

PETITION TO REVOKE AND SUPPORTING
DOCUMENTS

160

59 Hendrickson Point Road,
Owl's Head,
Maine 04854.
amcglashan1@roadrunner.com
Tuesday 15th March 2011.

SUSAN LESSARD
BOARD OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017

~~Cindy Bertocci,
Citizens review board,
Department of Environmental Protection,
Augusta,
Maine.~~

LESSARD
Dear Ms. Bertocci,

Re: P.B.R. #49587 issued to Bob and Kathy Pratt.

We petition the citizens review board to revoke P.B.R #49587 issued to Bob and Kathy Pratt on the basis of fraud as follows:

- 1). P.B.R. #49587 was issued to the Pratt's for a footbridge. The attached Owls Head building permit #4715 puts no restriction on motorized vehicles and the Pratt's "Bridge proposal", submitted with the application states clearly intent to use the bridge for motorized vehicles (EIV, EV11.) Pratt's request should be sent back to D.E.P for approval.
- 2). The code officer, Scott Bickford, issued The Owl's Head permit #4715 issued 5/21/10 in error. This bridge permit needed to be issued by the planning board (E11.111,1V,V,V1,1X)
- 3). Permit #4715, the code officer also erred in placing; "P.B.R. from D.E.P" under notes and not under requirements which has opened the door for the Pratt's to build a motorized bridge (E1V).
- 4). False statements by Pratt as to this wetland being "A man made pond" were used by the D.E.P official Eric Hamm (EV111) to allow for a more liberal interpretation of the D.E.P rules to allow a footbridge.

We own a shorefront cabin, which sets adjacent to the wetland and 20ft from the Pratt southern boundary. We are outraged that no notice was given to us by either the D.E.P or the Owl's Head code officer of these permits. We knew in December 2009 that the Pratt's were turned down on a permit request from D.E.P. We checked the Owl's Head shore land zoning ordinance at that time and our reading of the ordinance showed that a bridge would require a D.E.P. permit and Owl's Head planning board permit from the town both requiring notification of abutters. We had every reason to believe that we would be notified about any future bridge permit applications and we did not receive any notification.

We filed an administrative complaint to Owl's Head planning board of appeals. Paid the \$100 fee and were invited to an appeal hearing March 3rd, 2011 to speak (E1, 11). We were denied our right to speak. We feel our free speech and due process was denied.

There is a strong appearance of wrongdoing here. When is a bridge not a bridge? What kind of bridge is being permitted (E-V, V1, V111, 1X)? At the least, this permitting process needs to be redone according to ordinances and the abutters/neighbors voices need to be heard. The only way to guarantee the due process of all parties and eliminate appearances of wrongdoing is to revoke P.B.R #49587. We should not be forced to go to Superior Court to prove the clear violations of the S.L.Z ordinance and D.E.P. permit by rule for a "footbridge".

Thank you for your consideration.



Richard Hurlbert and Audrey McGlashan.

162

To Rodney Mason, 15th March 2011.

We have some reflections on our appeal of March 3rd that we would like to share with you.

For us it was very disturbing and shocking to come to a meeting expecting to be heard and be shut down. Why was the meeting called if we were not eligible to be heard, because of timing? Surely it would be better practice to know this ahead of time and not subject applicants to such a painful experience. We are already upset by the thought of this bridge and now we are upset and humiliated. Free speech and due process are two of the most important rights we have in this country.

We feel you came to the hearing with your mind made up that this case should not be heard. You made that decision in private by reviewing ordinance, Scott Bickford's defense and talking with the city attorney.

Why did you spend 90% of our hearing time doing the talking and directing the other board members to your point of view. Of note, a former appeals board member wanted to ask a question, permission denied! A former selectperson wanted to ask a question, permission denied! What is it that you are afraid of?

After presenting a timetable of our efforts to find out what's going on with these permits not one question was asked of Scott from a board member as to "notification problems," "response problems" and "no response problems." All timing issues were the direct result of code office unaccounted delays and administrative error.

You created more difficulties for all parties by not hearing our appeal, leaving the appearance of wrongdoing and a cover-up.

One final sad comment as you were adjourning the meeting Al McNealy asked Bob Pratt, "You didn't ask for a permit for a motorized bridge did you?" Mr. Pratt's response, "No of course not". The complaint clearly states in the Pratt's hand that this will be a bridge that can carry a home tractor towing a boat across it.


Richard Hurlbert and Audrey McGlashan.

E I

163

Town OF OWL'S HEAD

ZONING BOARD OF APPEALS

The Zoning Board of Appeals will meet at the Owl's Head Town Hall on Thursday evening, March 3, 2011 at 6:00 P.M.

