 - Interior plumbing permit
 - DEP permit (Site Location, Natural Resources Protection Act)
 - Army Corps of Engineers Permit (e.g. Sec. 404 of Clean Waters Act)
- ☒ Please circle all habitat types, marine organisms and shoreline elements present:
(Sand beach) (boulder/cobble beach) (sand flat) (mixed coarse & fines) (salt marsh)
(ledge) (rocky shore) (mudflat) (sediment depth if known) (Bluff/bank) (Mussels) (clams)
(marine worms) (rockweed) (eelgrass) (lobsters) (other _____)
- ☐ Signs of intertidal erosion? (Yes) (no)
- ☐ Energy: (protected) (semi-protected) (partially exposed) (exposed)
- ☒ Copy of deed
- ☒ Soil erosion control plan
- ☒ Photographs
- ☒ Plan view

NOTE: Applicant is advised to consult with the CEO and appropriate state and federal agencies to determine whether additional permits, approvals, and reviews are required.

CONDITIONS OF APPROVAL

The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

I certify that all information given in this application is accurate. All proposed uses shall be in conformance with this application and the Town of Yarmouth Shoreland Regulations in the Zoning Ordinance. I agree to future inspections by the Code Enforcement Officer / Planning Director / Planning Board members (as applicable) at reasonable hours and with advance notice.

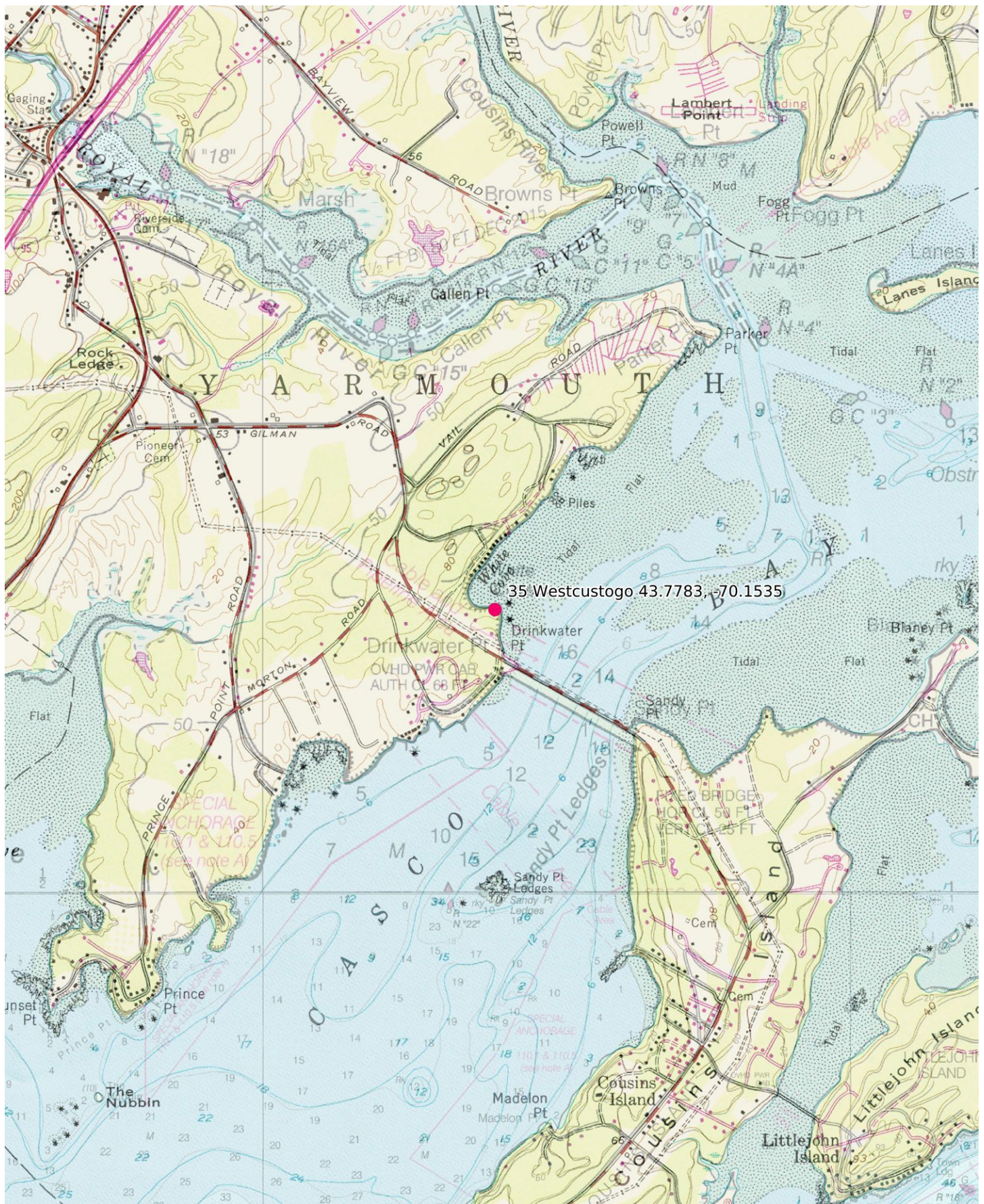
“I authorize appropriate staff within the Yarmouth Planning Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to collect facts pertaining to my application.”

