

Board of Environmental Protection and Commissioner Melanie Loyzim
C/o Board Clerk
17 State House Station
Augusta, ME 04333-0017
Clerk.BEP@maine.gov

Dear Board of Environmental Protection and Commissioner Loyzim:

We, Stephen Florimbi and Sarah Price, owners of 132 Union Street, Rockport, Maine, appeal the Board of Environmental Protection's decision to grant Lily Pond Partners, LLC, the PBR permit number PBR_ID-0101235 (the "Permit") under the Department rules stated in Chapter 305 section 12, "[t]o remove an old railway bed and return the land back to its natural state" on property described as "Union Street Parcel" (changed from "Lily Pond" in MELS) "vacant lot just south of 124 Union St, Rockport."

As abutting landowners we will be adversely affected by the permitted project and so we have standing as aggrieved persons.

As the applicant is starting work, we respectfully request an application mediate stay of the Permit in order to preserve the status quo while the Board gives this application the scrutiny it warrants by requiring instead a complete NRPA application and review including a detailed project description, a hydrology report, proof of right title and interest (TRI) in the subject property, and a site visit.

This is a timely appeal/stay request dated December 3, 2025, within the 30 days since the Permit was granted on November 7, 2025.

Overview: The Rock Road, located in Rockport, Maine, is an historic stone causeway constructed with limestone and marble, engineered to support ox- and horse-drawn wagons carrying limerock to the Camden and Rockport harbors. The proposed removal of nearly 200 feet in length and 1,700 cubic yards in volume of the stone causeway is a significant undertaking and an extreme measure with potentially damaging consequences to the very wetland the applicant purports to restore as well as to neighboring properties (including our own), to vulnerable Lily Pond (recently removed from the Impaired Waters list after decades of community work to reverse runoff and expand the natural buffer zone), and to the Rock Road community trail that adds to our and our fellow Rockport residents' quality of life and property values.

As explained in detail below, we, as adjacent landowners, are filing this appeal to the Board with respect to the Permit previously issued to Lily Pond Partners, LLC, because (a) the applicant has not demonstrated that the applicant holds title to the section of Rock Road on which the proposed work will take place; (b) the Board was not fully informed of the facts and intentions of the applicant when the Permit was issued, namely to develop a housing subdivision on this site; and (c) the applicant's proposed destruction of the Rock Road is contrary to the best interests of the Town of Rockport and its inhabitants, particularly those who are adjacent landowners. The removal of the historic stone causeway by the applicant will disrupt the community path on the Rock Road which is used by many community members. Instead of walking along the existing causeway, community members will walk into a wetland.

We ask that the Board halt any action to be taken by the applicant pursuant to the Permit until a full examination is conducted and potential harm to interested parties is resolved.

Licensing criteria and standards not satisfied in the final license decision:

1. Legal documentation shows the applicant is not vested with title to the property known as the Rock Road on which the proposed work will be completed. In this case, the applicant must be required to show that it has title to the stone causeway section of the Rock Road. There presently is inadequate evidence of TRI in the record.
2. Based on statements made by the applicant to us, this project is part of a larger real estate development plan undisclosed to the Board by the applicant, and the intent stated on the permit application of restoring the property to its natural state is misleading.
3. The boundary line we share with the property in question is a year-round stream. The protection of the stream is unaddressed in the application.
4. We are aware that the proposed work area is part of a significant wildlife habitat including not only a year-round stream that may be destroyed, but also potential vernal pool habitat and inland waterfowl and wading bird habitat (all undisclosed on the permit application and unaddressed by the Permit that was issued).

5. The applicant's proposed destruction of the Rock Road is contrary to the best interests of the Town of Rockport and its inhabitants, particularly those who are adjacent landowners.

Bases of our objections and challenges:

1. Legal documentation shows the applicant is not vested with title to the property known as the Rock Road on which the proposed work will be completed. In this case, the applicant must be required to show that it has title to the stone causeway section of the Rock Road. There presently is inadequate evidence of TRI in the record. Boundary surveys such as one done by Landmark Corporation June 13, 2002, label this "Rock Road" as "Status Unknown." The deed establishing the Rock Road shows ownership shared by the multiple owners of the land the Rock Road crosses. (See attached Florimbi/Price Appeal to BEP, Exhibit A, Commissioners Partition, Waldo County Deeds Vol. 94, Pages 226-234.)

Deed transfer documents state that the Town of Rockport owns a release deed to "a certain lot of parcel of land known as 'Rock Road' constituting the entire length and width of 'Rock Road' running from the northwesterly corner of Parcel B described in a deed from the Town of Rockport to this Penobscot Bay YMCA recorded at Book 2640 Page 329 in the Knox County Registry of Deeds, to Huse Street located in Rockport, Knox County, Maine...". (See attached Florimbi/Price Appeal to BEP, Exhibit B, Knox County Deeds, Book 2689, Pages 39-45.)

We assert that until ownership is addressed decisively the applicant should not be allowed to proceed with the destruction of property without clear documentation that it belongs to him. **Remedy sought: We urge the Board to issue an immediate stay to minimize the potential for additional legal actions by the actual owner(s) and for other complications after-the-fact.**

The applicant bears the burden to establish sufficient title, right, and interest (“TRI”) to use the land in the manner sought by the permit application¹ [Tomasino v. Town of Casco, 2020 ME 96, 237 A.3d 175](#) (applicant must demonstrate that they have the kind of interest that would allow them to make use of the land if they were granted a permit to do so and if easement rights have not been factually determined by a court with jurisdiction to do so, then permitting process should not proceed until a court declaration is obtained).

Additional supporting documents available upon request.