To hear an Administrative Appeal by Richard Hurlbert & Audrey McGlashan of Building Permit #4715 issued by the Code Enforcement Officer to Robert & Kathleen Pratt 5/21/2010 for a Shoreland access structure across a pond.

S.E. Bickford
Code Enforcement Officer
for
Rodney Mason
Chairman of the
Zoning Board of Appeals
Posted 2/22/11

TO PLANNING BOARD OF APPEALS, OWL'S HEAD, THURSDAY 3RD MARCH 2011.

We come before you to review a proposed bridge building project over the wetland next to our cabin on Beach Street by Bob and Kathy Pratt. We refer your attention to permit #4715 dated 5/21/10 issued by the C.E.O of Owl's Head.

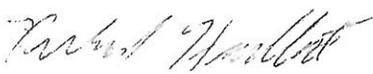
To summarize our complaints with the process: -

- 1). Our reading of the land uses in a shore land zone (page 11, S.L.Z.) is that 17b, the building of a permanent bridge, best describes what is proposed here. Both the D.E.P application, to build a footbridge and the application to the town of Owl's Head mention "bridge". If this is the case then the permit, as we understand it would need to be issued by the Planning Board.
- 2) Permit by Rule #49587 from the Department of Environmental Protection is seemingly in conflict with the Owl's Head permit #4715 as the first, from the D.E.P, calls for a footbridge and the Owl's Head permit puts no restriction on motorized vehicles. Mr. and Mrs. Pratt's narrative speaks to their wish to use a motorized home tractor to tow a boat over to the water.
- 3) We feel there was a lack of transparency in the failure to notify abutters of the permit application in a neighborhood where there are multiple land disputes.

We are concerned about the proximity of a bridge to our cabin and other detrimental effects this will have, for example the noise and noxious odors from a gasoline engine. Our cabin is a source of income for us and a joyful and peaceful place for us to relax and unwind in nature.

We feel that if the Board of Appeals were to refer this permit (#4715) to the Planning Board, all our issues of due process under S.L.Z.- notification, type of bridge and location etc would be met under the procedures for permitting a permanent bridge construction. We are open-minded and believe a compromise solution can be found.

Thank you for your time and consideration.

 
RICHARD HURLBERT AND AUDREY MCGLASHAN

BRIDGE PROPOSAL

E III

165

Robert and Kathleen Pratt of Owls Head submit this narrative for the construction of a bridge to span the southern end of a retention pond found just behind a rock barrier separating high water mark from their front lawn.

The background is that a retention that may have been man made exists at the Eastern portion of the property owned by the Pratts. Water exists in the pond only during the wet season, as there has been a breach in the barrier, which has reduced the water level to the minimum.

The Pratts own the shorefront but are not able to access it during the wet months. Further, if they cross the dry pond they may adversely affect the wetland.

Therefore they request permission to build a bridge over the wetland so they can access the beach at any time of the year.

The bridge will design to support and allow a home tractor with a boat on a trailer to cross over to the beach.

The bridge will be about ⁴/₆ feet wide and about ⁶⁰/₂₅ feet long. It will be supported by about 8 pressure treated posts and will have a handrail. The final drawings are submitted with this application.

TOWN OF OWL'S HEAD
BUILDING/USE PERMIT



DATE: 05/21/2010

MAP/LOT: 007-126

PERMIT TYPE: Building Permit (SLZ)

DISTRICTS: SLZ - Rural Residential

DETAILS:

LOCATION 4 BEACH ST

Shoreland- access structures across a pond as allowed and D.E.P. approved with a PBR

OWNER: PRATT ROBERT S & KATHLEEN P

APPLICANT: PRATT ROBERT S & KATHLEEN P

PHONE: 2075941844

PHONE: 2075941844

ADDR: 4 BEACH ST OWLS HEAD ME 04854

ADDR: 4 BEACH ST OWLS HEAD ME 04854

REQUIREMENTS:

- 1) Meet all requirements of the Owl's Head Land Use Ordinance with Special Attention to the Shoreland Zoning Ordinance
- 2) Cut within the 75' only as permitted following the Shoreland Zoning Rules
- 3) State and Federal permits if required are the applicants responsibility
- 4) Site may be inspected by the Code Enforcement Officer
- 5) Best Management Practices as applicable shall be in place prior to start
- 6) Demolition debris shall be disposed of properly

NOTES:

- 1) Application and supporting documentation is on file at the Code Office
- 2) PBR from the D.E.P. is on file

Best of luck with this project!