Applicant Signature see attached Date 8/1/2021

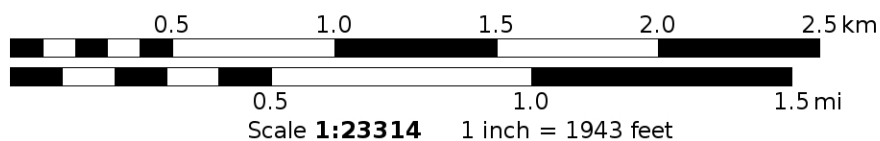
Agent Signature KM Kegan Date 8/1/2021
(if applicable)

Code Enforcement Officer _____

DATE OF APPROVAL / DENIAL OF APPLICATION _____
(by either staff or planning board)



Mercator Projection
WGS84
USNG Zone 19TDJ
 CALTOPO





Lot 3
Unit 31
1.2 Acres

Not to scale

The Town of Yarmouth shall not be held liable for discrepancies in land conveyance based on the content of these maps. The maps are for assessing purposes only. Maps revised to 2020.

MAP 2

**PART 3. TIER 3 INDIVIDUAL NATURAL RESOURCE PROTECTION ACT PERMIT
BASIC ATTACHMENTS FOR TIER 3 AND INDIVIDUAL NRPA PERMIT**

☐ **Attachment 1, Activity Description**

Dock

The project proposes to construct a residential dock at 35 Westcustogo Point in Yarmouth just before the Cousins Island Bridge. The applicants plan to use the dock for safe water access for kayaking, swimming, fishing and boating. The dock system begins at the top of bank with a set of embankment stairs where there are currently stairs to a seasonal dock.

The proposed replacement dock starts at the top of bank with stairs which are 4' wide with 2 mid landings and descend 50' to a fixed pier. This fixed pier head is 5'x52' and is supported by helix anchors at the inshore end and one timber driven pile bent offshore. The elevation of the walking surface is 10'. There will be two access steps to the shore itself.

For the seasonal portion, the gangway is 3'x40' and the float is 12'x20'.

A gallows frame for seasonal service of the gangway will be added at the outer end of the fixed section. The gangway will be stored on the pier head in the winter. The floats will be stored on a proposed timber 10'x48' skid way, 75' from the pier, and 20' from the southern boundary line. The float will be out of the tidal zone in the winter months. The float skid way will insure that the float is above HAT, out of the resource, clear of the tidal waves and moving ice. The floats have skids for service onto/off of the ways for the winter. The proposed dock is 112' from the southern boundary and 40' from the northern boundary. The skid way is 20' from the southern boundary.

Direct Impact: 10 ft²

(8) Inner helix bent

(2) Outer bent -(2) 10-12" pilings

Indirect Impact: 915 ft²

Stair 4x50' = 200 ft²

Pierhead 5x52' = 260 ft²

Gangway 3x45' = 135 ft²

Float 16x20' = 320 ft²

❑ **Attachment 2, Alternatives Analysis / Avoidance and Minimization**

Several alternatives were considered in determining the need, placement and design of the proposed structures. Among the factors considered were shoreline characteristics, vegetation, tidal access, identified natural resources and proximity to existing public and private facilities. The project purpose is to avoid the marsh and provide safe upland water access. The project's minimal approach preserves and expands the existing native vegetation by raising the structure off the marsh.

