AMENDMENT B TO BUILDING PERMIT BP-11217-B

MAINE LAND USE PLANNING COMMISSION
Department of Agriculture, Conservation and Forestry

Based on the information you have submitted in the attached application and supporting documents, the staff of the Land Use Planning Commission concludes that, if carried out in compliance with the conditions of approval below, your proposal will meet the criteria for approval, 12 M.R.S.A. §685-B(4) of the Commission's statutes and the provisions of the Commission's *Land Use Districts and Standards*. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

Ted Wolfe — LUPC Authorized Signature

3-25-15 — Effective Date

CONDITIONS OF APPROVAL

1. **At least one week prior to commencing the permitted activities**, the permittee must contact the Commission staff and notify them of the date construction will start. **If these activities include a permanent foundation**, the permittee must notify staff **of the date the forms will be set**. This will allow staff time to arrange a pre-construction site visit to review the applicable standards and requirements of the permit with the permittee. (**If you leave a telephone message**, please include your full name, telephone number, permit number, and the date/s the work will start.)
2. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
3. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation is subject to prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.
4. Structures authorized under this permit, as well as filling/grading/soil disturbance and cleared openings created as part of construction activities authorized under this permit, must be located to meet the road, property line, water and wetland setback distances, exterior dimensions and building heights listed in Sections 4, 7 and 8 and approved by this permit.
5. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to catch sediment from runoff water before it leaves the construction site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands or adjacent properties. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning.
6. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
7. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.
8. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
9. Unless otherwise proposed in Question 8.4 and by the submittal of **Exhibit G, Erosion and Sediment Control Plan**, and approved by this permit, soil disturbance must not occur when the ground is frozen or saturated.
10. Topsoil must not be removed from the site except for that necessary for construction activities authorized in this permit. Topsoil must be stockpiled at least 100 feet from any water body.
11. The permittee shall not advertise Land Use Planning Commission approval without first obtaining approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.
12. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and conditions of approval. The new owner or lessee should then contact the Land Use Planning Commission to have the

permit transferred into his/her name. If there are no additional changes the transfer can be accomplished on a Minor Change Form.

13. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
14. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
15. The permittee shall secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies including but not limited to: Air and Water Pollution Control Regulations; Subsurface Wastewater Disposal System approval from the Local Plumbing Inspector and/or Maine Department of Health and Human Services, Subsurface Wastewater Program; and the Maine Department of Transportation, Driveway Entrance Permit, a physical E-911 address from your County Commissioner's Office.
16. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
17. Structures authorized under this permit must not be sited on a ridge or knoll such that they are visible above the tree line from any water body. All authorized structures must be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.
18. Upon completion of the authorized structures within the terms of this permit, any existing structures authorized to be removed from the lot and other construction debris must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
19. The driveway must be located and constructed so that (a) it will not erode or create any undue restriction or disruption of existing surface water drainage ways and (b) it will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland or roadway.
20. If the permittee holds interest in this parcel of land via a sales contract or other binding agreement, the permittee shall submit a copy of the deed transferring title of this parcel to the Commission upon final execution of such deed.
21. The lot may not be further divided without the prior review and approval of the Commission. In addition, certain restrictions, including subdivision, setback and minimum lot size requirements, and activities on the original parcel from which the lot was first divided, may limit or prohibit further division of the lot in the future. The permittee(s) is (are) hereby advised to consult applicable land use laws and rules and with the Commission prior to any future further division of the lot.
22. All conditions of previously issued Commission permits shall remain in effect, except as specifically modified by this permit. For parcels that are part of a Commission-approved subdivision, all conditions of the subdivision permit as they pertain to the permittee's parcel shall remain in effect.
23. **The proposed single family dwelling unit shall not contain more than 1,500 square feet of floor area per floor, measured from the interior of all exterior walls. Floor area does not include the foot print of open decks.**
24. **The proposed attached garage shall not contain more than 600 feet of floor area, measured from the interior of all exterior walls. Associated loft space or second floor shall not contain floor area for living space.**
25. **The proposed single family dwelling unit, attached garage and decks shall be located greater than 100 feet from the normal high water mark of Moosehead Lake, greater than 15 feet from nearest property boundary line and greater than 50 feet from nearest roadway.**
26. **Permittee and/or land owner shall abide by all other deeded protective covenants associated with their parcel(s).**

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48053	BP 1217-B	$ 626.00
Tracking No.	Permit No.	Fee Received

MAINE LAND USE PLANNING COMMISSION
Department of Agriculture, Conservation and Forestry

Building Permit

For All Residential Development

1. APPLICANT INFORMATION

Applicant Name(s)	Daytime Phone	FAX
MICHAEL + PATRICIA DEPATIE	508-561-6007	
Mailing Address PO BOX 95	**Email** battlingbear@verizon.net	
Town ROCKWOOD	**State** ME	**Zip Code** 04478

2. PROJECT LOCATION AND PROPERTY DETAILS

Township, Town or Plantation	County
SANDBAR TRACT	SOMERSET
Tax Information *(check tax bill)* Map: 50082 Plan: 03 Lot: 130	**Deed** ~~or Lease~~ **Information** *(check deed or lease)* Book: 4446 Page: 254 ~~Lease #:~~
Lot size *(in acres, or in square feet if less than 1 acre)* 5.12 acres	**Lot Coverage** *(in square feet)* 3500sF
All Zoning on Property *(check the LUPC map)*	**Zoning at Development Site**

Road Frontage. List the name(s) and frontage(s) (in feet) for any public or private roads, or other rights-of-way adjacent to your lot:

Road #1: NORTH RD. Frontage 400+ ft.