2. Based on statements made by the applicant to us, this project is part of a larger real estate development plan undisclosed to the Board by the applicant,

¹ DEP rules require:

D. Title, Right or Interest. Prior to acceptance of an application as complete for processing, an applicant shall demonstrate to the Department's satisfaction sufficient title, right or interest in all of the property that is proposed for development or use. An applicant must maintain sufficient title, right or interest throughout the entire application processing period. Methods of proving title, right or interest include, but are not limited to, the following:

- (1) When the applicant owns the property, a copy of the deed(s) to the property must be supplied;
- (2) When the applicant has a lease or easement on the property, a copy of the lease or easement must be supplied. The lease or easement must be of sufficient duration and terms, as determined by the Department, to permit the proposed construction and reasonable use of the property, including reclamation, closure and post closure care, where required. If the project requires a submerged lands lease from the State, evidence must be supplied that the lease has been issued, or that an application is pending;
- (3) When the applicant has an option to buy or lease the property, a copy of the option agreement must be supplied. The option agreement must be sufficient, as determined by the Department, to give rights to title, or a leasehold or easement of sufficient duration and terms to permit the proposed construction and use of the property including closure and post closure care, where required;
- (4) When the applicant has eminent domain power over the property, evidence must be supplied as to the ability and intent to use the eminent domain power to acquire sufficient title, right or interest to the site of the proposed development or use;
- (5) When the applicant has either a valid preliminary permit or a notification of acceptance for filing of an application for a license from the Federal Energy Regulatory Commission for the site which is proposed for development or use, a copy of that permit or notification must be supplied. This provision applies only to those portions of a project where eminent domain authority exists under federal law; or
- (6) When the applicant has a written agreement with the landowner where said agreement permits the applicant to spread waste material that will be agronomically utilized by the landowner, a copy of that agreement must be supplied.

[The Department may return an application, after it has already been accepted as complete for processing, if the Department determines that the applicant did not have, or no longer has, sufficient title, right or interest.](#) No fees will be refunded if an application is returned for lack of continued title, right or interest.

and the intent stated on the permit application of restoring the property to its natural state is misleading. The applicant has verbally informed us of plans to build a condominium complex on this site, even offering us a unit in exchange for our property. By failing to disclose this information, the applicant has circumvented the established process for such a project. **Remedy sought: We urge the Board to require a complete NRPA application and review including a detailed project description, a hydrology report, proof of right title and interest (TRI) in the subject property, and a site visit.**

3. The boundary line we share with the property in question is a year-round stream (see attached Florimbi/Price Appeal to BEP, Exhibit C, Boundary Survey by Landmark Corporation 6.13.2002, note that the parcel in question was owned by Barbara O. Carleton at the time and since then we and the Carletons did create a line agreement generally following the center of the stream), the fact of its existence was omitted from the application and its protection left unaddressed. Its natural, easterly flow to Lily Pond was ostensibly accomplished by a stone culvert built into the Rock Road. Long before we or the applicant acquired our properties, the culvert collapsed and the stream dispersed along the length of the berm, mostly flowing south, away from the portion in question in the PBR application. The PBR application does not include any mention of this stream, nor does it address how the proposed work will impact it. **Remedy sought: We urge the Board to require a complete NRPA application that includes a detailed project description and a hydrology report detailing the impact on Lily Pond and any affected properties in its watershed.**

4. We are aware that the proposed work area is part of a significant wildlife habitat including a year-round stream that may be destroyed, as well as potential vernal pool habitat and inland waterfowl and wading bird habitat (also undisclosed on the permit application and unaddressed by the Permit that was issued). Unlike on adjacent properties where the woods and wetlands have regrown naturally, on the applicant's property the wetland is altered by frequent mowing to the edge of Lily Pond. If left unmown, the wet meadow below the Rock Road would likely revert to the alders, cattails, and sedge that already encroach on its sides. In the twenty-three years we've lived here, we've seen a significant diversity of wildlife including: moose, deer, coyotes, beavers, fishers, foxes, minks, and muskrats; we have

seen bobcat tracks; on the pond we see mallards, pintails, harlequin ducks, wood ducks, both hooded and common mergansers, loons, coots, cormorants, Canada geese, bald eagles, ospreys, and great blue herons; there are barred owls, broad winged hawks, red-tailed hawks, sharp-shinned hawks, Cooper's hawks, warblers and other songbirds. The spring peepers are resounding, the bullfrogs loud. People fishing catch pickerel, and large- and small-mouthed bass. People hunt the wild turkeys. This thriving habitat should not be threatened or disturbed unnecessarily. We would expect that the land below the Rock Road would be returned to its natural state as wetland, and not as mown grass. Remedy sought: **We urge the Board to specify the "natural state" required and require the applicant to show scientific evidence of any benefit to be derived from this disturbance.**

5. The applicant's proposed destruction of the Rock Road is contrary to best interests of the Town of Rockport and its inhabitants, particularly those who are adjacent landowners. The Rock Road is now a mostly secluded trail connecting the towns of Camden and Rockport. Through the shared generosity of multiple landowners, it provides access to Lily Pond and links to the local YMCA, Maine Coast Heritage Trust's Aldemere Farm trail system, and beyond. It serves a vital role for recreation in our community. The Rock Road makes our area all the more desirable to live in; it adds quality to our lives and value to our property. The highest and best use of the Rock Road is to keep it in its current state as a whole, and not destroy a large, essential section of it. **Remedy sought: We urge the Board to issue an immediate stay to preserve the status quo while the Board gives this application the scrutiny it warrants, requiring a complete NRPA application and review including a detailed project description, a hydrology report, proof of right title and interest (TRI) in the subject property, and a site visit.**

Conclusion: Wherefore, we respectfully request that the Board:

1. Immediately halt any action being taken (the applicant has already started work) or to be taken by the applicant pursuant to the Permit until a full examination is conducted and potential harm to interested parties is resolved,
2. require a complete NRPA application including:
 - a) a site visit;

b) a detailed project description;

c) a specific description of the “natural state” to be restored and scientific evidence that the proposed, habitat-disturbing activity will provide a warranted environmental benefit;

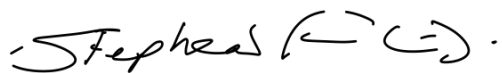
d) a hydrology report detailing the impact on the stream that serves as a boundary line between our property and the property in question, on Lily Pond, and on any affected properties in its watershed;

3. provide assurance that our land will be protected accordingly by not permitting the applicant to excavate any part of the stream that serves as our boundary line.

4. require the applicant to show TRI in the land affected by the proposed work, prior to the issuance of any permit.

Thank you for your consideration.

Respectfully submitted on December 3, 2025,

Handwritten signature of Stephen Florimbi in black ink.Handwritten signature of Sarah E Price in black ink.

Stephen Florimbi and Sarah Price
132 Union St / PO Box 551
Rockport, ME 04856

Encl.

Florimbi/Price Appeal to BEP, Exhibit A, Commissioners Partition, Waldo County Deeds
Vol. 94, Pages 226-234.

Florimbi/Price Appeal to BEP, Exhibit B, Knox County Deeds, Book 2689, Pages 39-45.

