



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

# Memorandum

**To:** Commission Members

**From:** Billie J. MacLean, Regional Representative, Ashland Regional Office

**Date:** May 27, 2015

**Re:** Appeal of Approval in Part and Denial in Part of Building Permit BP 15320 (Enforcement Case EC 14-61); Plan 01, Lot 1, Lease #2962, Lots 80 and 80S, T17 R 3 WELS, Aroostook County

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## **Background Information and Administrative History**

The applicants' lot was originally developed with a pre-Commission 24 foot by 28 foot dwelling with an 8 foot by 17 foot roofed porch and 8 foot by 32 foot lake-side deck. The dwelling with porch and deck are set back 30 feet from the normal high water mark of Long Lake, at least 50 feet from East Van Buren Cove Road, and at least 15 feet from the property lines. The lot was also developed with a 13 foot by 26 foot garage and served by a combined sewage disposal system installed and approved by the Local Plumbing Inspector in 2009.

On October 30, 2014, staff discovered that the applicants had recently reconstructed an 8 foot by 32 foot lake-side deck in-kind and in-place without prior permit approval. In addition, the applicants had constructed a new 19 foot by 25 foot detached wooden platform with a 6 foot by 7 foot set of stairs without prior permit approval [Reference: Enforcement Case EC 14-61]. The previously existing lake-side deck is shown on the Maine Revenue Service's property tax card as existing in 2013 along with a 12 foot by 12 foot concrete platform of unknown date of construction, shown as located between the lake and the deck. The concrete platform, if it remains in place today, is covered by the new, larger wooden platform. The reconstructed lake-side deck is setback 30 feet from the normal high water mark of Long Lake, at least 50 feet from East Van Buren Cove Road, and at least 15 feet from the property lines. The new wooden platform is setback 12 feet from the normal high water mark of Long Lake, at least 50 feet from East Van Buren Cove Road, and at least 15 feet from the property lines; the attached stairs are setback 5 feet from the normal high water mark of Long Lake. The concrete platform, if it remains, is now covered by the new wooden platform and, based on Maine Revenue Service information, is setback approximately 18 feet from the lake.

On December 11, 2014, the Commission received a complete Building Permit application submitted by Denis and Velma Ouellette seeking after-the-fact approval for reconstruction of an 8 foot by 32 foot lake-

18 ELKINS LANE, HARLOW BUILDING

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side deck in kind in place and construction of a 19 foot by 25 foot detached wooden platform with a 6 foot by 7 foot set of stairs. The lake-side deck is setback 30 feet from the normal high water mark of Long Lake, at least 50 feet from East Van Buren Cove Road, and at least 15 feet from the property lines. The wooden platform is setback 12 feet from the normal high water mark of Long Lake, at least 50 feet from East Van Buren Cove Road, and at least 15 feet from the property lines; and the attached stairs are setback 5 feet from the normal high water mark of Long Lake.

On February 12, 2015, staff of the Commission issued Approval in Part and Denial in Part of Building Permit BP 15320.

- A. The staff decision granted after-the-fact permit approval for the existing reconstructed 8 foot by 32 foot lake-side deck 30 feet from Long Lake.
- B. The staff decision denied the request for after-the-fact permit approval of the existing, unauthorized 19 foot by 25 foot wooden platform with 6 foot by 7 foot stairs 12 feet and 5 feet, respectively, from Long Lake. The Commission staff denied approval of the platform with stairs because the platform is in a more nonconforming location than the existing dwelling with attached deck and porch and, therefore, does not meet the Commission's requirements for nonconforming structures. Additionally, even if the new wooden platform with stairs qualified as reconstruction of the previously existing wooden covered patio with tarps, the applicants failed to demonstrate that the previous wooden patio with tarps existed within two years of the construction of the new wooden platform with stairs.

### **Appeal of Staff Decision**

1. On March 16, 2015, Denis and Velma Ouellette, through their lawyer, William J. Smith Esq., filed a timely appeal of the February 12, 2015 staff decision, which as described above, denies in part their after-the-fact building permit application. The appellants do not agree with the staff's denial of the portion of their application which seeks after-the-fact approval for the existing 19 foot by 25 foot detached lake-side platform with 6 foot by 7 foot stairs. They have requested that the Commission review this decision. The request states the following in support of their appeal:
  - A. "The denial of the permit with regard to reconstruction of the stairs attached to the 19 foot by 25 foot wooden platform. The Ouellette's contend that those stairs were a legal non-conforming structure existing prior to September 23, 1971."
  - B. "The denial of the permit with regard to the 19 foot by 25 foot wooden platform. The Ouellette's contend that this platform was the second reconstruction of an existing structure consisting of wood, carpet, and tarps."
  - C. "The staff decision failed to recognize the existence of a non-conforming 8 foot by 3 foot cement slab at the bottom of the stairs that had existed prior to September 23, 1971."