Road #2: Frontage ft.

Water Frontage. List the name(s) and frontage(s) (in feet) for any lakes, ponds, rivers, streams, or other waters on or adjacent to your lot:

Waterbody #1: MOOSEHEAD LAKE Frontage 100 ft.

Waterbody #2: Frontage ft.

LUPC Approved Subdivision. List the LUPC approved subdivision number: ..... SP and SP Lot #:

If your property is not part of subdivision previously approved the Commission, please continue to Land Division History below. *(check your deed or contact the LUPC office that serves your area)*

Land Division History. Using your deed as a starting point, trace the ownership history and configuration changes of your property back 20 years from today. List any division of those lots from which your property originated (use additional sheet of paper if needed).

(example:	*Amy Adams to Rob Roberts*	*1/12/1997*	*10 acres)*
Philip+Betty Huff	→ Michael+Patr DePatie	9/23/11	5.12acres
Kathleen Purington	→ Philip+Betty Huff	9/4/98	5.12 acres
Gary+Lisa Hall	→ Kathleen Purington	7/14/95	5.12acres
Aime+Sally Zoufaly	→ Gary+Lisa Hall	3/25/92	5.12 acres

3. EXISTING STRUCTURES OR USES (Fill in a line for each existing structure)

Previously issued Building Permit number (if applicable)

Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)	Year built	Exterior dimensions (in feet) (LxWxH)	Type of foundation (full basement, slab, post, etc.)	Horizontal Distance (in feet) of structure from nearest: Road	Property line	Lake or pond	River or stream	Wetland	Ocean/Tidal waters
SHED (will be removed from lot)	UNKNOWN	12x8x8	POST	100		150	N/A	N/A	N/A
Camp removed 11-9-14		24x59							

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4. PROPOSED STRUCTURES OR USES (INCLUDING DRIVEWAYS AND PARKING AREAS) *(Use additional sheet if needed)*

4.1 What is the proposed use of your property? ☒ Residential only ☐ Residential with Home Occupation* ☐ Personal Campsite**

Type of structure (dwelling, garage, deck, porch, shed, driveway****, camper, RVs, parking lots, etc.)	Proposal (check all that apply)									Exterior dimensions (in feet) (LxWxH)	Horizontal Distance (in feet) of structure from nearest:					
	New structure***	Reconstruct***	Expand	Relocate	Remove	Enclose deck/porch	Permanent foundation***	Change dimensions or setbacks			Road	Property line	Lake or pond	River or stream	Wetland	Ocean/Tidal waters
DWELLING	☒	☐	☐	☐	☐	☐	☐	☐		~~36x36x28~~	100+/-	20	100			
Dwelling	☒	☐	☐	☐	☐	☐	☐	☐		32x36						
Dwelling	☒	☐	☐	☐	☐	☐	☐	☐		15x9						
Dwelling	☒	☐	☐	☐	☐	☐	☐	☐		10x24						
Dwelling	☒	☐	☐	☐	☐	☐	☐	☐		6x8						
Deck	☒	☐	☐	☐	☐	☐	☐	☐		10x36						
Deck	☒	☐	☐	☐	☐	☐	☐	☐		10x16						
Garage	☒	☐	☐	☐	☐	☐	☐	☐		24x24						
	☐	☐	☐	☐	☐	☐	☐	☐								
	☐	☐	☐	☐	☐	☐	☐	☐								

* 4.2 **HOME OCCUPATIONS: If use of your property includes expanding or starting a home occupation,** you must complete Supplement S-1: Questions for Home Occupations. Contact the LUPC office serving your area or download at www.maine.gov/dacf/lupc/. *Please note additional fees apply to home occupations, see instructions for the appropriate fees.*

** 4.3 **CAMPSITES: If use of your property includes a campsite for your personal use (e.g., will not be rented):**

a. Will the tents, tent trailer(s), pickup camper(s), recreational vehicle(s), trailer(s) or similar devices be located on the lot for less than 120 days in a calendar year? ☐YES ☐NO

b. Will the camper(s), trailer(s), and/or recreational vehicle(s) be registered and road ready? ☐YES ☐NO

c. Will the campsite have access to an on-site pressurized water supply (and not a self-contained water tank with pump)? ☐YES ☐NO

d. Will the campsite have access to permanent structures other than an outhouse, fireplace, picnic table, or lean-tos? ☐YES ☐NO

*** 4.4 **RECONSTRUCTIONS OR NEW ACCESSORY STRUCTURES: If you are constructing a new accessory structure, reconstructing an existing structure, or adding a permanent foundation:**

a. If the structure or foundation will not meet the LUPC's minimum setback distances from property lines, roads, water bodies or wetlands, explain what physical limitations (lot size, slope, location of septic system, etc.) prevent the structure or foundation from meeting setbacks:

b. For reconstructions, has the existing structure been damaged, destroyed or removed from your property? ☒YES ☐NO

If YES, was the structure in regular active use within a 2-year period preceding the damage, destruction or removal? ☒YES ☐NO

If YES, provide the date the structure was damaged, destroyed or removed: Nov 9, 2014

**** 4.5 **DRIVEWAYS: If you are located on a public road:**

a. Are you constructing a new driveway or entrance or changing a current driveway in a way that will increase traffic volume, or create a safety or drainage concern regarding a State or State-Aid Highway? ☐YES ☒NO

If YES, you must submit Exhibit H: Driveway/Entrance Permit. Note: If your property is located along a County or Town/Plantation Road, you should check with that office before submitting this application to see what is required.