Florimbi/Price Appeal to BEP, Exhibit C, Boundary Survey by Landmark Corporation
6.13.2002

Exhibit A

I, John Bissell, a commissioner appointed by the Governor of the state of Maine, and under the laws of said state, with full power and authority to take, acknowledgements, or proofs of all deeds, or other instruments, in writing depositions, and other testimony, &c, &c, in and for the state of New York, to be used in said state of Maine, duly commissioned by said Governor, and affirmed, and dwelling in the city of New York. Do, by this public instrument, given under my hand and official seal, certify and make known, that on the 13th day of June, one thousand eight hundred and 57 before me personally appeared in my state aforesaid, Demetrius M. Carver and Milatiah, his wife, the signers and sealers of the annexed instrument, bearing date the 13th day of June, 1857. who severally and respectively acknowledged the same to be their free act and deed, for the uses and purposes therein mentioned.

John Bissell L. S.

Commissioner for Maine.

Waldo, ss, Rec'd June 18, 1857. 1h. 10m. P. M. Recorded and compared.

R. White, Regr.

State of Maine, ss. July 11, 1927.
A True Copy of Instrument in
Waldo Registry of Deeds, Vol. 94, Page 317.
Copied and compared.

Edward K. Gould
-----Commissioner.

319

Vol. 94

Young,
etals.

PARTITION

CAMDEN

STATE OF MAINE.

Waldo, ss. To Hiram Bass, David Talbot, & Edwin Rose, all freeholders in said County:

L. S.

Greeting:

WHEREAS, CHRISTOPHER YOUNG, Jr. & NATHAN C. FLETCHER, of Camden, WILLIAM H. THORNDIKE, GEORGE EMERY, & MOODY E. THURLO, of Rockland & JOHN CROCKER, of said Rockland, by the consideration of the Justices of our Supreme Judicial Court, began and holden at Belfast, in and for our said county of Waldo, on the first Tuesday of May, A. D. 1856. recovered judgment for Partition of the following real estate, situate in Camden, bounded as follows, viz:

Beginning at the southeasterly corner of land owned & occupied by the heirs of the late Jonathan Thayer; thence southwesterly by said land held by said heirs of said Thayer, to their corner; thence northwesterly by land of said heirs, & William Blake, to Brown & Jones' land; thence southwesterly by land of

said Brown & Jones to land held by heirs of the late William Carlton; thence southeasterly by said land of said Carlton's heirs, to land formerly owned by John Gross; thence northeasterly by land formerly owned by John -- nth shore of Megunticook harbor; thence northwesterly bounded by said harbor to the line of land known as the S. & F. Jacobs wharf & kiln lot; thence southwesterly bounded by said wharf and kiln lot to the county road; thence to the place of beginning; reserving from the above described lots, sold to the following persons, per their deeds to wit, Jonathan Thayer, William Blake, Elijah Harden, R. M. Armestead, S. M. Andrews, John Moody, Catharine S. Chapin, George Berry, Sarah Prince, W. A. Norwood, Love Howe, Samuel Bragdon, Joseph Stockbridge, trustee, and lot reserved for Darius Mills; Also fourteen twentieths parts of the lot known as the S. & F. Jacobs wharf & kiln lot, bounded as follows, to wit: Beginning at the northwesterly (?) corner of lot owned by George Hodgman, & in the easterly line of the road from Camden harbor to Beauchamp neck; thence northwesterly as said road runs, eight rods to T. C. Bartlett's land; thence northeasterly bounded by said Bartlett's land to the shore of Megunticook harbor; thence southeasterly bounded by said shore, to land above described; thence Southwesterly bounded by the above described land & land of William Blake & aforementioned Hodgman, to the place of beginning; with same part of flats in front of said land; The said Christopher Young, Jr, of one undivided eighth part; the said Nathan C. Fletcher, of one undivided eighth part; the said William H. Thorndike, of one undivided fourth part: the said George Emery, of one undivided eighth part; the said John Crocker of one undivided eighth part & Moody E. Thurlow, of one undivided fourth part.

Waldo, ss. July 7th. 1856. Personally appeared the within named individuals, viz, Hiram Bass, David Talbot, and Edwin Rose, and were duly sworn to the faithful performance of their duties as designated by this commission, agreeably to law, before me, N. C. Fletcher, Justice of the Peace.

PURSUANT to the annexed warrant, the undersigned committee have been sworn and have notified Christopher Young, Jr., Nathan C. Fletcher, of Camden, William H. Thorndike, George Emery, Moody E. Thurlow, & John Crocker, of Rockland, as required by law, and there were of them present, C. Young, Jr., N. C. Fletcher, W. H. Thorndike, S. F. Allen, atty for M. E. Thurlow, & M. Willard Farwell, atty for said John Crocker, at the time appointed, to wit: the seventh day of July, A. D. 1856.

We then appraised the real estate named in said warrant, to wit: situate in, Camden, bounded as follows, viz: Beginning at the southeasterly corner of land owned and occupied by heirs of Jonathan Thayer; thence southwesterly by land held by said heirs to their corner; thence northwesterly by land of William

Blake, & said heirs to Brown & Jones land; thence southwesterly by land of said Brown, & Jones & heirs of late William Carleton, to a corner of land of said heirs; thence southeasterly by said land of said Carleton heirs to land formerly owned by John Gross; thence northeasterly by said land formerly owned by said Gross, to the shore of Megunticook harbor; thence northwesterly bounded by said harbor to the line of land known as the S. & F. Jacobs wharf & kiln lot; thence southwesterly bounded by said wharf and kiln lot to the county road; thence to the place of beginning. Reserving from the above described lots, sold to the following persons, as per their deeds, to wit: Jon's Thayer, William Blake, Elijah Harden, R. W. Armstead, S. M. Andrews, John Moody, C. S. Chapin, George Berry, Sarah Prince, W. A. Norwood, Love Howe, Samuel Bragdon, Joseph Stockbridge, Trustee, and lot reserved for Darius Mills.

Also fourteen twentieth parts of the lot known as the S. & F. Jacobs wharf & kiln lot; bounded as follows, to wit, Beginning at the north westerly corner of lot owned by George Hodgman, & in the easterly line of the road to Beauchamp neck; thence northwesterly as said road runs, eight rods to T. C. Bartlett's land; thence northeasterly, bounded by said Bartlett's land to the shore of Megunticook harbor; thence southeasterly bounded by said shore, to the land above described; thence southwesterly bounded by above described land, lands of Wm. Blake & George Hodgman, to the place of beginning, with the same part of flats in front of the said land.