Alternative 1: Do Nothing

The applicants purchased the property in 2020. The property has an older seasonal float system to reach the water. This system stretches across the marsh. A do nothing approach will not preserve the marsh. The proposed system will have a raised stair and pier head which will preserve the embankment and the marsh should grow back underneath. The applicants are avid kayakers and they would utilize the opportunity to fish and swim. The property maintains over ~300' of shoreline. There are Marinas up the Royal River in Yarmouth for larger boat owners. These marinas do not provide kayak access. Utilizing the Yarmouth Town Landing defeats the purpose of enjoying the local vicinity from home.

Alternative 2: The project proposes to preserve the shore from further erosion or degradation by raising and anchoring the stair and pier head. The dock will eliminate the need to transit touching the embankment or the marsh in order to access the water. The placement of the dock system was chosen as it already has a cleared, useable pathway which provides a minimal permanent structure and sufficient, reasonable access throughout the tidal cycle.

The applicants will have access to water for half of the tide cycle, as do the majority of the docks in the area. The location is safely tucked around a corner and away from the navigable channel so as not to interfere with any normal private or commercial activities. The cove has similar dock systems making the project in keeping with the surrounding character of the Town of Yarmouth.

Attachment 3: See attached CalTopo Map

Attachment 4: See photos

Attachment 5: See attached plan drawing

Attachment 6: Additional plans, n/a

Attachment 7: Construction Plan: Dock

The system will be transported and installed via crane barge in the following sections

- ° 4'x50' shore stairs - aluminum frame with helix anchors
- ° 5'x52' fixed pier - aluminum frame on 1 outer structural timber bent
- ° 3'x45' seasonal gangway - aluminum frame, wood decking
- ° 16'x20' seasonal float - wood construction with rotomold flotation, skids
- ° The 4 point anchoring system will be set at 45° angles from the float
 - 2 buried anchors out with 1/2" x ~65' 1/2" chain
 - 2 pins with 3/8" x ~65' chain

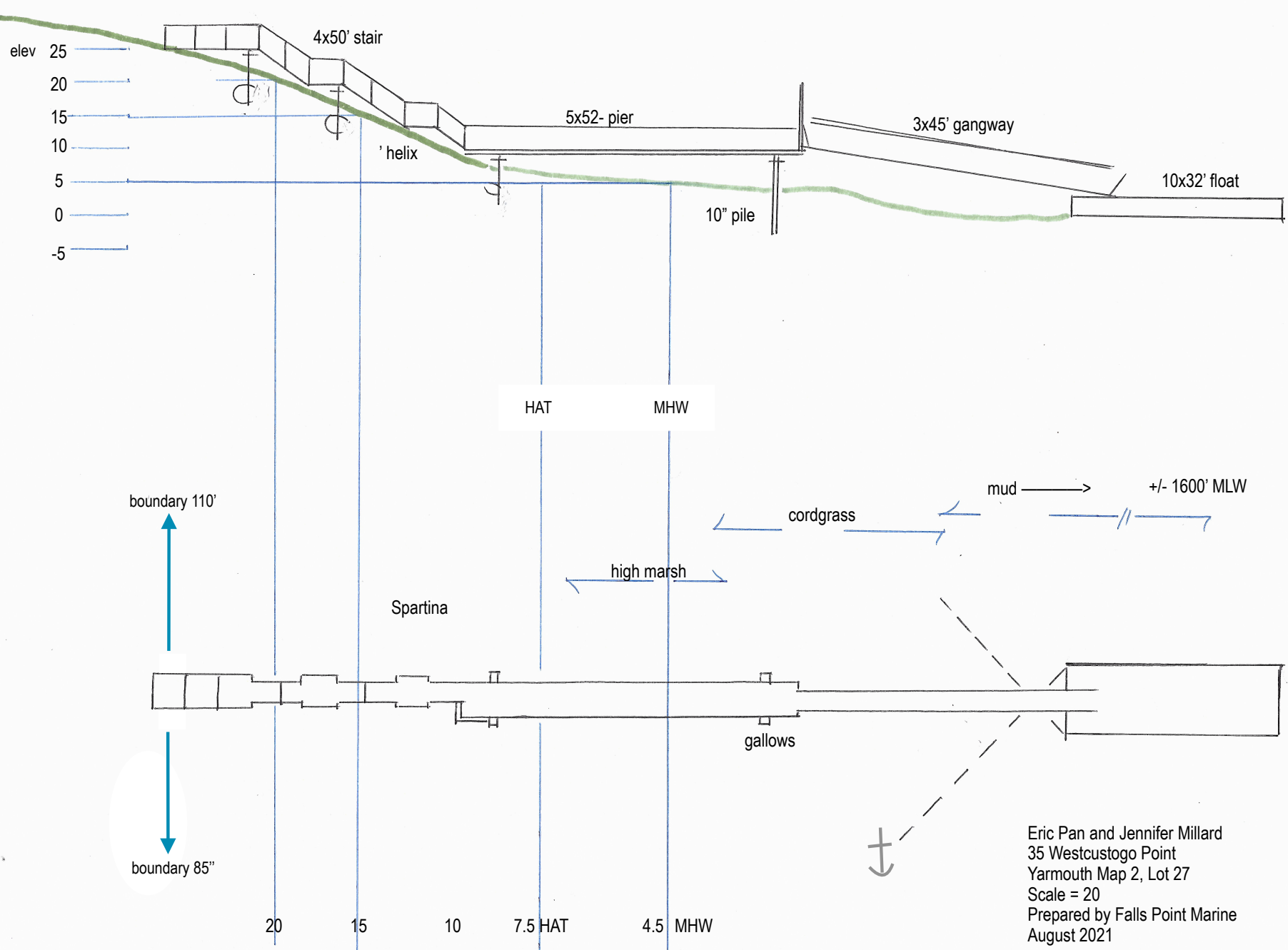
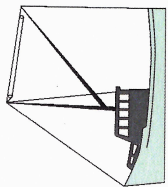
The pier head, gallows frame and gangway will be fabricated off site with a welded aluminum frame and wood decking. The structural bents will be constructed off site and are made of 10" x10" marine grade 2.5 CCA PT timbers. The timber float will be constructed off site with marine grade lumber and polyethylene molded flotation and skids. The float fasteners are 1/2" galvanized steel. The bent fasteners are 3/4"-1" galvanized steel. The fixed pier head will terminate with a wood gallows frame for seasonal service and gangway storage inside the fixed pier handrails.