5. SUBSURFACE WASTEWATER DISPOSAL (SEPTIC SYSTEM) *(Note: Exhibit may be required. See instructions)*

5.1 Mark the existing type of system serving the property: ☐ None ☒ **Combined Subsurface System** (Tank, leach field)
☐ **Primitive Subsurface Disposal** (Privy, graywater – non-pressurized); ☐ **Common Sewer** (Connected to a sewer district)
☐ **Holding Tank** ☐ **Self-Contained Camper or RV** ☐ **Other** _____

5.2 Will any expanded, reconstructed, or new structures include new bedrooms or bathrooms; add plumbing, water fixtures, pressurized water, or the ability for human habitation; or otherwise generate additional wastewater? ☐YES ☐NO

If YES, you may need to submit Exhibit E: Subsurface Wastewater Disposal. (see instructions on page iv)

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6. DEVELOPMENT IN FLOOD PRONE AREAS *(Note: Supplement may be required. See instructions.)*

6.1 Is your proposed activity located within a mapped P-FP (Flood Prone Area Protection) Subdistrict, a mapped FEMA (Federal Emergency Management Agency) flood zone, or an unmapped area prone to flooding?

- P-FP Subdistrict ☐YES ☒NO
- FEMA Flood Zone ☐YES ☒NO
- Unmapped Area Prone to Flooding ☐YES ☒NO

If you answer YES to any of these questions, you must complete Supplement S-4: *Development in Flood Prone Areas.* Contact the LUPC office serving your area or download at www.maine.gov/dacf/lupc/application_forms/index.shtml.

7. VEGETATIVE CLEARING *(Note: Exhibit may be required. See instructions.)*

7.1 What is the total amount of proposed vegetative clearing not including the driveway and the footprint of proposed structures? ☒NA _____ sq. ft

If you answer NA (not applicable) for 7.1 go to Section 8.

7.2 Will the total amount of existing and proposed vegetative clearing within 250 feet of any lakes or rivers be less than 10,000 square feet? ☐YES ☐NO ☐NA Total: _____ sq. ft.

7.3 Will the proposed clearing be located at least 50 feet from the right-of-way or similar boundary of all public roadways? ☐YES ☐NO ☐NA How Close? _____ feet

7.4 Will the proposed clearing be located at least 75 feet from the normal high water mark of any body of standing water less than 10 acres in size, any tidal water, or flowing water draining less than 50 square miles? ☐YES ☐NO ☐NA How Close? _____ feet

7.5 Will the proposed clearing be located at least 100 feet from the normal high water mark of the lake or river? ☐YES ☐NO ☐NA How Close? _____ feet

7.6 **If you answer NO to any of these questions,** please explain why your vegetative clearing proposal is necessary and how it will not create an undue adverse impact on the resources and uses in the area: _____

7.7 **Buffering in Prospectively Zoned Areas.** Is your property located in one of the following Prospectively Zoned Plantations or Townships? ☐YES ☒NO

Adamstown Twp.	Dallas Plt.	Lincoln Plt.	Magalloway Plt.
Rangeley Plt.	Richardsontown Twp.	Sandy River Plt.	Townships C, D, and E.

If YES, please complete the following table regarding the width of the vegetative buffers at the narrowest point between the existing and proposed structures and the nearest applicable road, property line, and subdistrict setbacks as applicable:

	Width of Vegetated Buffers			
	Road	Side Property Line	Rear Property Line	Subdistrict Boundary (If D-ES or D-CI)
Standard Minimum Required:	25 feet in D-GN, D-GN2, D-GN3 50 feet in D-RS, D-RS2, D-RS3 75 feet in D-ES and D-CI	15 feet	15 feet	50 feet Buffer to other Subdistricts
This property:	_____ feet	_____ feet	_____ feet	_____ feet

Note: You may be required to submit Exhibit F: Documentation for Exceptions to Buffering Requirements. (See instructions on page iv)

8. SOIL DISTURBANCE, FILLING AND GRADING AND EROSION CONTROL *(Note: Exhibit may be required. See instructions.)*

8.1 Will your project involve disturbing soil or filling and grading? ☒YES ☐NO

If YES, please answer the following questions. If NO, continue to Section 9.

8.2 What is the total area of proposed soil disturbance or filling and grading? 100 x 86 include house, drive 8600 s.f approx. sq. ft.

8.3 Will the area of soil disturbance or filling and grading within 250 of a lake or river be less than 5,000 sq. ft.? ☐NA ☐YES ☒NO

a. If NO, what is the total square feet of soil disturbance or filling and grading within 250 feet? 8,600 sq. ft.

