

# APPLICATION FOR BUILDING PERMIT

## Town of Machias, Maine

Building Permit request for:

- New Construction  
 Moving of Building  
 Conversion to another or different use
- Expansion / Alteration  
 Reconstruction / Replacement

Date application received at Town Office: \_\_\_\_\_

Fee Paid \$ 155.00

Recipients Initials: \_\_\_\_\_

Name of Applicant: MAINE RSA #4, INC. (US CELLULAR), BY KJK WIRELESS  
(or Agent)

Address of Applicant: 8 PROVIDENCE AVE.

FALMOUTH, ME 04105

Telephone: 207-899-8544

Address of Building(s): 54 NORTH ST.

Map 14 Lot 80

Proposed Use: (Describe briefly use of structure such as nature of business or residence, single or multi-family)

INSTALL TOWER FACILITY TO INCLUDE TOWER, FENCED COMPOUND, UTILITIES AND ANCILLARY EQUIPMENT.

Indicate what other structures are located on the same lot and the uses:

A CHURCH BUILDING CURRENTLY EXISTS ON THIS LOT.

(Refer to Town of Machias Building Permit Ordinance 01/26/1989 in answering all applicable sections below.)

1.  Yes  No A waiver or variance is requested. (Attach separate sheet stating the request and reasons why you believe they should be allowed.)
2.  Yes  No A copy of the applicable town tax map showing lot location is attached.
3.  Yes  No The property is connected to the Machias Water Co. supply or can be connected. If the property is not, or cannot be connected to the Machias Water Co. supply, water will be provided by:  
 Well  Spring  Other N/A
4.  Yes  No The property is connected to Town of Machias sewer system or can be connected. Attach a copy of the Town of Machias Residential or Commercial Building Sewer Application and include the location of the connection on the site plan if the project is to be connected to the Town of Machias sewer system. N/A
5.  Yes  No A soil test has been conducted for installation of a septic system for sewage disposal. (Attach a copy of test document and diagram of the recommended septic location.) N/A
6.  Yes  No A site plan showing all items listed in section 4A(3) of Machias Building Permit Ordinance is attached. The site plan should reflect the dimensions of the lot on which construction is to be undertaken specifically to include the road frontage measurement. The plan should also include setback distances for the proposed construction from each boundary and from the public road or private access road.
7.  Yes  No A copy of the deed, lease, purchase and sales agreement, or other evidence of ownership or control of the real estate is attached.
8.  Yes  No Will surface water drainage adversely affect any neighboring properties?
9.  Yes  No Will lighting reflect beyond lot lines or cause annoyance to neighboring properties? N/A
10.  Yes  No Lot has a minimum of at least 100 feet of frontage on a town road or deeded private way.
11.  Yes  No The building lot is at least 15,000 square feet in size or larger.
12.  Yes  No The building setback will be at least 35 feet from the front of the lot.
13.  Yes  No Side and rear distances from the lot lines are at least 15 feet to proposed building.
14.  Yes  No The proposed structure will be no more than 50 feet above ground level, including chimneys, stacks or other protrusions that are part of the structure. N/A
15.  Yes  No There will be safe vehicular entrance and exit to public or private roads that border the lot. (Indicate vehicle driveway on site plan.)
16.  Yes  No Will the proposed activity involve the installation or change of use of a driveway providing access to a state highway? If so, an entrance permit from the Department of Transportation must be obtained prior to any issuance of permits and attached to this application.

17. There will be 10 off street parking spaces as shown in site plan. INCLUDING EXISTING CHURCH PARKING LOT.

18. Commercial, industrial, and residential structures are required to comply with certain federal and/or state minimum standards and regulations.

By initialing the items set forth below, the applicant is acknowledging awareness of, and compliance with, any applicable federal and state regulations and has attached copies of all approved permits that may be required. Indicate below which items apply to this building permit application and certify compliance by initialing the appropriate below: NO ITEMS LISTED BELOW APPLY TO THIS PROJECT.

Air Pollution	_____	Soil Erosion	_____	Flood Hazard Development Permit	_____
Noise Level	_____	Surface Drainage	_____	Maine DOT Entrance Permit	_____
Sewage Pollution	_____	Water Pollution	_____	Natural Resources Protection Act Permit	_____
Shoreland Zoning	_____	Water Supply	_____	Other	_____
Town of Machias Residential or Commercial Building Sewer Application	_____				

19. Estimated cost of proposed building or structure(s): \$ 228,000.00

20. Name, address and telephone number of contractor or builder: PORTLAND CONST. SERVICES, P.O. BOX 1621,  
128 BURNHAM RD., SCARBOROUGH, ME 04074 (207-415-2107)

21. I have read and understand the Town of Machias Building Permit Ordinance and hereby make application for a permit based on the information contained above and request the Planning Board to act on this application.