The first above described we appraise at Thirteen thousand four hundred dollars 13,400. The fourteen twentieth parts above described, with all the improvements thereon since purchase by said persons, we appraise at sixteen hundred dollars 1600 Total Appraisal Fifteen thousand dollars, (15,000\$)

And we have assigned and set off to the said CHRISTOPHER YOUNG, JR. one eighth part of the aforescribed property, as follows, to wit:

Share

160

Beginning in the easterly line of Union street, at a corner of land owned by C. A. Carleton; thence north $31\frac{1}{2}^{\circ}$ east, bounded by said street, fourteen rods and ten links to stake and stones; thence south $31\frac{1}{2}^{\circ}$ E. twenty five rods & four links to S. & S. at Grose line; thence south $58\frac{1}{2}^{\circ}$ west, bounded by said Grose land twelve & $\frac{3}{4}$ Rods to said A. C. Carleton's land; thence N. $31\frac{1}{2}^{\circ}$ W. bounded by said Carlton land, eighteen rods & twenty links to place of beginning.

words and
figures

Containing one & three fourths acres, which we appraise at one hundred & sixty dollars.

twelve and
 $\frac{3}{4}$ rods
interlined
before sign-
ing on this
3d page.

Also, one other piece of land bounded as follows, and containing a lime rock quarry, to wit: Beginning at stake & stones in said Grose line, the same being the southeasterly corner of land this day set off to M. E. Thurlow; thence north, $31\frac{1}{2}^{\circ}$ west, fourteen rods to stake & stones; thence north $58\frac{1}{2}^{\circ}$ East,

seventy eight rods to stake & stones; thence south $31\frac{1}{2}^{\circ}$ E. fourteen rods to said Grose line: thence south $58\frac{1}{2}^{\circ}$ west, bounded by said Grose line, seventy eight rods to the place of beginning. Containing six acres more or less, which we appraise at eleven hundred and ten dollars.

1110

Also, one other piece of land bounded as follows, to wit: Beginning at a stake & stones in the line of what is laid out for & called the "Rock road", at the southwesterly corner of a lot of land this day set off to W. H. Thorndike, thence south sixty degrees west, bounded by said rock road, forty six rods to stake & stones; thence north thirty one and one half degrees west thirty three rods & six links to line of Brown & Jones land; thence north $57\frac{3}{4}^{\circ}$ E. bounded by said Brown and Jones' land forty six rods to stake & stones; thence south $31\frac{1}{2}^{\circ}$ E. thirty five rods and eight links to place of beginning, Containing nine acres, & 149 rods, which we appraise three hundred & eighty dollars.

380

Also, one other piece of land bounded as follows, to wit: Beginning in the line of the S. & F. Jacobs wharf & kiln lot, & stake & stones; thence north easterly bounded by said wharf and kiln lot, four rods to the shore of the harbor; thence southeasterly bounded by the said shore to main street as per plan of W. H. Cunningham; 1855, thence south $74\frac{1}{2}^{\circ}$ west four rods to stake & stones; thence north $30\frac{1}{4}^{\circ}$ W. twenty nine & one half rods to place of beginning.

Meaning the shore privilege, between the "S. & F. Jacobs' wharf and kiln lot", and said "Main Street"; together with flats in front of same, which we appraise one hundred and fifty dollars

150

And the proportion set off to within named N. C. Fletcher, being more than one eighth part, and not being convenient to be divided we award that the said Fletcher pay to the said C. Young, Jr., the sum of seventy five dollars.

75

\$1875

And we set off to the said Young, a right of way from the second before described lot, to the rock road; and thence by said rock road to the county & town roads, in either direction. Also a right of continuance of a drain as it now runs, from said lot across lands this day set off to M. E. Thurlow, W. H. Thorndike, & George Emery, to its natural outlet, with the right to deepen the same across said lands at the pleasure of said Young. Said drain to be covered. Also a right of way by a road along the westerly side of the fourth before described lot set off to said Young, and to town road by way of Main street.

Reserving the right to M. E. Thurlow, & W. H. Thorndike to intersect said drain by a covered drain from their lots, either on their own lots or by crossing said Young's lot, and a right to deepen as above, below the point of intersection, And if either of the parties to said drain deepen the same, at his own cost the other party or parties shall pay their proportion of the expense, of draining below where their drain may connect with said deepening, whenever they avail themselves of said deepening.

Nathan C.
Fletcher
Share

And we assign, & set off to NATHAN C. FLETCHER, the within named, one eighth part of the whole premises, as follows: to wit, Beginning at the easterly corner of lot owned by B. B. Bartlett, and in line of road; thence south, $2\frac{1}{2}^{\circ}$ East bounded by said road fourteen rods & six links to stake & stones; thence south, $74\frac{1}{2}^{\circ}$ west, ten rods & twenty links; thence north $31\frac{1}{2}^{\circ}$ W. twelve and one half rods to stake and stones; thence north $57\frac{3}{4}^{\circ}$ E. six rods and six links to stake and stones; thence north $33\frac{1}{4}^{\circ}$ W. four rods; thence north $71\frac{1}{4}^{\circ}$ E. five rods; thence S. $5\frac{1}{2}^{\circ}$ E. four rods and 8 links; thence north $78\frac{1}{2}^{\circ}$ E. eight rods & fourteen links to the place of beginning; together with the house standing on said premises; and the barn, on land this day set off to M. E. Thurlow, all which we appraise at twenty two hundred & fifty dollars, this being more than one eighth part, and cannot be conveniently divided we award that said N. C. Fletcher, pay to Christopher Young, Jr. the sum of seventy five dollars and to Moody E. Thurlow, three hundred dollars.

2250

75

300

375

\$1875

William H.
Thorndike
Share.

And we assign and set off to WILLIAM H. THORNDIKE, the aforementioned, as follows, to wit: Beginning at a stake and stones in the line of Union street, where the rock road intersects said street, thence north, 60° East, bounded by said "rock road" sixty rods & twenty two links to stake & stones; thence south $31\frac{1}{2}^{\circ}$ East, twenty two rods more or less, to stake & stones at corner of lot this day set off to M. E. Thurlow; thence south $58\frac{1}{2}^{\circ}$ W. bounded by said Thurlow's lot, seventy eight rods to stake and stones; thence north $31\frac{1}{2}^{\circ}$ W. thirteen rods & twelve links to Union street; thence north $31\frac{1}{2}^{\circ}$ east bounded by said street, twenty nine rods and nine links to the place of beginning; reserving as is specified in lots adjoining set off to M. E. Thurlow, & C. Young, Jr., and conveying the right to intersect the drain named in the set off to Young, as is therein reserved; also conveying the right to deepen from point of intersection towards outlet; said drain to be covered, which we appraise at twelve hundred and five dollars.