☐ **Attachment 8, Erosion Control Plan.**

The site will not produce a need for vegetation removal and does not disturb the resource in an unreasonable way. We refer to Maine DOT Best Management Practices for Erosion and Sedimentation Control. Hay bales will be set in the event that unexpected erosion occurs during construction. Construction access to the the project will be via the shoreline.

- ☐ **Attachment 9,** See attached Coastal Wetland Characteristics, Appendix B
- ☐ **Attachment 10,** See attached Overhead and side view plan drawing
- ☐ **Attachment 11,** See attached Dept. Army Permit App and MHPC letter
- ☐ **Appendix D,** See Project Description for Dock, Pier or Wharf Application

FallsPointMarine



Eric Pan and Jennifer Millard
35 Westcustogo Point
Yarmouth Map 2, Lot 27
Scale = 20
Prepared by Falls Point Marine
August 2021

Attachment #4, Photos
Millard/Pan
35 Westcustogo Point, Yarmouth



Current seasonal system
MLW - +1/4 mile seaward





APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION: INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST

NAME OF APPLICANT: ERIC PAN and. JENNIFER M. MILLIARD PHONE: 207.835.1635

APPLICATION TYPE: Tier 3 NRPA

ACTIVITY LOCATION: TOWN: Yarmouth COUNTY: Cumberland

ACTIVITY DESCRIPTION: ☐ fill ☒ pier ☐ lobster pound ☐ shoreline stabilization
☐ dredge ☐ other: _____

DATE OF SURVEY: 5/21/2021 OBSERVER: Carter Becker

TIME OF SURVEY: 12 pm TIDE AT SURVEY: 1.4 falling

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):
Intertidal area: 10 sq ft Subtidal area: _____

SIZE OF INDIRECT IMPACT, if known (square feet): _____
Intertidal area: 915 sq ft Subtidal area: _____

HABITAT TYPES PRESENT (check all that apply):
☐ sand beach ☒ boulder/cobble beach ☐ sand flat ☐ mixed coarse & fines ☐ salt marsh
☒ ledge ☒ rocky shore ☒ mudflat (sediment depth, if known: _____)