Signature of Applicant: Bob Ashlin FOR US CELLULAR March 20, 2018

NOTE: Although not required, it is recommended that the applicant, or a duly appointed representative attend the meeting at which the application for a Building Permit is to be considered.

For Planning Board use ONLY:

Building Permit:  Approved

Denied

By the Planning Board on (Date): \_\_\_\_\_

Authorized Planning Board Signature: \_\_\_\_\_



PROPERTY MAP  
 TOWN OF MACHIAS  
 WASHINGTON COUNTY, MAINE  
 PREPARED BY  
 JAMES W. SEWALL COMPANY OLD TOWN, MAINE  
 SCALE 1 INCH = 100 ± FEET

Prepared by and return to:  
Maine RSA #4, Inc.  
Attention: Real Estate Legal  
8410 W. Bryn Mawr Ave.  
Chicago, IL 60631

Site Name: Machias DT  
Site Number: 424363  
County: Washington  
State: Maine

### MEMORANDUM OF LEASE

**THIS MEMORANDUM OF LEASE** is made and entered into by and between Stassi D. Cramm, Presiding Bishop, as Trustee-in-Trust for the Reorganized Church of Jesus Christ of Latter Day Saints and her successors in office, in trust for the use and Benefit of said Church, an unincorporated religious association, whose address is 1001 W. Walnut Street, Independence, Missouri 64050, hereinafter referred to as "Landlord", and Maine RSA #4, Inc., a Maine corporation, whose address is Attention: Real Estate Lease Administration, 8410 West Bryn Mawr Avenue, Chicago, Illinois, 60631, hereinafter referred to as "Tenant."

### WITNESSETH:

**WHEREAS**, by the terms of a certain Ground Lease, entered into on the 17 of January, 2018, ("the Lease"), the Landlord granted Tenant the option to lease certain property and agreed to grant Tenant certain easements, all being more particularly bounded and described as set forth in Exhibit "A" attached hereto and made a part hereof (the "Premises") upon the terms and conditions set forth in the Lease; and

**WHEREAS**, the Landlord and the Tenant desire to execute this Memorandum of Lease to evidence said Lease and certain of the terms therein for the purpose of placing the same of record in the Registry of Deeds Office for Washington County, State of Maine.

**NOW THEREFORE**, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Landlord does hereby grant Tenant the option to lease the Premises and obtain certain easements upon the terms and conditions of the Lease which is incorporated herein by specific reference, and do agree as follows:

1. The Lease gives Tenant the option to lease the Premises, exercisable at Tenant's sole discretion, for a period of eighteen (18) months commencing on the 1 day of February, 2018. Tenant may, at its sole discretion, extend the option term for an additional six (6) months.

2. In the event Tenant exercises the option to lease the Premises, in its sole discretion, then the Landlord shall lease the Premises to the Tenant for an initial lease term of five (5) years commencing on the date that Tenant begins construction. The Lease provides for renewal terms that may extend the term of the lease for up to five (5) additional five (5) year terms which may be exercised upon the terms and conditions more particularly as set forth in the Lease.

3. If Tenant exercises the option to lease the Premises, then Landlord also makes certain grants of easement for access and utilities, as more particularly described on the attached Exhibit A, which easements are in effect throughout the term of the Lease as renewed or extended, subject to terms and conditions as set forth in the Lease.


4. Tenant (or its assignee or designee) shall have a right of first refusal to purchase one or more of the following interests, (a) all or any part of the leased portion of the Premises; (b) any easement rights in or over all or any part of the Premises; or (c) all or any part of Landlord's interest in or rights under the Lease (each, "Landlord's Interest") whenever Landlord receives a bona fide offer from an unrelated third party to purchase directly or indirectly, all or any part of Landlord's Interest that Landlord desires to accept in accordance with the terms and conditions more particularly set forth in the Lease.

5. This Memorandum of Lease is subject to all the terms and provisions of the Lease which is incorporated herein and made part hereof by reference as if all the provisions thereof were copied in full herein. Any conflict between the provisions of the Lease and the Memorandum of Lease will be resolved in favor of the Lease.