Const_Cost: \$5,000.00

Fee: \$20.00 Paid ChkNumber:

NOTE: MUST MEET ALL STATE AND LOCAL REQUIREMENTS CEO: Scott E. Bickford

All parties to this process including applicants, owners, architects, engineers, surveyors, and all contractors working on this site must ensure that the land use standards of the Town of Owl's Head and the State of Maine are met.

PLEASE POST PERMIT FROM R.O.W. - THIS PERMIT MAY BE APPEALED WITH IN 30 DAYS



APPLICATION FOR A BUILDING/USE PERMIT

TYPE OR PRINT USE INK BE COMPLETE

E.V 169

OWNER

NAME Robert + Kathy Pratt MAIL ADDRESS 4 Beach St TOWN Owl's Head STATE Me ZIP 04854 PHONE (603) 594-1844

APPLICANT (IF OTHER THAN ABOVE)

NAME MAIL ADDRESS TOWN STATE ZIP PHONE ()

GENERAL CONTRACTOR

NAME Edward Pratt MAIL ADDRESS Sime TOWN STATE ZIP PHONE ()

LOCATION OF PROPOSED CONSTRUCTION

STREET Same MAP LOT

ZONE

RURAL RESIDENTIAL SHORELAND COMMERCIAL COMMERCIAL FISHERIES & MARINE ACTIVITIES

TYPE OF WORK

NEW BUILDING ADDITION ALTERATION REPLACEMENT DEMOLITION MOVING STRUCTURE OTHER DESCRIBE

PROPOSED USE

ONE-FAMILY TWO-FAMILY GARAGE SHED DECK ADDITIONAL ROOM(S) FENCE OTHER USES - DESCRIBE *this has been approved permit by Rule - DEP

MOBILE HOME

MAKE MODEL NUMBER SERIAL NUMBER

OWNERSHIP

INDIVIDUAL CORPORATION NONPROFIT STATE COUNTY TOWN

COST

ESTIMATED COST OF STRUCTURE \$ 5,000

TO BE INSTALLED, BUT NOT INCLUDED IN ABOVE COST.

SEWAGE SYSTEM \$ WELL \$ DRIVEWAY/PARKING AREA \$

TOTAL ESTIMATED COST OF CONSTRUCTION \$ 5,000

CONSTRUCTION TYPE

WOOD FRAME MASONRY STRUCTURAL STEEL REINFORCED CONCRETE OTHER

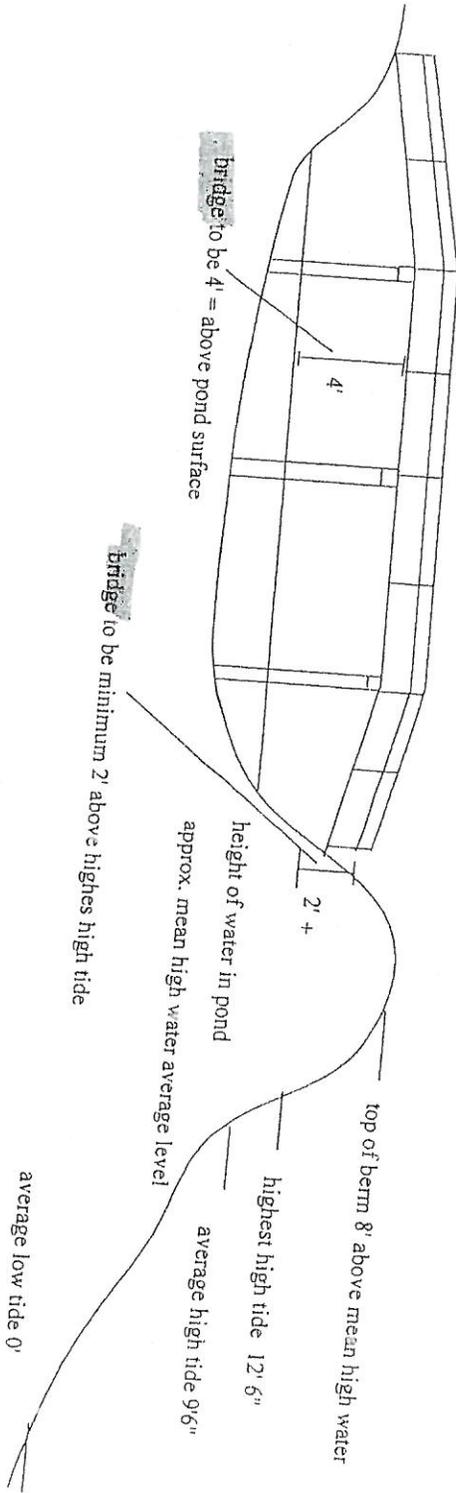
SEWAGE DISPOSAL

PRIVATE (SEPTIC TANK) OTHER - DESCRIBE

WATER SUPPLY

PRIVATE (WELL, SPRING, ETC.) PUBLIC

Bob and Kathy Pratt



DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT BY RULE NOTIFICATION FORM