### **Staff Recommendation:**

Staff recommends that the Commission:

Affirm the staff's partial approval of Building Permit 15320 and approve that portion of the applicants' application, specifically in regard to the appellants' request for after-the-fact permit approval for the existing reconstructed 8 foot by 32 foot lake-side deck 30 feet from Long Lake; and

Deny the appeal for the staff's partial denial of Building Permit 15320 and deny that portion of the applicants' application, specifically in regard to the appellants' request for after-the-fact permit approval of the existing, unauthorized 19 foot by 25 foot wooden platform with 6 foot by 7 foot stairs within 100 feet of Long Lake.

Enclosures:



PAUL RICHARD LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
LAND USE PLANNING COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

WALTER E. WHITCOMB  
COMMISSIONER

# PERMIT

## COMMISSION DECISION IN THE MATTER OF

Denis and Velma Ouellette

Finding of Fact and Decision

### **APPEAL OF APPROVAL IN PART AND DENIAL IN PART OF BUILDING PERMIT BP 15320 (ENFORCEMENT CASE EC 14-61)**

The Maine Land Use Planning Commission, at a meeting of the Commission held June 10, 2015 in Brewer, Maine, after reviewing the application and supporting documents submitted by Denis and Velma Ouellette associated with Building Permit BP 15320, the appeal of BP 15320, public comments, review comments, staff comments, and other related materials, as well as considering statements made at the April 8 meeting, pursuant to 12 M.R.S. Section 681 et seq. and the Commission's Standards and Rules, finds the following facts:

1. Applicant/Appellant: Denis and Velma Ouellette  
PO Box 7845  
Grand Falls, NB, Canada E3Z 3E8
2. Date of Staff Decision: February 12, 2015
3. Date of Appeal Received: March 16, 2015
4. Location of Proposal: T17 R 3 WELS, Aroostook County  
Taxation Lot #1 on Plan 01  
Allagash Timberlands L.P. Lease #2962, Lots 80 and 80-S
5. Zoning: (D-RS) Residential Development Subdistrict
6. Lot Size: 0.46+/- Acres (leased)
7. Principal Building: Existing Dwelling (24 ft. by 28 ft. by 18 ft. high)  
w/ Attached Roofed Porch (8 ft. by 17 ft.)  
w/ Attached Lake-Side Deck (8 ft. by 32 ft.)  
w/ Detached Lake-Side Platform (19 ft. by 25 ft.)

and Stairs (6 ft. by 7 ft.) (*pending appeal of denial*)

8. Accessory Structures: Existing Garage (13 ft. by 26 ft.)
9. Sewage Disposal: Existing Combined System
10. Affected Waterbody: Long Lake

The Commission has identified Long Lake as a management class 5, resource class 2, accessible, developed lake with the following resource ratings: significant fisheries resources, significant scenic resources, significant cultural resources.

### **Background Information**

11. The applicants' lot was originally developed with a pre-Commission 24 foot by 28 foot dwelling with an 8 foot by 17 foot roofed porch and 8 foot by 32 foot lake-side deck. The lot was also developed with a 13 foot by 26 foot garage. The dwelling with porch and deck are set back 30 feet from the normal high water mark of Long Lake, at least 50 feet from East Van Buren Cove Road, and at least 15 feet from the property lines. The garage is set back approximately 40 feet from the normal high water mark of Long Lake, at least 50 feet from East Van Buren Cove Road, and at least 15 feet from the property lines. The development is served by a combined sewage disposal system installed and inspected by the Local Plumbing Inspector in 2009.
12. On October 30, 2014, staff discovered that the applicants had recently reconstructed an 8 foot by 32 foot lake-side deck in kind and in place without prior permit approval. In addition, the applicants had constructed a new 19 foot by 25 foot detached wooden platform with a 6 foot by 7 foot set of stairs without prior permit approval [Reference: Enforcement Case EC 14-61]. The previously existing lake-side deck is shown on the Maine Revenue Service's property tax card as existing in 2013 along with a 12 foot by 12 foot concrete platform of unknown date of construction, shown as located between the lake and the deck. The concrete platform, if it remains in place today, is covered by the new, larger wooden platform. The reconstructed lake-side deck is setback 30 feet from the normal high water mark of Long Lake, at least 50 feet from East Van Buren Cove Road, and at least 15 feet from the property lines. The new wooden platform is setback 12 feet from the normal high water mark of Long Lake, at least 50 feet from East Van Buren Cove Road, and at least 15 feet from the property lines; the attached stairs are setback 5 feet from the normal high water mark of Long Lake. The concrete platform, if it remains, is now covered by the new wooden platform and, based on Maine Revenue Service information, is setback approximately 18 feet from the lake.