8.4 Will all soil disturbance or filling and grading be done when the ground is NOT frozen or saturated? ☒YES ☐NO

If NO, you will need to submit Exhibit G: Erosion and Sedimentation Control Plan

8.5 What will be the closest distance from the area to be disturbed to the nearest waterbody or wetland? SEPTIC TANK EXISTING 65 feet

8.6 Will any removed topsoil be stockpiled at least 100 feet from water and wetlands? ☒YES ☐NO

8.7 Will any fill used be free of hazardous or toxic materials, trash and rubbish? ☒YES ☐NO

Question 8 continues onto the next page...

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8. SOIL DISTURBANCE, FILLING AND GRADING AND EROSION CONTROL *(continued from previous page)*

8.8 Will all disturbed or filled area (other than driveways or walkways) be properly seeded and mulched prior to September 15 OR be heavily mulched with hay that is tacked down and a minimum of 4 inches in depth to prevent sedimentation in the spring? ☒ YES ☐ NO

8.9 Will existing waterbodies, wetlands, and culverts in the area be protected by the use of hay bales, silt fence or other measures? ☒ YES ☐ NO

8.10 What is the average slope of land between the area to be disturbed and the nearest waterbody or wetland?

☒ **10% or Less** *(Requires minimum setback of 100')* ☐ **20%** *(Requires minimum setback of 130')*

*(**Note:** Between 10% and 20% average slope, an additional 3 foot setback is required for each additional 1% of slope (example: an average slope of 12% requires a minimum setback of 106 feet.))*

☐ **30%** *(Requires minimum setback of 170')* ☐ **40%** *(Requires minimum setback of 210')*

☐ **50%** *(Requires minimum setback of 250')* ☐ **60%** *(Requires minimum setback of 290')*

☐ **70%** *(Requires minimum setback of 330')*

*(**Note:** Between 21% and 70% average slope, an additional 4 foot setback is required for each additional 1% of slope (example: an average slope of 36% requires a minimum setback of 194 feet.))*

8.11 **If you answer NO to any of these questions, or your project will not meet the minimum setback for your slope in 8.10,** please explain how your project will not create an undue adverse impact on the resources and uses in the area. Include information about erosion control devices and other plans to stabilize the site: No adverse impact on area/lake as erosion measures will be used including silt fence erected along lakefront, hay used to stabilize exposed soils, etc.

9. LAND AND WETLAND ALTERATION *(Note: Exhibit or Supplement may be required. See instructions.)*

9.1 Will your proposal alter a total of one acre or more of land area, whether upland or wetland? ☐ YES ☒ NO

If YES, you must also complete Exhibit G: Erosion and Sedimentation Control Plan and Supplement S-3: Requirements for Wetland Alterations.

9.2 Will your proposal alter any amount of land that is mapped P-WL Subdistrict, or any ground below the normal high water mark of any lake, pond, river, stream, or intertidal area? ☐ YES ☒ NO

If YES, you must also complete Supplement S-3: Requirements for Wetland Alterations.

10. APPLICANT SIGNATURE (REQUIRED) AND AGENT AUTHORIZATION (*OPTIONAL*)

~~Agent~~ Name	Daytime Phone	FAX
Michael + Patricia DePatie	508-561-6007	
Mailing Address		**Email**
PO BOX 95		battlingbear@verizon.net
Town	**State**	**Zip Code**
ROCKWOOD	ME	04478

I have personally examined and am familiar with the information submitted in this application, including the accompanying exhibits and supplements, and to the best of my knowledge and belief, this application is complete with all necessary exhibits. I understand that if the application is incomplete or without any required exhibits that it will result in delays in processing my permit decision. The information in this application is a true and adequate narrative and depiction of what currently exists on and what is proposed at the property. I certify that I will give a copy of this permit and associated conditions to any contractors working on my project. I understand that I am ultimately responsible for complying with all applicable regulations and with all conditions and limitations of any permits issued to me by the LUPC. If there is an Agent listed above, I hereby authorize that individual or business to act as my legal agent in all matters relating to this permit application. I understand that while there is a required Statewide Maine Uniform Building and Energy Code (MUBEC) administered by the Maine Department of Public Safety, Bureau of Building Codes & Standards, the Commission's review is limited only to land use issues and the Commission does not make any findings related to the MUBEC, nor do the LUPC staff inspect buildings or enforce any provisions of that Code.

Please check **one** of the boxes below: *(see "Accessing the Project Site for Site Evaluation and Inspection" just prior to the application form)*

☒ I authorize staff of the Land Use Planning Commission to access the project site as necessary at any reasonable hour for the purpose of evaluating the site to verify the application materials I have submitted, and for the purpose of inspecting for compliance with statutory and regulatory requirements, and the terms and conditions of my permit.

☐ I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to obtain my permission to fully access the project site for purposes of any necessary site evaluation and compliance inspection.

All appropriate persons listed on the ~~deed~~, lease or sales contract must sign below.