(For use with DEP Regulation, Chapter 305)

EVII
169

PLEASE TYPE OR PRINT IN BLACK INK ONLY

Name of Applicant: (owner) <i>Robt F Kelly Pratt</i>		Name of Agent: <i>TEFF Edwards</i>	
Applicant Mailing Address: <i>4 Beach St</i>		Agent Phone # (include area code): <i>207 544-2066</i>	
Town/City: <i>Owls Head</i>		PROJECT Information Name of Town/City: <i>Owls Head</i>	
State and Zip code: <i>Maine 04854</i>		Name of Wetland or Waterbody: <i>Lower Ice Pond</i>	
Daytime Phone # (include area code): <i>544-1844</i>		Map #:	Lot #:
Detailed Directions to Site: <i>off Hendricksens Pt Road at 90° curve</i>			
Description of Project: <i>Build a Foot Bridge over a man made impoundment in front of our Home</i>		UTM Northing: (if known)	UTM Easting: (if known)
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 type="checkbox"/> No
Check one → This project <input type="checkbox"/> does (or) <input checked="" 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 checked="" 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 type="checkbox"/> Sec. (4) Replacement of Structures | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas | <input type="checkbox"/> Sec. (19) Activities in/on/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/on/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://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x>)
- 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.

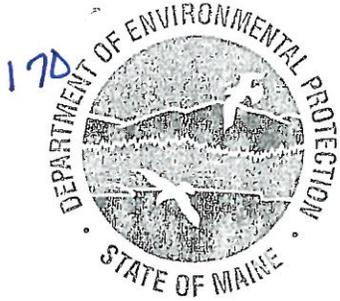
Signature of Agent or Applicant: <i>Robt F Kelly Pratt</i>	Date: <i>1-25-00</i>
---	-------------------------

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
106 HOGAN ROAD
BANGOR, ME 04401
(207)941-4570 | PRESQUE ISLE DEP
1235 CENTRAL DRIVE
PRESQUE ISLE, ME 04769
(207)764-0477 |
|--|---|---|---|

OFFICE USE ONLY	Ck.# <i>4714</i>	Staff <i>CAC</i>	Staff <i>CAC</i>	
PBR # <i>49587</i>	FP <i>65.00</i>	Date <i>1/27/10</i>	Acc. Date <i>2/17/09</i>	Def. Date <i>2/8/10</i>
DEPLW0309-N2008		After Photos		

Resubmitted 2/17/10



DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND AND WATER QUALITY

Field Determination Form

EVIII

Field Determination ID: 8269

CONTACT

BOB PRATT

4 BEACH RD

OWLS HEAD ME 04854
TELEPHONE

PROPERTY OWNER

PRATT, BOB
4 BEACH RD

OWLS HEAD ME 04854
TELEPHONE

DIRECTIONS

69° 3'25.22"W

44° 4'22.36"N

TOWN OWLS HEAD

STAFF HAM, ERIC

TAX MAP

TAX LOT

RESOURCE CW

MEMO

Thank you for meeting with me December 15, 2009, on your property located at 4 Beach St. in Owls Head. While on site you indicated that you would like to cross a small ponded area in front of your house to access the beach area.

The ponded area in front of your house is a man-made pond that according to the records you showed me, was used in the operation of an ice house in the late 1800's and early 1900's. A man made pond in a stream is regulated as a stream under the Natural Resources Protection Act (NRPA). An access way could be placed across the area with a stream crossing permit by rule. Because the access is also within 75 feet of the coastal wetland, the project would also need to meet the standards of the section 2 permit by rule for activities adjacent to a protected natural resource. This permit allows for an access with a maximum width of 4 feet. A discussion with Rich Baker revealed that the Town of Owls Head's shoreline zoning ordinance also allows for a 4 foot wide maximum constructed access way structure.

A variance from the town and an individual Natural Resources Protection Act (NRPA) permit would be required for an access way greater than 4 feet wide.

Erosion control devices must be installed and maintained on the project site during any soil disturbance activity. A Stormwater Management Law PBR or Maine Construction General Permit "NOI" and "NOT" must be filed with the Department if more than 1 acre of area is going to be disturbed on the project site at any given time during construction.

WHAT RECORDS?
READ CAREFULLY!