**IN WITNESS WHEREOF**, the Landlord and Tenant hereto have caused this Memorandum of Lease to be executed by their duly authorized officers as of the date of full execution.

LANDLORD: Stassi D. Cramm, Presiding Bishop, as Trustee-in-Trust for the Reorganized Church of Jesus Christ of Latter Day Saints and her successors in office, in trust for the use and Benefit of said Church

TENANT: Maine RSA #4, Inc.

By: 

By: \_\_\_\_\_

Printed: Stassi D. Cramm

Printed: \_\_\_\_\_

Title: Presiding Bishop

Title: Vice President

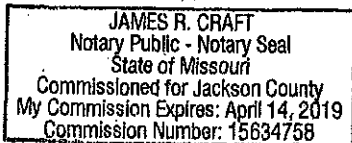
Date: 1/17/18

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

STATE OF Missouri )  
COUNTY OF Jackson )

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that Stassi D. Cramm, known to me to be the same person whose name is subscribed to the foregoing Memorandum of Lease, appeared before me this day in person and acknowledged that, pursuant to their authority, signed the said Memorandum as their free and voluntary act on behalf of **Stassi D. Cramm, Presiding Bishop as Trustee-in-Trust for the Reorganized Church of Jesus Christ of Latter Day Saints and her successors in office, in trust for the use and benefit of said church, for the uses and purposes therein stated.**

Given under my hand and seal this 17 day of January, 2018.



[Signature]  
Notary Public  
My commission expires April 14, 2019

STATE OF ILLINOIS )  
COUNTY OF COOK )

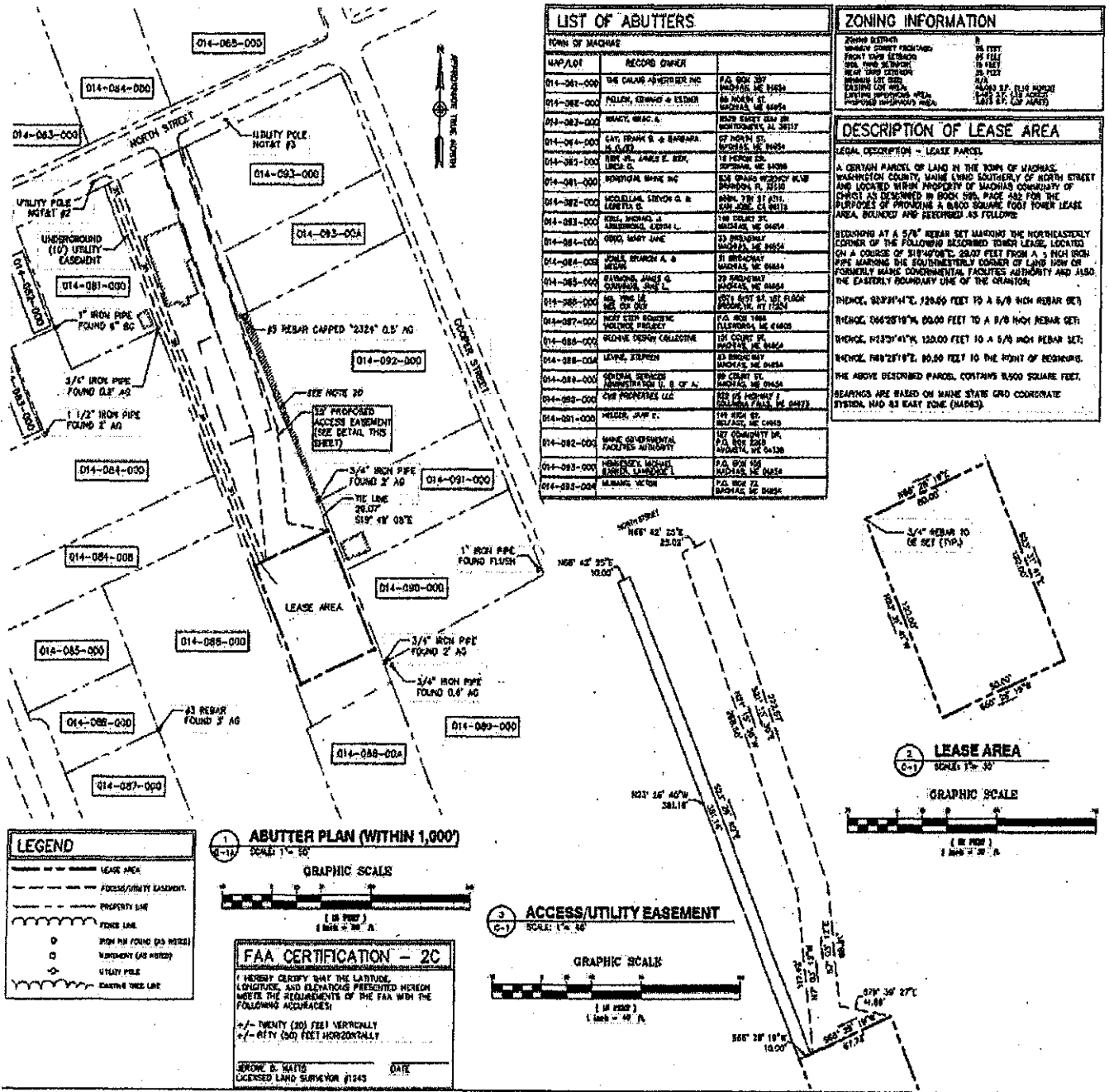
I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that \_\_\_\_\_, Vice President for **Maine RSA #4, Inc.**, known to me to be the same person whose name is subscribed to the foregoing Memorandum of Lease, appeared before me this day in person and acknowledged that, pursuant to his authority, he signed the said Memorandum as his free and voluntary act on behalf of the named Tenant corporation, for the uses and purposes therein stated.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