1205

Also, one other piece of land, bounded as follows, Beginning at the south westerly corner of a lot this day set off to N. C. Fletcher, & in line of rock road; thence south $74\frac{1}{2}^{\circ}$ west, ten rods to land this day set off to C. Young, Jr. thence north $31\frac{1}{2}^{\circ}$ west, thirty five rods & 8 links, to line of Brown & Jones land; thence north $57\frac{3}{4}^{\circ}$ E. bounded by said Brown & Jones land, fifteen rods and fourteen links to a corner; thence south $33\frac{1}{4}^{\circ}$ east twenty four rods & ten links; thence south $57\frac{3}{4}^{\circ}$ west, six rods and six links; thence south, $31\frac{1}{2}^{\circ}$ east, twelve and one half rods to place of beginning, which we appraise at two hundred & twenty dollars.

220

ALSO, one other piece of land bounded as follows: Beginning in the line of the S. & F. Jacobs wharf and kiln lot, at the westerly corner of the shore lot this

day set off to C. Young Jr; thence south $30\frac{1}{4}^{\circ}$ E. bounded by said shore lot, twenty nine and one half rods to Main street; thence south $74\frac{1}{2}^{\circ}$ west, bounded by Main street, thirty four rods to Lime rock street; thence north $2\frac{1}{2}^{\circ}$ west, bounded by Limerock street, eighteen rods & seven links to land owned by heirs of late J. Thayer; thence north $80\frac{3}{4}^{\circ}$ east, eight rods & north $9\frac{1}{4}^{\circ}$ west five rods bounded by said land of said heirs to Wm. Blake's land; thence north $9\frac{1}{4}^{\circ}$ East, $80\frac{3}{4}^{\circ}$ E. eight rods; & north $9\frac{1}{4}^{\circ}$ E. seven rods & 2 links to line of said wharf and kiln lot; thence north 67° E. three rods & thirteen links to the place of beginning. Reserving to C. Young, Jr., a right of way along the eastern side of the above described, from said wharf and kiln lot to main street, which we appraise at seven hundred and twenty five dollars.

725

ALSO fourteen twentieth parts of what is known as the S. & F. Jacobs wharf & kiln lot, bounded as follows, to wit: Beginning at the northwesterly corner of land owned by Geo. Hodgman, and in the easterly line of road to Beauchamp neck; thence northwesterly as said road runs, eight rods to T. C. Bartlett's land; thence northeasterly, bounded by said Bartlett's land to the shore of the harbor; thence southeasterly bounded by said shore, to shore lot this day set off to C. Young, Jr., thence south 67° west, bounded by said shore lot, lands of said Thorndike, W. Blake, & said Hodgman to the place of beginning, together with all the improvements made since the purchase of said premises, by the present holders, which we appraise at sixteen hundred dollars, and all which we set off to said W. H. Thorndike, as one fourth part of all the premises described in the first part of this report.

1600

\$3750

AND we assign and set off to GEORGE EMERY, the aforementioned one eighth part as follows, one lot of land bounded as follows, to wit: Beginning in the line of Rock road, at the southwesterly corner of land this day set off to C. Young, Jr.; thence south 60° West, as said road runs, one hundred rods & ten links to Union street; thence north $31\frac{1}{2}^{\circ}$ east, bounded by Union street, sixty seven rods to Brown & Jones' land; thence north $57\frac{3}{4}^{\circ}$ E. bounded by Brown and Jones land, forty one rods & nineteen links to land set off to C. Young, Jr; thence south, $31\frac{1}{2}^{\circ}$ east, thirty three rods & six links to the place of beginning, which we appraised at twelve hundred & fifty dollars;

George
Emery
Share

1250

ALSO, another lot of land bounded as follows, to wit: Beginning at the north easterly corner of a lot this day set off to W. H. Thorndike, & in line of rock road; thence north 60° east, bounded by said road sixty two rods to land this day set off to M. E. Thurlow; thence south, $31\frac{1}{2}^{\circ}$ east, forty nine rods & twenty one links to line of Grose farm; thence south $58\frac{1}{2}^{\circ}$ west, bounded by said Grose line, sixty two rods, more or less, to corner of land (s & s) set off to C. Young, Jr; thence north $31\frac{1}{2}^{\circ}$ west, bounded by lots set off to Young, Thurlow,

625

\$1875

Moody E.
Thurlow

and Thorndike, fifty rods & twenty links to the place of beginning; which we appraise at six hundred & twenty five dollars; Reserving the right to continue a covered drain across the aforescribed lots as the same now runs, at the pleasure of the owners, of said drain.

AND we do assign & set off to, MOODY E. THURLOW, the within named, one certain piece of land bounded as follows: Beginning in the line of Union street, at the northeasterly corner of land set off to C. Young, Jr; thence north, $31\frac{1}{2}^{\circ}$ east, thirty four rods to corner of land set off to W. H. Thorndike, thence south $31\frac{1}{2}^{\circ}$ east, forty one rods to line of Grose farm; thence south, $58\frac{1}{2}^{\circ}$ west, bounded by said Grose line 30 rods & twelve links to land set off to C. Young, Jr.; thence north $31\frac{1}{2}^{\circ}$ west, twenty five rods & four links to place of beginning, which we appraise at five hundred and fifteen dollars.

ALSO, one other piece of land bounded as follows, to wit; Beginning at the southerly corner of the quarry lot, set off to W. H. Thorndike; thence N. $58\frac{1}{2}^{\circ}$ east, bounded by said lot, seventy eight rods to stake & stones in line of Emery lot; thence south $31\frac{1}{2}^{\circ}$ east fourteen rods to corner of lot set off C. Young Jr.; thence south $58\frac{1}{2}^{\circ}$ west bounded by said C. Young, Jr's, lot seventy eight rods to stake and stones in line of aforescribed lot; set off to said Thurlow; thence north $31\frac{1}{2}^{\circ}$ west, fourteen rods to the place of beginning.

Also same rights and reservations as Young and Thorndike have as to drains & roads, which we appraise at eleven hundred and eighty five dollars.