NAME:

Eric Ham

RECEIVED: 12/8/2009

SITE VISIT: 12/15/2009

COMPLETED: 12/23/2009

Table 1. Land Uses in the Shoreland Zone LAND USES	Districts			
	RP	RR	C	CFM A
1. Non-intensive recreational uses not requiring structure, such as hunting, fishing & hiking	Y	Y	Y	Y
2. Motorized vehicular traffic on existing roads & trails, snowmobiling	Y	Y	Y	Y
3. Forest management activities except timber harvesting	Y	Y	Y	Y
4. Timber harvesting*	CEO	Y	Y	Y
5. Clearing of vegetation for approved construction & other allowed uses	CEO	Y	Y	Y
6. Fire prevention activities	Y	Y	Y	Y
7. Wildlife management practices	Y	Y	Y	Y
8. Soil & water conservation practices	Y	Y	Y	Y
9. Mineral exploration	N	N	PB	PB
10. Mineral extraction including sand/gravel extraction	N	N	PB	PB
11. Surveying & resource analysis	Y	Y	Y	Y
12. Emergency operations as defined in Section 17	Y	Y	Y	Y
13. Agriculture*	PB	Y	Y	Y
14. Aquaculture*	PB	PB	Y	Y
15. Principle structures, uses & activities				
a. One & two-family residential	PB ⁶	CEO	CEO	N
b. Multi-unit residential	N	N	N	N
c. Commercial	N	N	PB	PB ¹
d. Industrial	N	N	N	PB ¹
e. Governmental & institutional	N	N	PB	PB ¹
f. Small nonresidential facilities for educational scientific or nature interpretation purposes	PB	PB	PB	PB ¹
g. Projects that provide for the safety of airport operations	Y	Y	Y	N
16. Structures accessory to allowed uses	PB	CEO	CEO	CEO
17. Piers, docks, wharves, bridges & other structures & uses extending over or below the normal high water line or within a wetland				
a. Temporary	CEO	CEO	CEO	CEO
b. Permanent	PB	PB	PB	PB ¹
18. Conversions of seasonal residences to rear-round residences	LPI & CEO ⁵	LPI/CEO	LPI/CEO	N
19. Home occupations	N	CEO	CEO	CEO
20. Private sewage disposal systems for allowed uses	PB/LPI ⁶	LPI	LPI	LPI
21. Essential services	PB ²	CEO	PB	PB
22. Public & private recreational facilities involving minimal structural development	PB	PB	PB	CEO ¹
23. Individual private campsites	CEO	CEO	CEO	CEO
24. Campgrounds	N ³	N	PB	N
25. Road & driveway construction	N ⁴	CEO	PB	PB ¹
26. Parking facilities	N ³	PB	PB	PB ¹
27. Marinas	N	N	N	PB
28. Service drops as defined to allowed uses	Y	Y	Y	Y
29. Lodging facilities including Bed & Breakfast	N	PB	PB	N
30. Hotels, motels	N	N	PB	N
31. Filling & earthmoving of less than 10 cubic yds.	CEO	Y	Y	Y
32. Filling & earthmoving of more than 10 cubic yds.	PB	CEO	CEO	CEO
33. Cemeteries **	N	PB	N	N
34. Septage Waste Disposal	N	N	N	N

17a

EX X
CORRESPONDENCE

Kathleen Pratt and Robert Pratt
4 Beach Street
Owls Head, Maine 04854

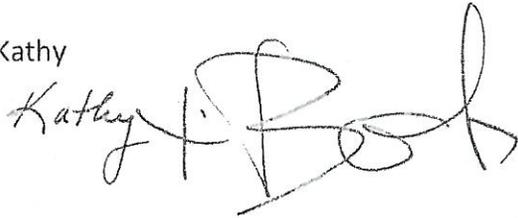
January 30, 2011

Dear Rich and Audrey,

We have not been made aware of an appeal to our bridge permit. However, should there be one, we would be willing to put off our bridge construction until after the decision of the appeal in exchange for a recordable easement for us to use Beach Street (but not later than February 28, 2011). As we have stated previously, we have every reason to believe that we have the right to use Beach Street, in spite of the absence of a recorded easement.

Regards,

Bob and Kathy

A handwritten signature in black ink, appearing to read "Kathy & Bob". The signature is written in a cursive, flowing style with large, connected letters.

59 Hendrickson Point Road,
Owl's Head,
Maine 04854
amcglashan1@roadrunner.com
20th January 2011.

Dear Bob and Kathy,

Thank you for responding to our letter of December 28th, 2010.

We are sorry you believe it contains false statements. We would like very much to reach some consensus on what the true facts are.

Anyway we would appreciate your answers to a couple of questions in our 28th Dec letter.