# EXHIBIT A

## Legal Description of Premises



LIST OF ABUTTERS		
TOWN OF MADRAS	RECORD OWNER	OWNER ADDRESS
014-081-000	THE DALAN-AMERHER INC	745 BOE BOY WOODS, MC 2424
014-082-000	FOLLEN, GERRARD & ELSNER	10 NORTH ST MADRAS, MC 2424
014-083-000	BEAUM, BRAC, A.	1001 EAST 2ND ST WASHINGTON, MC 2424
014-084-000	CAT THOMAS & BARBARA M. CAT	17 NORTH ST MADRAS, MC 2424
014-085-000	BOYD, JAMES E. REV, LINDA G.	18 PERCIE ST MADRAS, MC 2424
014-086-000	NORTHWAY HOME INC	636 GRAND HIGHWAY ROAD MADRAS, OR 97548
014-087-000	WILLIAM, STEVEN G. & LORETTA G.	1001 7TH ST SW MADRAS, OR 97548
014-088-000	SMITH, MICHAEL & ANNE, JOHN L.	140 WELCH ST MADRAS, MC 2424
014-089-000	OSBO, MARY JANE	23 FREEDWAY MADRAS, MC 2424
014-090-000	SMITH, BRUCE A. & MARY	31 FREEDWAY MADRAS, MC 2424
014-091-000	BARROW, JAMES G. & CHRISTINE, JOHN L.	29 FREEDWAY MADRAS, MC 2424
014-092-000	MR. THE 18	1001 7TH ST SW MADRAS, OR 97548
014-093-000	BOYD, STEPHEN SCOTT	1101 7TH ST SW MADRAS, OR 97548
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014-102-000	BOYD, STEPHEN SCOTT	1101 7TH ST SW MADRAS, OR 97548
014-103-000	BOYD, STEPHEN SCOTT	1101 7TH ST SW MADRAS, OR 97548
014-104-000	BOYD, STEPHEN SCOTT	1101 7TH ST SW MADRAS, OR 97548

ZONING INFORMATION	
ZONING DISTRICT	R
MINIMUM FRONT YARD SETBACK	25 FEET
MINIMUM SIDE YARD SETBACK	5 FEET
MINIMUM REAR YARD SETBACK	5 FEET
MINIMUM LOT AREA	4,000 SQ. FT.
MINIMUM FRONT YARD SETBACK	25 FEET
MINIMUM SIDE YARD SETBACK	5 FEET
MINIMUM REAR YARD SETBACK	5 FEET