Signature(s) Michael DePatie Date 3-3-2015

Patricia M DePatie Date 3-3-2015

181 North Rd
Sandbard Tract

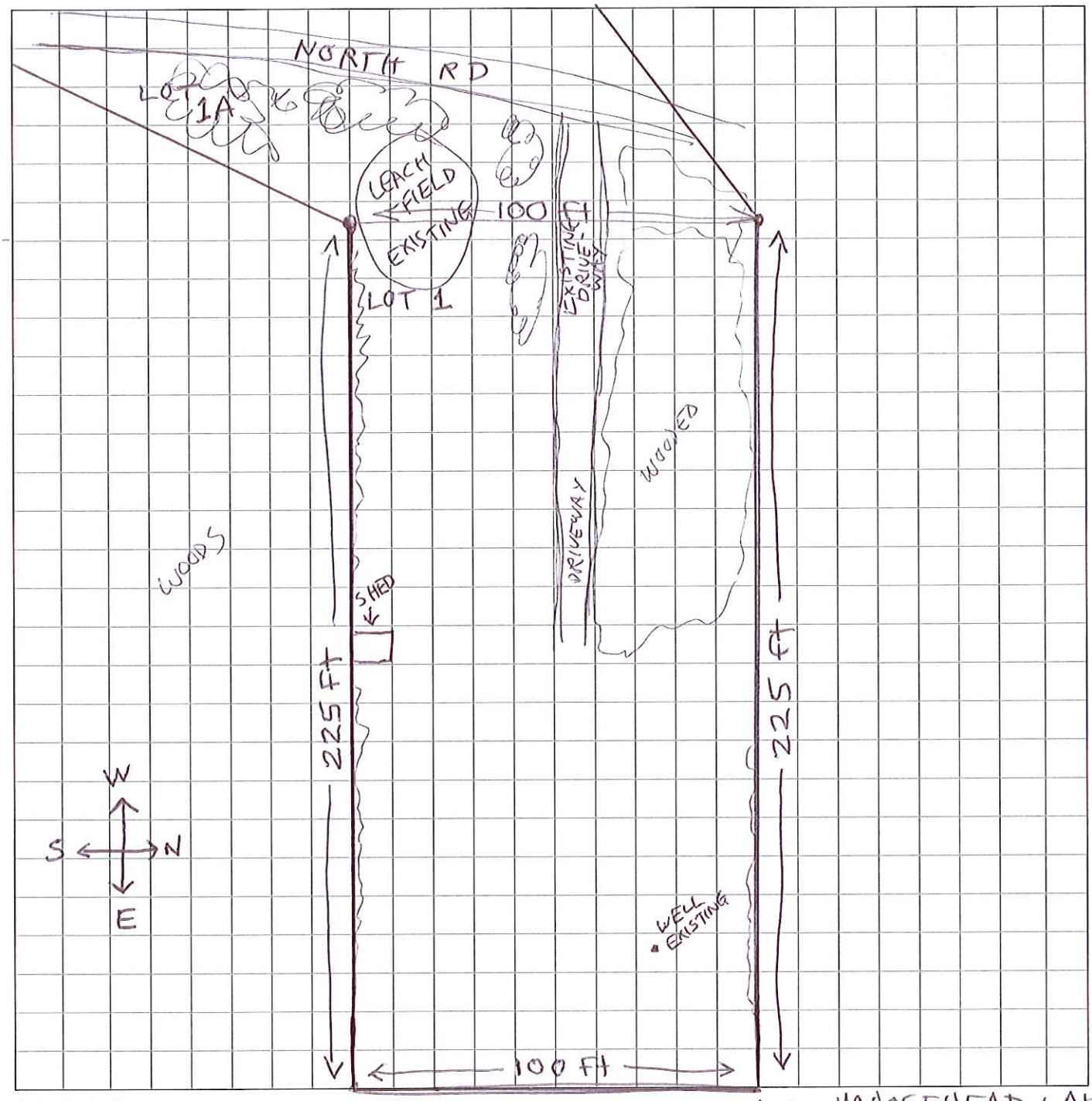
For office use:

Tracking No. | BP | Permit No.

DEPATIE

EXHIBIT D-1: SITE PLAN

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for **Exhibit D** in the instructions on page iv. Do not use colors. Refer to the instructions on page v for a sample site plan.



Notes/Legend:

181 North Rd
Sandbar Tract

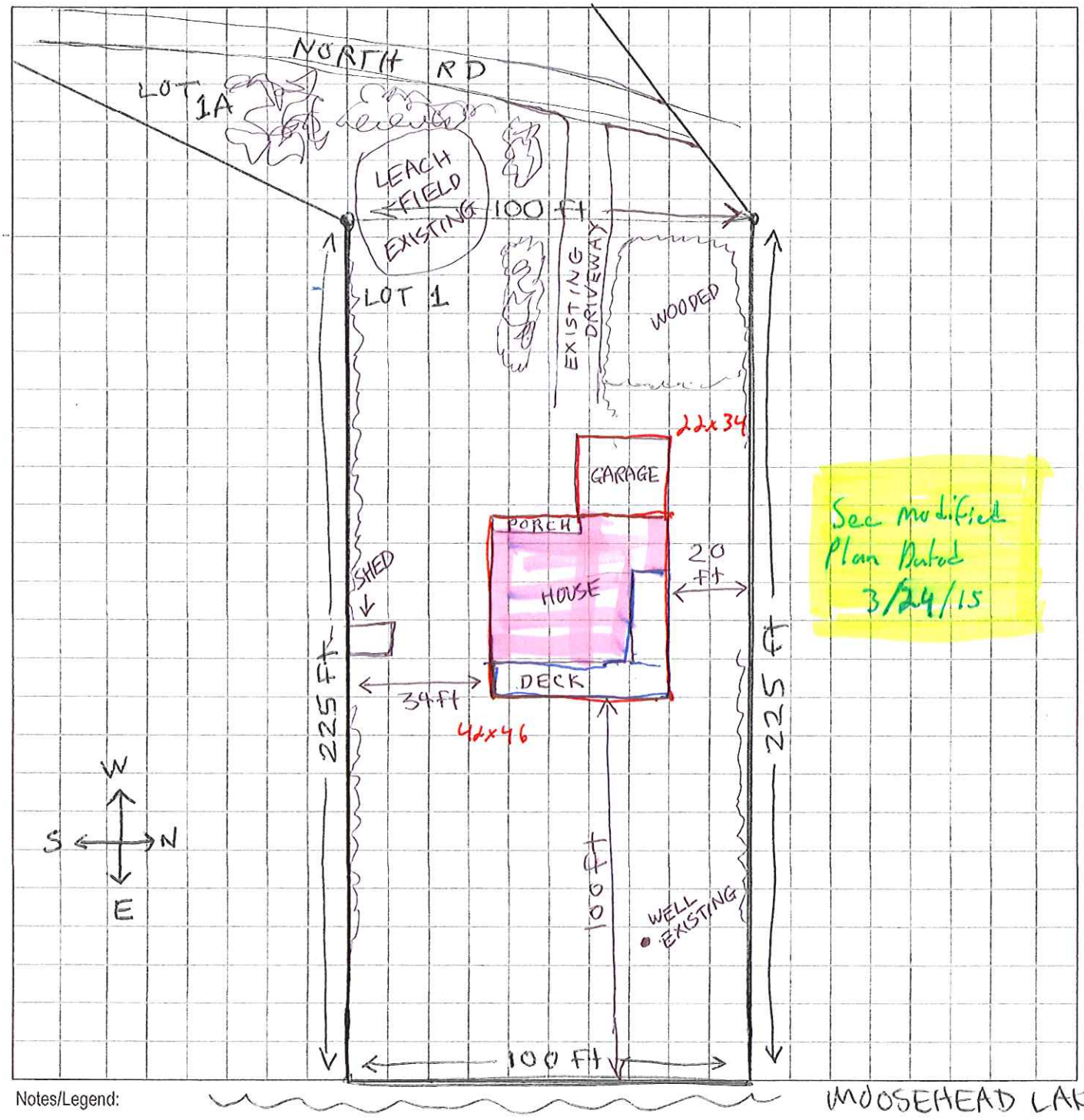
For office use:
Tracking No. BP Permit No.

DEPATIE

AFTER

EXHIBIT D-1: SITE PLAN

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for **Exhibit D** in the instructions on page iv. Do not use colors. Refer to the instructions on page v for a sample site plan.



See modified Plan Dated 3/24/15

Notes/Legend:

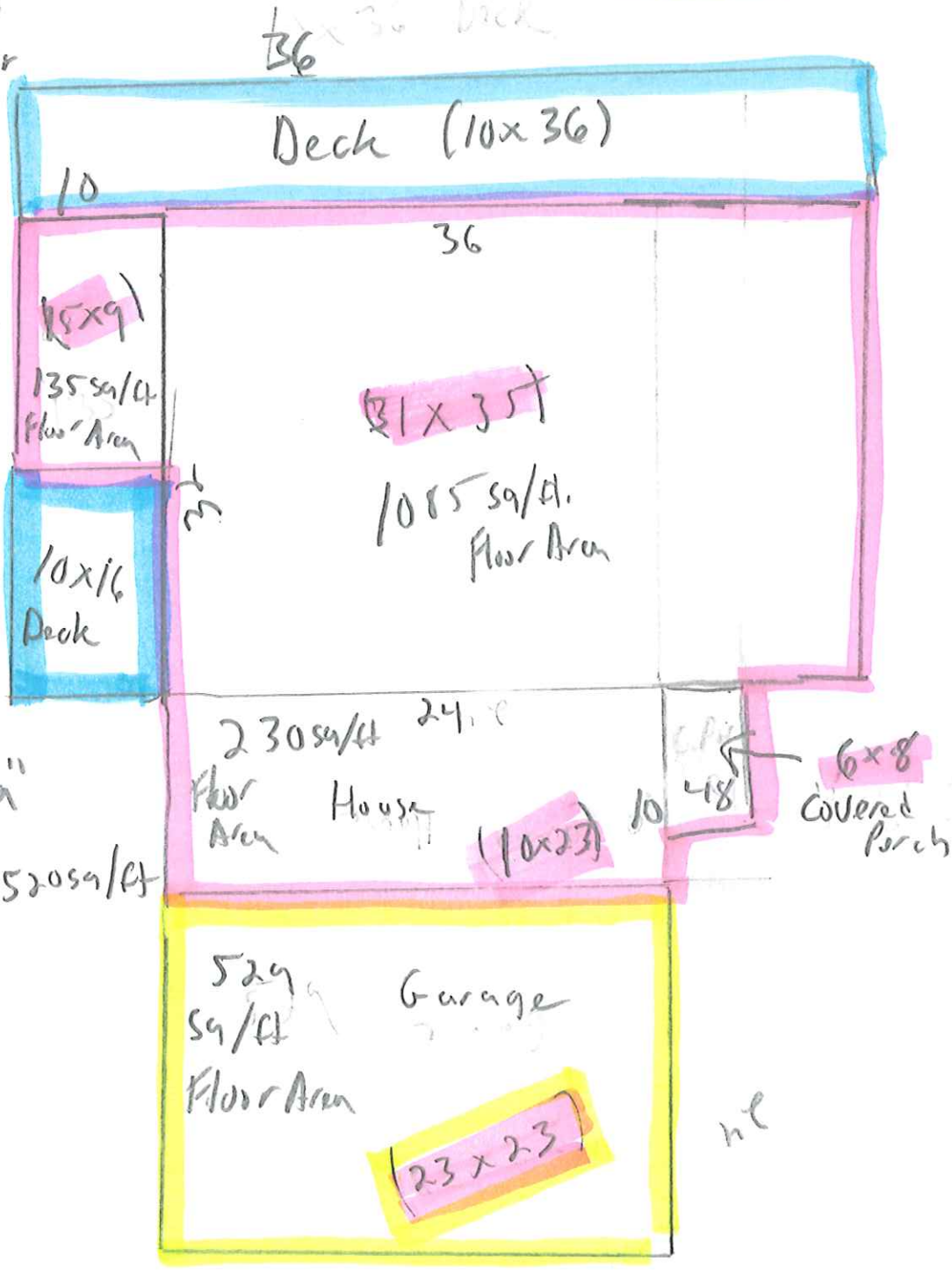
SHED TO BE REMOVED.