ALSO, one other lot of land bounded as follows, to wit: Beginning in the line of rock road at the northeasterly corner of lot set off to George Emery, thence north 60° East, twenty eight rods & nine links to corner of road; thence north $72\frac{1}{2}^{\circ}$ east, nineteen rods & sixteen links to Lime rock street; thence south 3° west, fifty three rods to S. Bragdon's land; thence south $58\frac{1}{2}^{\circ}$ west, fifteen rods, more or less to corner of land set off to Emery; thence north, $31\frac{1}{2}^{\circ}$ west forty nine rods & twenty one links to place of beginning; reserving therefrom, a certain lots sold & conveyed to Sarah Prince, W. A. Norwood, Love Howe, and lot reserved for D. Mills, as per their deeds and as agreed, which we appraise one thousand dollars

ALSO, one other piece of land bounded as follows, to wit: Beginning at the line of Lime rock street, at corner of land owned by heirs of late Jona Thayer; thence north 3° east, sixty rods and eight links to corner of land owned by E. Harding; thence northeasterly bounded by said Harding's land and "Main street", sixty one rods to shore of harbor; thence southeasterly bounded by said shore to land of heirs of late Jon's Thayer; thence southwesterly bounded by said heirs land, sixty one rods to the place of beginning, reserving from said description, so much thereof, as has been sold & conveyed to E. Hardin,

S. M. Andrews, John Moody, & Catharine C. Chapin, as per their deeds which we appraise at seven hundred & fifty dollars.

750

And the proportion set off to the within named N. C. Fletcher, being more than one eighth part, and it not being convenient to divide the same we award that the said Fletcher pay to the said Thurlow 300 dollars,

300

The four last described lots of land the 300\$ to be paid by Fletcher to Thurlow \$3750 we assign and set off to said Thurlow as one fourth part of all the premises first described in this report;

AND we do assign, and set off to JOHN CROCKER, the within named, as one eighth JOHN part of all the premises, as follows, to wit: one piece of land bounded as fol- CROCKER lows, to wit: Beginning in the line of Union street, at a corner of land owned SHARE by heirs of late W. Carleton; thence north $31\frac{1}{2}^{\circ}$ W. bounded by land of said heirs, fifty eight rods & twenty links to a corner; thence north $57\frac{3}{4}^{\circ}$ east bounded, by lands of said heirs & Brown & Jones, ninety four rods and ten links to lot held by Joseph Stockbridge, Trustee; thence south $58\frac{1}{2}^{\circ}$ east, nine rods & five links, to Union street; thence south $31\frac{1}{2}^{\circ}$ west, bounded by said Union street, one hundred & twelve rods and twelve links to the place of beginning, which we appraise at eighteen hundred dollars.

1800

ALSO, one other piece which we appraise as follows, to wit: Beginning in line of Union street, at easterly corner of lots held by J. Stockbridge as Trustee, thence north, $58\frac{1}{2}^{\circ}$ west, six rods and ten links to Brown & Jones land; thence north, $57\frac{3}{4}^{\circ}$ E. bounded by said Brown & Jones land, fourteen rods & eighteen links to Union street; thence south $31\frac{1}{2}^{\circ}$ west, bounded by Union street fourteen rods & --- links to the place of beginning, which we appraise at seventy five dollars.

75

AND we assign & set out for the benefit of all the parties interested in the premises, before described, roads as follows, to wit: Beginning at the south-westerly corner of land set off to George Emery; thence north 60° east, one hundred forty six rods along the lines of lands set off to Emery & Young to stake & stones at corner of land set off to Thorndike; thence north $74\frac{1}{2}^{\circ}$ east, twenty rods & twenty links to Lime rock street, The foregoing is the northwesterly line of said road, which is known as "rockroad", and is three rods wide.

\$1875

Also, a road or street from Lime rock street to the shore as follows; Beginning in line of said street at southerly corner of lot set off to W. H. Thorndike; thence north, $74\frac{1}{2}^{\circ}$ E. to the shore; said road is three rods wide, except where E. Hardin's lot projects into it, and is known as "Main street."

The said roads to be built and kept in repair by the said persons; and expenses of same to be paid by them in proportion of their use of the same.

Hiram Bass
David Talbot Commissioners.
Edwin Rose

Oct. 14th. 1856. We accept the foregoing report and distribution.

C. Young, Jr.
N. C. Fletcher
Moody Thurlo
E. W. Farwell atty to John Crocker
Wm. H. Thorndike
George Emery

Waldo, ss, Rec'd June 17. 1857. 12h. 30m. P. M. Recorded and Compared.

K. White, Register.

(Marginal Indorsements)

words and to town road by way of Main street interlined before signing on this 5th page. Paper Marked D. was attested to fifth page of this report before signing and is a part thereof.

words "also same rights & reservations as Young & Thorndike have as regards drains & roads" interlined before signing on this 11th. page.

State of Maine, ss. July 11, 1927.
A True Copy of Instrument in
Waldo Registry of Deeds, Vol. 94, Page 319.
Copied and compared.

Edward K. Gould
----- Commissioner.

343

Vol. 94

Moore
et al
vs
Keller
et al

STATE OF MAINE.

Waldo, ss. To the Sheriffs of our respective counties, or either of their respective Deputies, or to any constable, in the Town of -- in the county of---

L. S.

Greeting

WHEREAS, CHARLES MOORE & LORENZO S. SMITH, both of Belfast, in said County, Traders, & late co-partners, by the consideration of our Justices of our Supreme Judicial Court, holden at Belfast, within and for the county of Waldo, aforesaid, on the first Tuesday of May, Anno Domini, 1857, on the 10th day of the term, being the 15th day of May A. D. 1857. recovered Judgment against SAMUEL T. KELLER, of Camden, in said county of Waldo, and JOSEPH HEWETT, of Rockland, in the County of Lincoln, for the sum of four hundred and nineteen dollars and forty seven cents, debt or damage, and seventeen dollars and fifty eight cents, cost of suit, as to us appears of record, whereof execution remains to be done.

we command you, therefore, that of the goods, chattels, or lands of the said	419.47
Debtor, within your precinct, you cause to be paid and satisfied, unto the said	17.58
Creditor, at the value thereof in money, the aforesaid sums, being four hun-	.15
dred and thirty seven dollars, and five cents, in the whole, together with	\$437.20

fifteen cents more for this writ, and interest from the rendition of Judgment, and thereof also to satisfy yourself for your own fees, and for want of goods, chattels, or lands of said Debtors, to be by them shown unto you, or found with in your precinct, to the acceptance of the said Creditors to satisfy the sums aforesaid, we command you that you take the bodies of the said Debtors, and them commit unto either of our Jails in our respective counties, and detain in your custody, within either of our said Jails, until they pay the sums above mentioned, with your fees, or that they be discharged by the said Creditor, or otherwise by order of law.