**DESCRIPTION OF LEASE AREA**

**LEGAL DESCRIPTION - LEASE PARCEL**

A CERTAIN PARCEL OF LAND IN THE TOWN OF MADRAS, WASHINGTON COUNTY, OREGON, SITUATED SOUTHWESTLY OF NORTH STREET AND LOCATED WITHIN PROPERTY OF MADRAS COMMUNITY OF (MADRAS) AS DESCRIBED IN BOOK 500, PAGE 202 FOR THE PURPOSES OF PROVIDING A 6000 SQUARE FOOT POWER LEASE AREA, BOUNDARY AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" REBAR SET MARKING THE NORTHEASTLY CORNER OF THE FOLLOWING DESCRIBED TRACT, LOCATED ON A COURSE OF S18°40'00" E, 29.00 FEET FROM A 3/4" IRON PIPE MARKING THE SOUTHWESTLY CORNER OF LAND NOW OR FORMERLY BEING CONDOMINIUM, FACILITIES AUTHORITY AND ALSO THE EASTERN BOUNDARY LINE OF THE ORIGINATOR;

THENCE, S68°31'14" E, 128.65 FEET TO A 5/8" HIGH REBAR SET;

THENCE, S68°28'18" E, 60.00 FEET TO A 5/8" HIGH REBAR SET;

THENCE, N12°31'41" E, 120.00 FEET TO A 5/8" HIGH REBAR SET;

THENCE, N68°21'17" E, 80.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1,500 SQUARE FEET.

BEARINGS ARE BASED ON MINE STATE GRID COORDINATE SYSTEM, MAD 83 BARY POLE (MAD83).



TRAFTON, MATZEN,  
BELLEAU & FRENETTE, LLP

Richard L. Trafton  
rtrafton@tmbf-law.com  
Bar No. 204

MAR 26 2018

**BY EMAIL & REGULAR MAIL**

March 22, 2018

Betsy Fitzgerald, CEO  
**Town of Machias**  
P.O. Box 418  
Machias, ME 04654-0418

**RE: Maine RSA # 4, Inc. – Telecommunications Facility  
54 North Street – Tax Map 14, Lot 80**

Dear Ms. Fitzgerald:

I represent Maine RSA # 4, Inc. regarding its request to develop and use a telecommunications facility on leased land, shown on the Town's Tax Map 14, Lot 80, known as 54 North Street. I am working with Bob Gashlin of KJK Wireless with whom I believe you have been in touch.

I have reviewed the Town's Building Permit Ordinance, enacted January 26, 1989, together with its Amendments enacted June 2, 1992, from which I conclude that the amended Ordinance does not apply to my client's proposed project. Paragraph 1 of the amended Ordinance requires a building permit to construct, alter or move any building. Paragraph 2 of the amended Ordinance defines a "building" as any structure "*having a roof ... supported by columns or walls ...*" Although the second sentence of Paragraph 1 also refers to structures, that sentence is limited to "*reconstruction, expansion, replacement or rebuilding of existing structures*" which is not the case with my client's project.

My client's project includes no building as defined; consequently, the Building Permit Ordinance does not apply. On that basis I request that you authorize my client to proceed with its project for the telecommunications facility.

My client and I understand that the Town may wish a detailed explanation of this project and why the proposed site was selected, and to provide that information, my client is willing to participate in an informational meeting hosted by the Planning Board. This meeting would not be a public hearing of the Planning Board, and no Planning Board action would be required. If the Town is interested in such a meeting, please contact me with a proposed date and format.



I would be glad to discuss this matter with you at your convenience, if you wish. Your return of my client's application fee will be appreciated. Thanks for your cooperation in this matter.

Very truly yours,

Richard L. Trafton

cc: Matthew J. Lozich  
Bob Gashlin, KJK Wireless





# A & D Klumb Environmental, LLC

March 15, 2018

MAR 23 2018

Ms. Betsy Fitzgerald  
Machias Code Enforcement Office  
P.O. Box 418  
Machias, ME 04654

**RE: Proposed Telecommunications Project, North Street, Machias, ME**


Dear Ms. Fitzgerald;