ENERGY: ☐ protected ☒ semi-protected ☐ partially exposed ☐ exposed

DRAINAGE: ☒ drains completely ☐ standing water ☐ pools ☐ stream or channel

SLOPE: ☒ >20% ☐ 10-20% ☐ 5-10% ☐ 0-5% ☒ variable

SHORELINE CHARACTER:
☒ bluff/bank (height from spring high tide: 25) ☐ beach ☒ rocky ☐ vegetated

FRESHWATER SOURCES: ☐ stream ☐ river ☐ wetland ☐ stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION? ☐ yes ☒ no

PREVIOUS ALTERATIONS? ☐ yes ☒ no

CURRENT USE OF SITE AND ADJACENT UPLAND:
☐ undeveloped ☒ residential ☐ commercial ☐ degraded ☐ recreational

PLEASE SUBMIT THE FOLLOWING:


☒ Photographs ☒ Overhead drawing (pink)



To Whom It May Concern,

Either Kathleen Keegan and/or Carter Becker of Falls Point Marine, Inc. are authorized to apply for and obtain such permits as necessary from all permitting authorities (local, state and federal) related to the planning and construction of a residential dock at 35 Westcustogo Point in Yarmouth Me Tax Map 2 Lot 27.

Print Name: **Eric Pan**

Signed: 

Mailing Address **35 Westcustogo Point**
Yarmouth, ME 04096

Email **bizdevwiz@gmail.com**

Date **28 May 2021**

Loan No. 2333159
QUITCLAIM DEED WITHOUT COVENANT
(Release Deed)

Union Federal Bank of Indianapolis, a banking entity having place of business in the City of Fort Wayne and State of Indiana, for consideration paid, RELEASES to *James Burgess*, whose address is 47 Broad Cove Woods, Yarmouth, Maine 04096

the land situated in Yarmouth, County of Cumberland and State of Maine, and being more particularly described as follows:

A certain lot or parcel of land, with the buildings thereon, situated northeasterly of Gilman Road in the Town of Yarmouth, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at an iron rod at a corner of land of Central Maine Power Company, said iron rod being fifty-five (55) feet distant on a course of North 51° 1' East from the center of Tower No. 19 in Central Maine Power Company 38-K V transmission line, Section 198; thence North 51° 1' East by land of Central Maine Power Company twenty (20) feet to an iron rod; thence South 38° 59' East by land of Central Maine Power Company fifty-eight and eight tenths (58.8) feet to an iron rod; thence North 38° 21' East by land of Edward F. Sullivan et al. one hundred seventy-two and one tenth (172.1) feet, more or less, to an iron pipe; thence continuing North 38° 21' East by said Sullivan land to high water mark of Casco Bay; thence northwesterly along high water mark to the easterly corner of land conveyed by Edward F. Sullivan et al. to Alfred W. Pearson et al. by deed dated July 27, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2771, Page 297; thence South 47° West by said Pearson land to an iron rod; thence continuing South 47° West by said Pearson land one hundred forty-six and two tenths (146.2) feet, more or less, to an iron rod on the northeasterly side line of Central Maine Power Company; thence South 38° 59' East by land of Central Maine Power Company one hundred forty-one and one tenth (141.1) feet, more or less, to the point of beginning.

Also all the Grantor's right, title and interest in and to the shore, littoral and riparian rights appurtenant to the premises above described, and together with a right of way in common with others twenty-five (25) feet in width over land of Central Maine Power Company as more particularly described in a deed from Central Maine Power Company to Alan M. Rand dated June 14, 1960 and recorded in the Cumberland County Registry of Deeds in Book 2527, Page 148.

This conveyance is made subject to the rights and privileges conveyed by Edward F. Sullivan to Central Maine Power Company by deed dated April 3, 1962 and recorded in said Registry of Deeds in Book 2669, Page 435.

This conveyance is made subject to a right of way fourteen (14) feet in width described in a deed from Edward F. Sullivan and Evelyn Sullivan to Alfred W. Pearson and Vivian G. Pearson dated July 27, 1961 and recorded in said Registry of Deeds in Book 2771, Page 297.

MAINE REAL ESTATE TAX PAID

The above described premises are subject to the covenant that the premises hereby granted shall not be used for any business or commercial use, but shall be limited for a year-round dwelling of substantial quality.

The premises are subject to the rights and easements but together with the reservation set forth in Easement Deed from Laurence D. Sibley to Marilyn V. Bickford, Personal Representative of the Estate of Vivian G. Pearson dated January 21, 1994 and recorded in the Cumberland County Registry of Deeds in Book 11249, Page 253.