ESTIMATED 100 ft from proposed dwelling to road, 20 ft From North boundary, 100 ft from lake to deck.

3/24/15
Plan modifications
Prepaired by
Mike Peratis &
Ted Wolfertz

House
Living Space
Floo Area = 1498 sq/ft
1st Floo

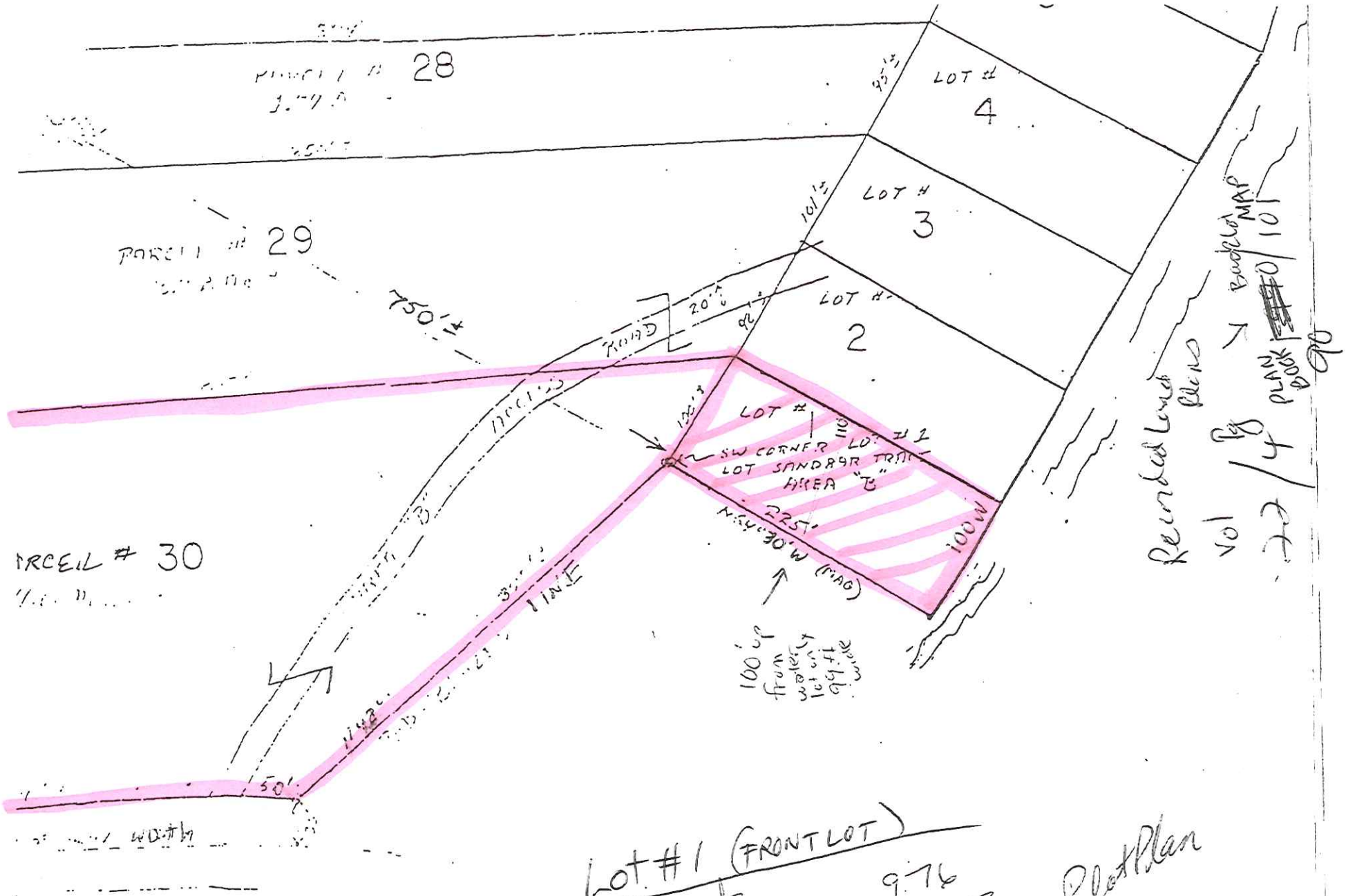
Proposed 6" inch walls
all measurements floor
area were calculated
from interior walls
of all exterior
walls.