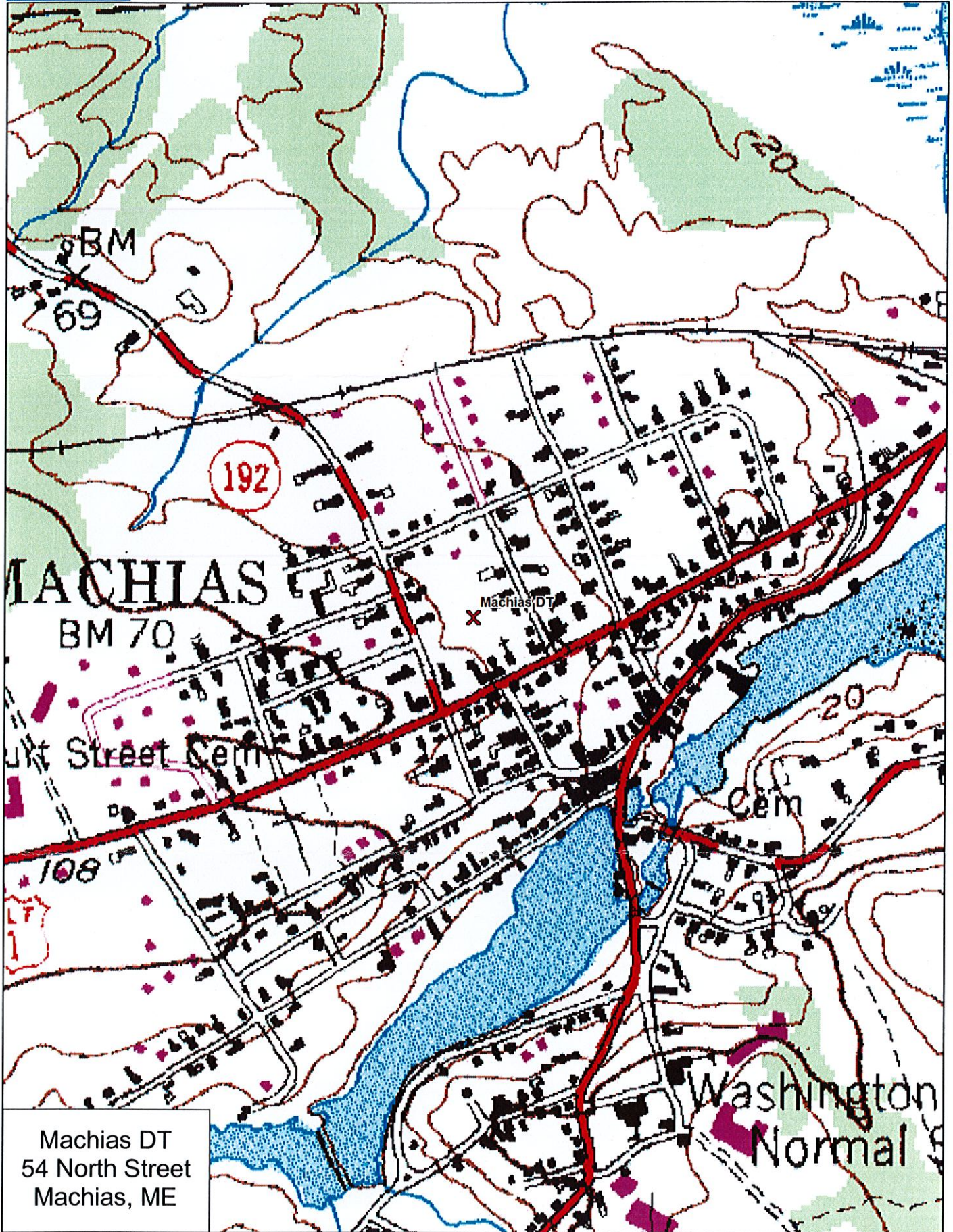
A & D Klumb Environmental, LLC is conducting a Section 106 historic property review for the above referenced project at the request of our telecommunications client. The project proposes the construction of a 100-foot monopole tower within a 50-foot by 50-foot fenced compound on the property located at 54 North Street in Machias. The Latitude/Longitude of the site location is: 44° 42' 58.38" N/67° 27' 39.53" W and is shown on the attached map.

The ME Historic Preservation Commission and the FCC require that the municipality and any local Historical Commission be notified of this project. ADKE has been retained to determine whether the proposed undertaking will adversely impact properties of historical significance (properties listed on or eligible for listing on the National Register of Historic Places). Our findings will be submitted in a report to the ME Historic Preservation Commission upon the completion of the research. If you are aware of any properties which may be directly or visually impacted by this project, please let us know.

If you have any questions regarding this project, please do not hesitate to contact us at the number or address below.

Sincerely,

  
Audra L. Klumb  
Architectural Historian

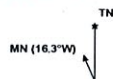


Machias DT  
 54 North Street  
 Machias, ME

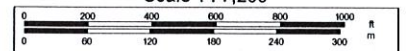
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www.delorme.com



Scale 1 : 7,200



1" = 600.0 ft

Data Zoom 14-7