Hereof fail not, and make return of this writ, with your doings therein, into the Clerks office of our said Supreme Judicial Court, within three months, Witness, John S. Tenney, Esquire, at Belfast, the 30th day of May, in the year of our Lord one thousand eight hundred and fifty seven.

N. Patterson, Clerk.

State of Maine, ss, Waldo, ss, June 12, 1857, Then personally appeared before me, the subscriber, sheriff of the county of Waldo, Willard P. Harriman, Christopher Young, Jr. and John H. Curtis, and made oath faithfully and impartially to appraise such real estate, as should be shown them, to be taken by the within execution. B. F. Blackstone, Sheriff.

Waldo, ss. June 12. 1857. We the subscribers, having been first duly chosen and sworn, as above certified, faithfully and impartially to appraise such real estate as should be shown to us, to be taken by the within execution, proceeded with the officer, B. F. Blackstone, Esq. Sheriff, of said county, of Waldo, to view and examine as far as might be necessary, to a just estimate of its value, the following described real estate, situate in Camden in said County, shown to us by Lorenzo S. Smith, one of the creditors within named, as the real estate of the within named Samuel T. Keller, one of the within named debtors, to wit, a certain parcel of land situate at Ingraham's corner: so called, in said Camden, being bounded and described as follows: Beginning at said Howards north line; thence running by said Hope road, on the Hope road, six rods and ten links to the Warren road, to a stake and stones; thence north forty degrees east, twenty one links on said Warren road, to a stake and stones; thence north sixty one degrees east, nine rods and four links to a stake and stones; thence south twenty one degrees east, seven rods and two and a half links line or thousands, to Howards line to stake and stones, thence on said Howard's line, nine and a half rods or thereabouts to said Hope

Exhibit B

RELEASE DEED***Know all Men by these Presents***

That the Midcoast Solid Waste Corporation a solid waste corporation organized under the laws of the State of Maine, with a mailing address of P.O. Box 10 in Rockport, Maine, hereby **Releases** to the TOWN OF ROCKPORT, a body corporate in politic organized under the laws of the State of Maine and having a place of business in Rockport, Maine, whose mailing address is P.O. Box 10, Rockport, Maine 04856, its successors and assigns, a certain lot of parcel of land known as "Rock Road" constituting the entire length and width of "Rock Road" running from the northwesterly corner of Parcel B described in a deed from the Town of Rockport to this Penobscot Bay YMCA recorded at Book 2640 Page 329 in the Knox County Registry of Deeds, to Huse Street located in Rockport, Knox County, Maine, including but not limited to the portion of "Rock Road" described as follows and also shown on the attached plan marked Exhibit D).

BEGINNING at a 5/8" rebar set at the end of a stone wall in the easterly line of land of Barbara O. Carleton (Book 1579-Page 236), and in the southeasterly line of an old road known as the "Rock Road".

THENCE northeasterly, following the foot of the fill along the southeasterly line of said Rock Road, to a 5/8" rebar found at an angle point in said road. The tie line between said rebar and the last-mentioned rebar set is (North 36 degrees 7 minutes East) a distance of {189.0} feet;

THENCE northeasterly, following the foot of the fill along the southeasterly line of said Rock Road, to a 5/8" rebar found at a westerly corner of land of Midcoast Solid Waste Corporation (Book 1938-Page 187). The tie line between said rebar and the last-mentioned rebar found is (North 48 degrees 22 minutes East) a distance of (193.3) feet;

THENCE North 33 degrees 49 minutes West, crossing said Rock Road, a distance of (35) feet, more or less, to a point at the foot of the fill on the northwesterly side of said road;

THENCE southwesterly, following the foot of the fill along the northwesterly line of said Rock Road, a distance of (123) feet, more or less, to a 5/8" rebar found at an angle point in said road;

THENCE southwesterly, following the foot of the fill along the northwesterly line of said Rock Road, to a 5/8" rebar set at an angle point in said road. The tie line between said rebar set and the last mentioned rebar found is South 42 degrees 46 minutes West a distance of (146.0) feet;

THENCE southwesterly, following the foot of the fill along the northwesterly line of said Rock Road, to a 5/8" rebar set in said easterly line of land of Barbara O. Carleton. The tie line between said rebar and the last-mentioned rebar set South 33 degrees 32 minutes West a distance of (109.2) feet;

THENCE South 27 degrees 30 East, along the easterly line of Barbara O. Carleton, a distance of (36.7) feet to the **POINT OF BEGINNING**.

The above-described Parcel contains 0.30 acres (area calculated to tie lines along Rock Road), and is shown as the strip of land between Parcel A and Parcel B through which Rock Road runs on a plan titled "Standard Boundary and Topographic Survey for The Penobscot Bay YMCA" by Landmark Corporation, Surveyors & Engineers, dated November 2000, revised June 20, 2001.

EXCEPTING AND RESERVING therefrom a 2,491 square foot storm water easement upon and under that land bounded and described as follows:

BEGINNING at a 5/8" rebar set at an angle point in the northwesterly line of land belonging to the Midcoast Solid Waste Corporation (Book 1809, Page 43);

THENCE South 10 degrees, 26 minutes West, a distance of fifty-five and five tenths (55.5) feet to a point in the northwesterly line of land of Midcoast Solid Waste Corporation (Book 1938, Page 187);

THENCE South 50 degrees, 34 minutes West, along the northwesterly line of the Midcoast Solid Waste Corporation, a distance of ninety-seven and eight tenths (97.8) feet to a 5/8" rebar found;

THENCE North 30 degrees, 35 minutes East, crossing an old road known as "Rock Road", a distance of one hundred and three and four tenths (103.4) feet to a point in said northwesterly line of land of Midcoast Solid Waste Corporation;

THENCE North 49 degrees, 59 minutes East, along the northwesterly line of land of Midcoast Solid Waste Corporation, a distance of forty-three and one tenths (43.1) feet to the **POINT OF BEGINNING**.

The above-described easement contains 2,491 square feet and is shown on the Exhibit D attached herewith. (See Easement Deed from the Midcoast Solid Waste Corporation to the Penobscot Bay YMCA to be recorded).

