

From: [Eliza Cope Nolan](#)
To: [Gaffney, Heidi](#)
Cc: [Michael Roy](#); [Daniel Diffin](#); [Theriault, Billie J](#)
Subject: FW: ULP 470 - Burnt Jacket Holding I, LLC - Information Request
Date: Monday, August 18, 2025 8:43:54 PM
Attachments: [10301149467 outgoing easement Burnt Jacket I LLC.pdf](#)

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Heidi,

Please see responses to your questions below, with my response in red below each of your questions.

If you have any other questions, please let us know.

Thank you,

Eliza

Eliza Cope Nolan

she/her/hers pronouns

Shareholder

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From: Gaffney, Heidi <Heidi.Gaffney@maine.gov>

Sent: Wednesday, August 13, 2025 3:22 PM

To: Michael Roy <mrr@smemaine.com>; Daniel Diffin <dpd@smemaine.com>; Eliza Cope Nolan <enolan@bernsteinshur.com>

Cc: Theriault, Billie J <Billie.J.Theriault@maine.gov>

Subject: ULP 470 - Burnt Jacket Holding I, LLC - Information Request

EXTERNAL EMAIL

Good afternoon,

I have completed the review of the application for the utility line extension (ULP 470) and have the following questions:

- Because there are numerous easements, rights and agreements associated with Burnt Jacket Road, including the Burnt Jacket Road Owners Association, please provide clarification and/or a statement as to whether any of those parties require further consideration or notice relative to this application.

All considerations and notices relative to this application are believed to have been properly given at this point.

Owners of property within 1000 feet of the proposed project have been notified of the proposed Project, including all owners of improved lots within the Burnt Jacket Shores Subdivision (the “Subdivision”). Based upon our review of the Beaver Cove tax records and the Piscataquis County Registry of Deeds, Burnt Jacket Road Owners Association (“BJR”) is not a landowner within 1000 feet of the proposed utility extension project. Your question has, however, led to our identification of one other landowner, Burnt Jacket at Moosehead Lake Property Owners Association (the “Association”), which by virtue of a 2019 deed recorded in Book 2640, Page 236 appears to own common lands *within* the Subdivision; however, the Association does not appear as a taxpayer on the Town of Beaver Tax Commitment. The Association received the Notice of the Filing of the application by virtue of David Kenney, its registered agent, having received the Notice as the owner of TM 010-012 (Subdivision Lot S9), which is within 1000 feet of the Project. Mr. Kenney is also the registered agent for BJR at the same address and thus BJR received the Notice.

Further, based upon the BJR Declaration of Covenants recorded in Book 2012, Page 206, as amended by Supplemental Declaration recorded in Book 2507, Page 211, BJR was formed to maintain Burnt Jacket Road and Allagash Road and assessments were to be levied on owners of improved lots using those roads for access. However, it is our understanding BJR has never functioned as established, but instead has maintained roads *within* the Subdivision only and contributed to maintenance costs incurred from time to time by Allagash Burnt Jacket Road Association (“ABJ”) with respect to the portion of Burnt Jacket Road that extends from Lily Bay Road to the most westerly of the roads extending from Burnt Jacket Road into the Subdivision. ABJ is a separate road association

formed by the owners of the former Camp Allagash lots located off the Allagash Road. Its members are owners of improved lots with residential dwellings who use Burnt Jacket Road and Allagash Road for access to their lots. ABJ does not own lands in Beaver Cove.

Lastly, each landowner whose property is benefited by an easement to use Burnt Jacket Road is subject to the terms and conditions set forth in the easement.

Those easement terms are consistent: **the owner of Burnt Jacket Road has no obligation to maintain or improve the road and has the reserved the right to use, improve and maintain the road so long as such use does not unreasonably interrupt the right of way and easement.** The owner of Burnt Jacket Road also the right to independently construct utility lines within Burnt Jacket Road in a manner that does not unreasonably interrupt the right of way and easement. The owner of Burnt Jacket Road also has the right to close, lock or otherwise restrict access over Burnt Jacket Road at any time due to safety concerns, fire risk, road conditions, or the conduct of the landowner's business, provided that, if gated and locked on a permanent basis, a key to the gate and lock shall be provided to easement holders. None of the easements requires the owner of Burnt Jacket Road to provide advance notice to easement holders of contemplated work within Burnt Jacket Road.

- Exhibit 3 – Title, Right or Interest [Ch. 4 § 4.05(A)(3)]: Exhibit 3 narrative refers to the deed only and Exhibit 9 narrative states that “The project is located entirely on private property owned by the applicant.”
 - For the portion within Lily Bay Road, although it is understood that this section will be owned and maintained by CMP, since it is part of this project please provide the relevant easement information.

Pursuant to 35-A M.R.S., Chapter 23, CMP does not require an easement to install and maintain utility infrastructure within and across Lily Bay Road, a public road. (With respect to the installation of the infrastructure owned by CMP within the initial $\pm$ 60 feet of Applicant's property westerly of Lily Bay Road, the Applicant will grant a standard service easement to CMP following receipt of the LUPC permit for the utility extension project. A draft of the easement is attached.)

- Exhibit 13 – Solid Waste Disposal:
 - Please provide a brief statement as to where any waste from construction activities will be disposed of.

All solid waste generated during construction (i.e., trash) will be delivered to the County Lily Bay Transfer Station located on Casey's Road off Lily Bay Road.

We received the response letter to the public comment today, thank you.

Thank you,

Heidi Gaffney

Environmental Licensing Specialist II

Land Use Planning Commission

Moosehead Region

Phone: (207) 349-0941