- 1). We ask would you be willing to wait until our appeals can be heard before starting your bridge construction? (Yes or no with out explanation would be fine).
- 2). What would you be willing to pay to have a permanent easement on Beach Street?

Sincerely

 
Rich Hurlbert and Audrey McGlashan

174

**Bob and Kathy Pratt
4 Beach Street
Owls Head, Maine 05854
207-594-1844**

January 16, 2011

Dear Audrey and Rich,

Thank you for your letter of December 29, 2010.

We have given it great consideration; however, we find it difficult to respond to so many false statements.

First, the bridge. The Permit by Rule process does not require notification of abutters. Our permit provides for a bridge 4 feet wide thereby limiting passage. The length will be sufficient to cross the pond (approx. 30-35 feet).

Second, the Ross matter. We cannot comment on this at this time.

Third, as far as our claiming easement over Deraney and Beach Street, you have seen our survey which shows our ownership of that 10 foot right of way. We had our power lines placed fully believing that we owned that strip.

Fourth, our driveway onto Beach Street. This property has been used for many, many, many years. We placed our driveway on the site of the driveway which had been used (albeit overgrown) by our predecessor. Neither our survey nor our title search provided us with any information telling us that we had no rights on Beach Street. We would hope that, in the spirit of good neighbors, you would provide us with a recordable easement (for our property only) to finally end the constant threats over our use of Beach Street.

We join you in looking forward to a new way of approaching neighbors in the New Year.

Regards,

A handwritten signature in cursive script, appearing to read "Bob and Kathy", written in dark ink.

Bob and Kathy

59 Hendrickson Point Road,
Owl's Head,
Maine, 04854.
207 594 6331.

28th December 2010.

Dear Bob and Kathy,

We continue to try and solve difficulties with neighbors without lawsuits. However the status of your driveway on Beach Street, the pending claim against you for easement access by the Ross's and the permit to build a bridge over a wetland next to our cabin all are very troubling.

Here is our position regarding each: -

- 1). The permit to build a 60' bridge to accommodate motorized vehicles. We believe the Town and D.E.P. erred in granting these permits without proper notification to neighbors. Our cabin is a sanctuary for us and our guests to enjoy the birdlife, nature and sea, as it was for our predecessors in title for the past 55 years. We have already petitioned the Town of Owl's Head for a public review and are in process of appealing the permit issued by the D.E.P. We hope you have the patience to wait until these appeals can be heard before starting your construction.
- 2). Pending claim against you by the Ross's for easement over your land. We understand in your response to the claim that you have used the names of Hurlbert and Deraney as obstacles to this easement. Our understanding is that the easement goes through your property and directly onto Hendrickson Point Road (not via Beach Street).
- 3). Your driveway on Beach Street. You were notified 2 years ago that our surveyor found no evidence you belonged on Beach Street. We asked you to provide us or our surveyor with information if this was not correct which you did not do. Also, we were notified by the broker, (Paul Ross's nephew), who was selling the property that there were still unresolved issues. His version of your meeting with Paul Ross was quite different. Your answers to our questions regarding your predecessor in title to what we know now don't quite jibe. (This refers to our meeting at our house in October 09, when you were seeking an easement). Your protestations and procrastinations regarding paying your share of road maintenance is more baying at the dark side of the moon. Considering the thin ice you are on, you have an incredible sense of self-entitlement to property that clearly belongs to others.

176

2.

Lest you forget, with our help you just resolved three serious trespassing charges leveled against you.

- Claiming road easement over the Deraney property.
- Claiming utility easement under Deraney property
- Claiming utility easement under Beach Street.

In my opinion, your financial penalty was not equal to the seriousness of the offence.

So what would you pay to have a permanent easement on Beach Street? It's a New Year and maybe time for a new way of approaching your neighbors.

Sincerely

Rich & Audrey
 Rich and Audrey

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information, visit our website at www.usps.com

7010 1870 0002 4031 1748

0841
 09
 Postmark Here
 12/28/2010

Postage	\$ 0.44
Certified Fee	\$2.80
Return Receipt Fee (Endorsement Required)	\$2.30
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 5.54

Sent To: *BOB & KATHY PRATT*
 Street, Apt. No., or PO Box No.: *4 BEACH ST.*
 City, State, ZIP+4: *OWLS HEAD, ME 04854*

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> <i>RS Pratt</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:	B. Received by (Printed Name) <i>Robert Pratt</i>
<i>BOB & KATHY PRATT</i> <i>4 BEACH ST.</i> <i>OWLS HEAD, ME.</i> <i>04854</i>	C. Date of Delivery <i>12-30-10</i>
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
	7010 1870 0002 4031 1748

59 Hendrickson Point Road,
Owl's Head, Me. 04854.
16th December 2010.

177

Scott Bickford,
C.E.O Town of Owl's Head,
Maine, 04854.