The premises are conveyed subject to and benefited by the terms and provisions of Indenture by and Between Central Maine Power Company and Laurance S. Sibley dated March 31, 1995 and recorded in the Cumberland County Registry of Deeds in Book 11881, Page 155.

The premises are conveyed subject to and benefited by the terms and provisions of Sewer Pumping Station Maintenance Agreement between Marilyn V. Bickford, David P. Snow and Sandra S. Snow, Marilyn V. Bickford, Personal Representative of the Estate of Vivian G. Pearson, and Laurance D. Sibley dated April 25, 1995 and recorded in the Cumberland County Registry of Deed in Book 11896, Page 136.

The premises are benefited by the rights and easements and subject to the reservation set forth in deed from Marilyn V. Bickford to Laurance D. Sibley dated April 25, 1995 and recorded in the Cumberland County Registry of Deeds in Book 11897, Page 159. For Mortgagor's title see deed from Frank L. Dean and Tracy W. Dean of same or even date.

The Grantee herein was the highest bidder at a foreclosure sale held pursuant to the Judgment of Foreclosure and Sale entered in the Maine District Court, Division of Southern Cumberland on September 30, 2005, in an action entitled Union Federal Bank of Indianapolis vs. Michael Jordan Denning and Cara C. Denning, Docket No. POR-RE-05-128, for the foreclosure of a mortgage recorded in the Cumberland County Registry of Deeds in Book 22093, Page 202.

IN WITNESS WHEREOF, Union Federal Bank of Indianapolis has caused this instrument to be executed by Leslie A Cook, its Vice President, of thereunto duly authorized, this 14th day of March, 2006.

WITNESS:

Laura Blackmon
Laura Blackmon

State of Indiana
County of Allen, ss.

Union Federal Bank of Indianapolis

By: Leslie A. Cook
Leslie A Cook
Its Vice President

March 14, 2006

Personally appeared the above-named Leslie A Cook, Vice President of Union Federal Bank of Indianapolis, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.



TIFFANY EHLE, Notary Public
State of Indiana
My Commission expires October 3, 2009
A Resident of Allen County

Tiffany Ehle
Notary Public Tiffany Ehle:

Received
Recorded Register of Deeds
Mar 29 2006 10:14:23A
Cumberland County
John S O'Brien

SPACE ABOVE THIS LINE FOR RECORDING INFORMATION

**DEED OF SALE BY PERSONAL
REPRESENTATIVE (TESTATE)**
(Maine Statutory Short Form)

DLN#1002040114276

KNOW ALL PERSONS BY THESE PRESENTS, that I, **Craig R. Burgess**, of Brunswick, Cumberland County, Maine, duly appointed and acting **Personal Representative of the Estate of James Lawrence Burgess**, deceased (testate), as shown by the probate records of Cumberland County, Maine, Docket No. 2020-0982, and not having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, such notice not being required under the terms of the decedent's will, by the power conferred by the Probate Code, and every other power, for consideration paid, grant to **Eric Pan and Jennifer M. Millard**, whose mailing address is 268 Princes Point Road, Yarmouth, ME 04096, as joint tenants the real property in Yarmouth, Cumberland County, Maine, more particularly described as follows:

SEE ATTACHED EXHIBIT A

WITNESS my hand and seal as Personal Representative this 2nd day of October, 2020.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Estate of James Lawrence Burgess

Witness

Craig R. Burgess
Craig R. Burgess, Personal Representative

STATE OF MAINE
COUNTY OF Cumberland, ss

October 2, 2020

Then personally appeared the above named Craig R. Burgess in his said capacity and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Kathryn Cortes
Notary Public/Attorney at Law

KATHRYN CORTES
Notary Public - State of Maine
Commission Expires June 18, 2026

MAINE REAL ESTATE TAX-Paid

EXHIBIT A

A certain lot or parcel of land, with the buildings thereon, situated northeasterly of Gilman Road in the Town of Yarmouth, County of Cumberland and State of Maine, bounded and described as follows:

BEGINNING at an iron rod at a corner of land of Central Maine Power Company, said iron rod being fifty-five (55) feet distant on a course of North $51^{\circ} 1'$ East from the center of Tower No. 19 in Central Maine Power Company 38-K V transmission line, Section 198;