ALSO EXCEPTING AND RESERVING therefrom a right of way and storm water easement containing 2,665 square feet located on Rock Road bounded and described as follows:

BEGINNING at a point in the northwesterly line of an old road known as "Rock Road". Said point being situated North 42 degrees, 46 minutes East, a distance of sixty-seven and six tenths (67.6) feet to a 5/8" rebar set at an angle point in said road line;

THENCE northeasterly, following the foot of fill along the northwesterly line of said road, to a 5/8" rebar found at an angle point in said road line. The tie line between the point of beginning and said rebar is North 42 degrees, 46 minutes East, a distance of seventy-eight and four tenths (78.4) feet;

THENCE South 47 degrees, 14 minutes East, crossing said road, a distance of thirty-seven and eight tenths (37.8) feet to a point in the southeasterly side of said "Rock Road";

THENCE southwesterly, following the foot of the fill, along the southeasterly line of said road to a 5/8" rebar found at an angle point in said road line. The tie line between the rebar and the end-point of the previous course is South 48 degrees, 22 minutes West, a distance of seventy-eight and eight tenths (78.8) feet;

THENCE North 47 degrees, 14 minutes West crossing said road, a distance of thirty and one tenths (30.1) feet to the **POINT OF BEGINNING**.

The above-described property excepts and reserves a storm water easement over the above property. For reference see Deed of the Midcoast Solid Waste Corporation to the Penobscot Bay YMCA to be recorded.


ALSO EXCEPTING AND RESERVING therefrom those rights of access granted by the Town of Camden and the Town of Rockport to Penobscot Bay YMCA by deeds recorded in the Knox County Registry of deed at Book 2640 Page 317 and Book 2640 Page 329 provided however, that the right of access by motor vehicles over "Rock Road" shall be limited to a right to travel across "Rock Road" from the land of Penobscot Bay YMCA that abuts the northwesterly side of "Rock Road" in order to gain access to other land of Penobscot Bay YMCA located on the Southeasterly side of "Rock Road" and said motor vehicle access is limited to the single purpose of maintaining the lot of land of Penobscot YMCA located on the southeasterly side of "Rock Road".

BK2689 PG043

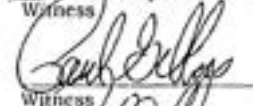
IN WITNESS WHEREOF, the Midcoast Solid Waste Corporation by and through its duly authorized Executive Committee, have hereunto set their hands and seals this 1 day of January, 2001.

Signed, Sealed and Delivered
in presence of

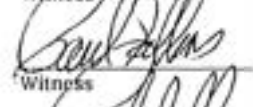
MIDCOAST SOLID WASTE CORPORATION
EXECUTIVE COMMITTEE


Witness

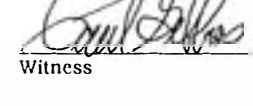

JOSHUA DAY


Witness


ROGER MOODY


Witness


KENNETH SMITH


Witness


ROBERT PEABODY

ACKNOWLEDGMENT

State of Maine
County of Knox, ss.

November 1, 2001

Then personally appeared the above named Kenner Smith and
acknowledged the foregoing instrument to be his free act and deed in his said
capacity and the free act and deed of said corporation.

Paul L. Gibbons
Notary Public

Paul Gibbons
Printed Name

Commission Expires:

PAUL L. GIBBONS
Notary Public, Maine
My Commission Expires 11/1/2003

SEAL

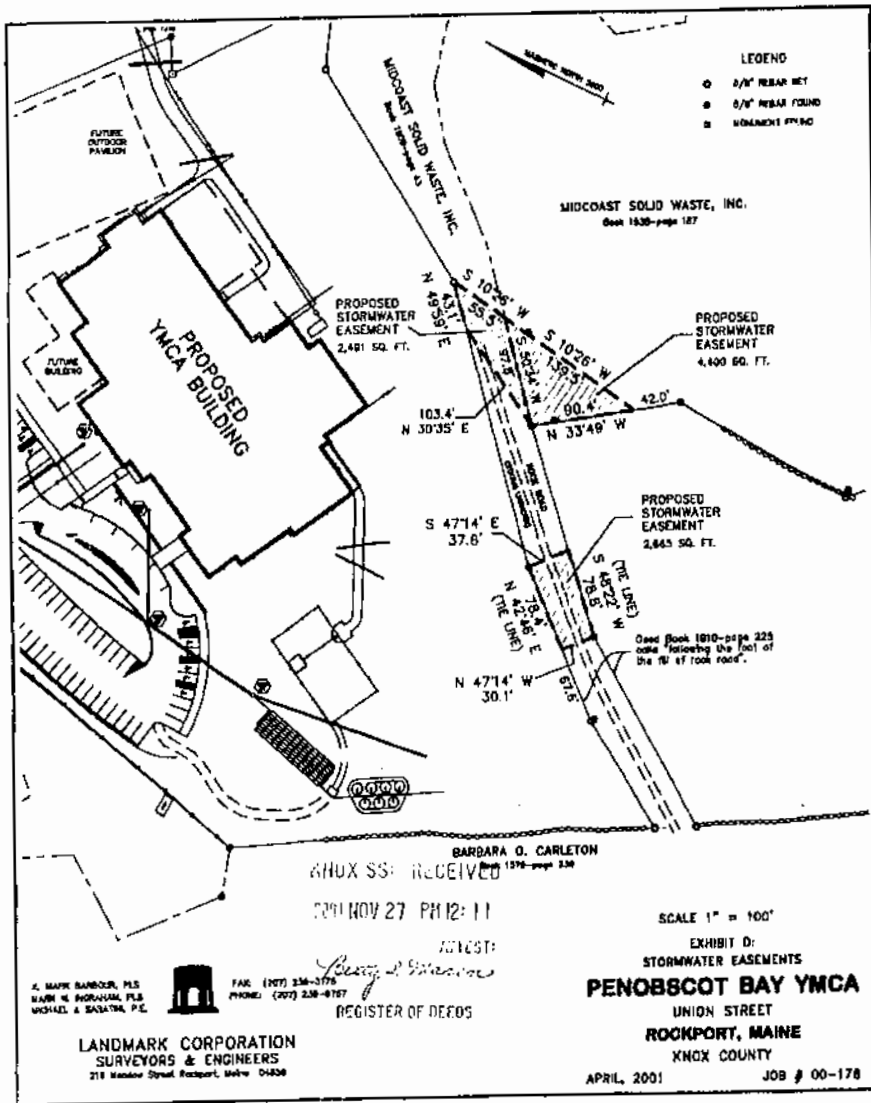


Exhibit C

Wednesday is Open Book 5-8pm at

Editorial Board