Dear Scott,

Thank you for your emailed copy, received December 13th, and eventually the hard copy of your response (11/19/10), received December 14th to our letter to you of 17th November, 2010, regarding Bob and Kathy Pratt's building permit for a bridge across the wetland (#4715).

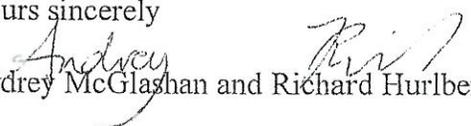
We do not understand why when we applied for a fence on our waterfront property and a subdivision of our land all the neighbors were notified and when the Pratt's applied for their permit there were different criteria and the whole thing seemed to happen in secret.

Pratt's have had or do have real estate issues with us the Ross's (George and Virginia), the Deraney's and Dodge's, all who own or owned property abutting the wetland at the time the permit was issued. The nature of these issues may or may not be known to the selectmen and yourself but we are guessing you have some idea about this which makes it especially important to let the abutters know what is planned or else it looks like this permit is being given in an inappropriate way and with out meeting the standards that others are held to and that is very concerning.

Our quality of life in the cabin will be severely impacted by the advent of this bridge and the joy and peace we and our guests experience there will disappear. Not only will this project add noise pollution and view blockage of Penobscot bay and Blue Hill from our cabin but it will destroy the habitat for the nesting and migrating bird life. You have only to visit our Web listing site to see the glowing reviews that people have written after staying there.

We ask for your consideration of this matter and our suggestion is that there be a moratorium on the construction of this bridge while those that will be most affected are able to give their comments and reflections to the town, that the Pratt's continue to work on unresolved trespassing issues and an environmental impact study can be completed.

Yours sincerely


Audrey McGlashan and Richard Hurlbert.

c.c. Richard Carver for Selectmen.

178

December 6, 2010

Rich Hurlbert
59 Hendrickson Point Road
Owls Head, Maine 04854

Rich,

Please find enclosed check #567 in the amount of \$291.60. Consider this payment for our 20% share of the August bill for the work performed on Beach Street.

We expect that any future anticipated work on Beach Street will be discussed with and agreed upon by all users.

By your accepting and depositing this check, we consider your acknowledging our rights to use Beach Street.

Regards,

Bob Pratt

A handwritten signature in black ink, appearing to read "Bob Pratt", written over the printed name.

BOB TUNTI - HAWA DELIVERED ~~DETS~~

179

DEC. 3, 2010

BOB BOB

IN SEPTEMBER 2010 YOU WERE BILLED FOR SOME RESURFACING AND REPAIR WORK ON BEACH ST. THE WORK WAS COMPLETED AUGUST 2010. YOU HAVE NOT PAID THE BILL OF 291.00 AND WE ~~EXPECT TO~~ SUGGEST THAT YOU ~~PLEASE DO~~ ~~IT~~ IN THE NEXT SEVEN DAYS ~~FOR THE~~

Sincerely

RM

RIEN HURBERT
59 HENRIKSSON PT. RD.
OLDS HEAD, ME
04854

Enclosed please find an updated and certified copy of a survey of Beach Street. We thank those neighbors who contacted the surveyor with information and questions. Although there are always some ambiguities the surveying works shows clear boundaries of Beach Street and the waterfront lot we contracted for over a year ago.

Another fact that is clear to us is that the properties owned by Marilyn and Peter Deraney, Seagrave Cottage LLC, Andrew and Melinda Weinstein, Dick and Debbie Goss and Mr. and Mrs. Reed all have rights to the use of the waterfront area at the end of Beach Street as well as the right to access their properties over Beach Street. Mr. and Mrs. Pratts rights are less certain and we want to work with them to resolve this.

Finally, as the owners of Beach Street we ask our neighbors to refrain from using Beach Street to park vehicles as it's a fire lane and should be kept open at all times. Please advise us of any maintenance or repairs planned on Beach Street. We will work in co-operation with you.

For the past year we have been making a good effort to be good neighbors. As we work towards moving in to our farmhouse we remain interested in being good neighbors.

Richard Hurlbert and Audrey McGlashan.
December 15th 2008.

6 Lake Avenue,
Rockland,
Maine 04841.
15th December 08.

Bob and Kathy Pratt,
4 Beach Street,
Owls Head,
Maine 04854.

Dear Bob and Kathy,

Enclosed please find a copy of our recently completed survey of Beach Street.