THENCE North $51^{\circ} 1'$ East by land of Central Maine Power Company twenty (20) feet to an iron rod;

THENCE South $38^{\circ} 59'$ East by land of Central Maine Power Company fifty-eight and eight tenths (58.8) feet to an iron rod;

THENCE North $38^{\circ} 21'$ East by land of Edward F. Sullivan et al. one hundred seventy-two and one tenth (172.1) feet, more or less, to an iron pipe;

THENCE continuing North $38^{\circ} 21'$ East by said Sullivan land to high water mark of Casco Bay;

THENCE northwesterly along high water mark to the easterly corner of land conveyed by Edward F. Sullivan et al. to Alfred W. Pearson et al. by deed dated July 27, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2771, Page 297;

THENCE South 47° West by said Pearson land to an iron rod;

THENCE continuing South 47° West by said Pearson land one hundred forty-six and two tenths (146.2) feet, more or less, to an iron rod on the northeasterly side line of Central Maine Power Company;

THENCE South $38^{\circ} 59'$ East by land of Central Maine Power Company one hundred forty-one and one tenth (141.1) feet, more or less, to the POINT OF BEGINNING.

Also all of the Grantor's right, title and interest in and to the shore, littoral and riparian rights appurtenant to the premises above described, and together with a right of way in common with others twenty-five (25) feet in width over land of Central Maine Power Company as more particularly described in a deed from Central Maine Power Company to Alan M. Rand dated June 14, 1960 and recorded in the Cumberland County Registry of Deeds in Book 2527, Page 148.

This conveyance is made subject to the rights and privileges conveyed by Edward F. Sullivan to Central Maine Power Company by deed dated April 3, 1962 and recorded in said Registry of Deeds in Book 2669, Page 435.

This conveyance is made subject to a right of way fourteen (14) feet in width described in a deed from Edward F. Sullivan and Evelyn Sullivan to Alfred W. Pearson and Vivian G. Pearson dated July 27, 1961 and recorded in said Registry of Deeds in Book 2771, Page 297.

The above described premises are subject to the covenant that the premises hereby granted shall not be used for any business or commercial use, but shall be limited for a year-round dwelling of substantial quality.

The premises are subject to the rights and easements but together with the reservation set forth in Easement Deed from Laurence D. Sibley to Marilyn V. Bickford, Personal Representative of the Estate of Vivian G. Pearson dated January 21, 1994 and recorded in the Cumberland County Registry of Deeds in Book 11249, Page 253.

The premises are conveyed subject to and benefited by the terms and provisions of Indenture by and between Central Maine Power Company and Laurance S. Sibley dated March 31, 1995 and recorded in the Cumberland County Registry of Deeds in Book 11881, Page 155.

The premises are conveyed subject to and benefited by the terms and provisions of Sewer Pumping Station Maintenance Agreement between Marilyn V. Bickford, David P. Snow and Sandra S. Snow, Marilyn V. Bickford, Personal Representative of the Estate of Vivian G. Pearson, and Laurance D. Sibley dated April 25, 1995 and recorded in the Cumberland County Registry of Deeds in Book 11896, Page 136.

The premises are benefited by the rights and easements and subject to the reservation set forth in the deed from Marilyn V. Bickford to Laurance D. Sibley dated April 25, 1995 and recorded in the Cumberland County Registry of Deeds in Book 11897, Page 159.

For source of title, reference is made to deed of Union Federal Bank of Indianapolis to James Burgess dated March 14, 2006 and recorded in said Registry in Book 23796, Page 271.

7/16/2021

To Whom It May Concern:

At the request of the US Dept of the Army, Falls Point Marine, Inc. is forwarding information regarding a proposal for a residential dock. This installation is for Eric Pan and Jennifer Millard at 35 Westcustogo Place in Yarmouth, Me. Tax Map 2 Lot 27

Enclosed you will find a map and a drawing of the project.

There are no shipwrecks in the area. We hope that this project meets with your approval.

Please do not hesitate to reach out if you require any further information.

Sincerely,

Kathleen Keegan

Falls Point Marine, Inc.
PO Box 61
So. Freeport, Me 04078
207-865-4567
kathy@fallspoint.com

cc:

Aroostook Band of Micmacs
Passamaquoddy Tribe of Indians
Houlton Band of Maliseet Indians
Penobscot Indian Nation
MHPC