Non "Floor Area"
Foot Print of
Deck space = 520 sq/ft

Garage
1st Floor
Floor Area = 529 sq/ft

Floor Area calculated by interior
Demensions

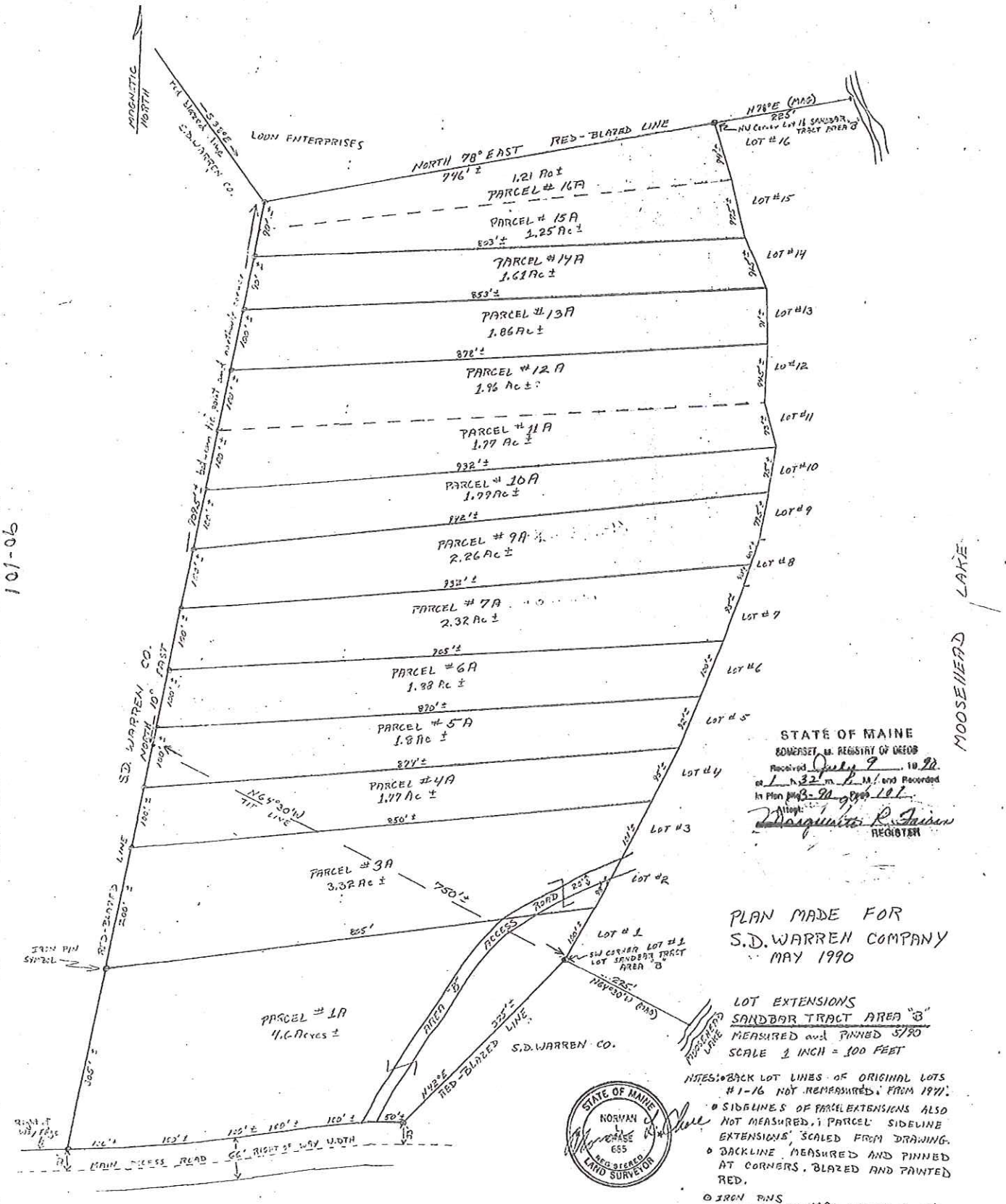


Lot #1 (FRONT LOT)
See Book 807 Page 976
page 80 of 112 (online) Plot Plan

Registry Deeds 207-474-3421

181 North Rd Sandbar Tract
BACKLOT

Rec. Land Plans PLAN BOOK V ~~[illegible]~~ 90 / Page 101



101-06