The surveyor found no reliable evidence of any driveway easement, right of way easement or underground utility easement from your property to Beach Street. If you have this information please provide it to the surveyor directly. If you don't perhaps we could have a meeting to discuss possible remedies. This meeting could take place early in January 2009 and I would suggest we get a moderator.

Very truly yours

Richard Hurlbert
Richard Hurlbert.

*NO RESPONSE
FROM PRATT'S!*

QUITCLAIM DEED
without Covenant

KNOW ALL MEN BY THESE PRESENTS that we, **RICHARD HURLBERT** and **AUDREY M. McGLASHAN**, whose mailing address is 59 Hendrickson's Point Rd., Owls Head, Maine 04854, for consideration paid, grant to **ROBERT S. PRATT** and **KATHLEEN P. PRATT**, whose mailing address is 4 Beach Street, Owls Head, Maine 04854,

WITHOUT QUITCLAIM COVENANT

An interest in certain land located in the town of Owls Head, Knox County, Maine, to wit:

A non-exclusive easement, six (6) feet in width, for the installation, maintenance and replacement of underground utility services. The centerline of this easement is described as follows:

BEGINNING at a point on the northeasterly side of Beach Street at Central Maine Power Company Pole #4.5; thence northeasterly on the shortest and most direct route to land of the Grantees a distance of seven (7) feet more or less.

This easement is subject to the following terms and conditions:

1. All work, including excavation work within the easement area, shall be performed by independent contractors who are duly licensed in the State of Maine to perform the services requested by the Grantees. As used herein, an "independent contractor" is a person or entity whose primary occupation is the rendition of services to the general public of the type and nature to be performed within the easement area.
2. The Grantees shall notify the Grantors of their intention to have work performed in the easement area. The notice shall be given, either telephonically or via email, at least 24 hours prior to commencement of the work.
3. Upon completion of the work, the Grantees shall have their independent contractors use their best efforts to restore the Grantors' property to the condition it was in immediately prior to the commencement of the work.
4. All work performed in the easement area for the benefit of the Grantees' property shall be paid entirely by the Grantees.
5. The Grantees shall indemnify and hold the Grantors harmless from and against all loss, damage and expense (including, without limitation, attorneys' fees and costs incurred in the investigation, defense and settlement of claims) that the Grantors may incur as the result of the assertion of any claim or cause of action by anyone injured within the easement area by the negligence or intentional misconduct of the Grantees or their agents, employees or contractors.

(other than injuries or damages caused directly and proximately by the gross negligence or intentional misconduct of the Grantors).

6. In the event that the Grantors substantially prevail in any action to enforce their rights under this Easement, including arbitration and any declaratory judgment action for interpretation of this Easement, the Grantees shall reimburse the Grantors for all of the Grantors' reasonable attorneys' fees and other costs incurred in connection with such action. The Grantees shall make reimbursement within 40 days of entry of final judgment.

7. No consent or waiver, express or implied, by either party to or of any breach of any covenant, condition or duty of the other, shall be construed as a consent or waiver to or of any other breach of the same or other condition or duty.

8. EACH PARTY HEREBY EXPRESSLY WAIVES TRIAL BY JURY IN ANY ACTION OR CLAIM OR PROCEEDING BROUGHT BY ANY PARTY BASED UPON, ARISING OUT OF, OR CONNECTED WITH THIS EASEMENT.

The foregoing easement is for the benefit of, and is intended to be appurtenant to, the land conveyed to these Grantees by deed of Robert S. Pratt to Robert S. Pratt and Kathleen P. Pratt dated October 18, 2004 and recorded at Book 3316, Page 143, and burdens the land conveyed to these Grantors by deed of Paul L. Ross, Jr. personal representative of the Estate of Paul L. Ross, Sr. (Book 3924, Page 228) and all of the rights, agreements, covenants, servitudes and easements herein shall be perpetual rights, agreements, covenants, servitudes and easements running with the land and shall inure to the benefit of and be binding upon the Grantors and Grantees, and their respective heirs and assigns.

IN WITNESS WHEREOF the said Grantors have caused this instrument to be signed this 25th day of November 2009.


Richard Hurlbert


Audrey M. McGlashan

184

STATE OF MAINE

County of Knox, ss.

November 25, 2009

Personally appeared the above-named Richard Hurlbert and Audrey M. McGlashan, and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Nathalie B. Witham
Notary Public/Attorney

NATHALIE B. WITHAM
Printed or typed name

My commission expires: 11/09/2016

KNOX SS: RECEIVED
Jul 21, 2010
at 09:31A
ATTEST: LISA J SIMMONS
REGISTER OF DEEDS