### **Permit Application and Staff Decision**

13. On December 11, 2014, the Commission received a complete Building Permit application submitted by Denis and Velma Ouellette seeking after-the-fact approval for reconstruction of an 8 foot by 32 foot lake-side deck in kind in place and construction of a 19 foot by 25 foot detached wooden platform with a 6 foot by 7 foot set of stairs. The lake-side deck is setback 30 feet from the normal high water mark of Long Lake, at least 50 feet from East Van Buren Cove

Road, and at least 15 feet from the property lines. The wooden platform is setback 12 feet from the normal high water mark of Long Lake, at least 50 feet from East Van Buren Cove Road, and at least 15 feet from the property lines; and the attached stairs are setback 5 feet from the normal high water mark of Long Lake.

14. As part of their application, the applicants submitted a letter from the prior owner's son, Rick Dumond, stating that the lot was also developed with "a wooden patio covered with various tarps with a size of 20 by 24 feet, a set of steers [stairs] attach[ed] at the end of the patio going to the lake side. In the bottom of the steers [stairs], a ciment [cement] slab 8 by 3 feet with various pieces of ciment [cement]." The letter is not clear as to when this patio was constructed and exactly what it consisted of for materials. The applicants describe the patio in the application as "made of rotten wood + carpet + tarp". Co-applicant, Denis Ouellette, told staff on Dec 11, 2014 at a pre-application meeting that he removed the rotten wood, carpet, and tarps in 2005 because they were damaged and unsafe. Staff informed Mr. Ouellette that legally existing, nonconforming structures may only be reconstructed if a permit application is filed within 2 years of the date of damage or removal of the structure. After being informed of this standard, he revised his prior statement and indicated in the application that the date of removal of the patio and slab was 2014. The 2013 Maine Revenue Service tax card does not show a 20 by 24 feet patio or 8 by 3 feet cement slab.
15. On February 12, 2015, staff of the Commission issued Approval in Part and Denial in Part of Building Permit BP 15320.
  - A. The staff decision granted after-the-fact permit approval for the existing reconstructed 8 foot by 32 foot lake-side deck 30 feet from Long Lake.
  - B. The staff decision denied the request for after-the-fact permit approval of the existing, unauthorized 19 foot by 25 foot wooden platform with 6 foot by 7 foot stairs 12 feet and 5 feet, respectively, from Long Lake. The Commission staff denied approval of the platform with stairs because the platform is in a more nonconforming location than the existing dwelling with attached deck and porch and, therefore, does not meet the Commission's requirements for nonconforming structures. Additionally, even if the new wooden platform with stairs qualified as reconstruction of the previously existing wooden covered patio with tarps, the applicants failed to demonstrate that the previous wooden patio with tarps existed within two years of the construction of the new wooden platform with stairs.

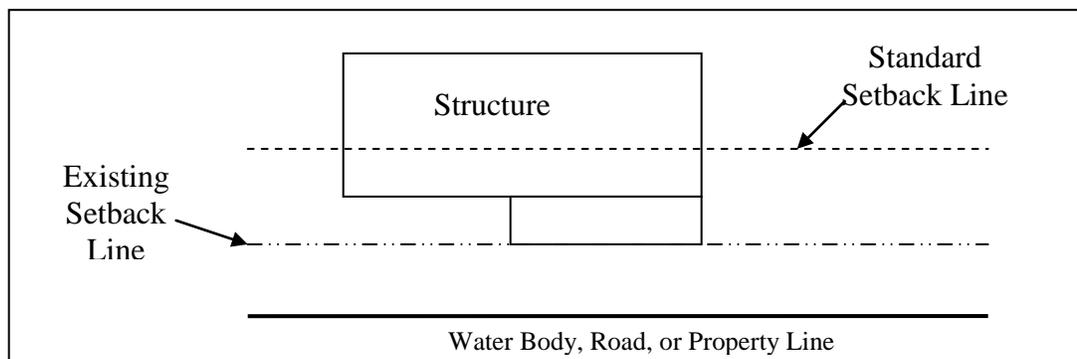
### **Appeal of Staff Decision**

16. On March 16, 2015, Denis and Velma Ouellette, through their lawyer, William J. Smith Esq., filed a timely appeal of the February 12, 2015 staff decision, which as described above, denies in part their after-the-fact building permit application. The appellants do not agree with the staff's denial of the portion of their application which seeks after-the-fact approval for the existing 19 foot by 25 foot detached lake-side platform with 6 foot by 7 foot stairs. They have requested that the Commission review this decision. The request states the following in support of their appeal:

- A. “The denial of the permit with regard to reconstruction of the stairs attached to the 19 foot by 25 foot wooden platform. The Ouellette’s contend that those stairs were a legal non-conforming structure existing prior to September 23, 1971.”
- B. “The denial of the permit with regard to the 19 foot by 25 foot wooden platform. The Ouellette’s contend that this platform was the second reconstruction of an existing structure consisting of wood, carpet, and tarps.”
- C. “The staff decision failed to recognize the existence of a non-conforming 8 foot by 3 foot cement slab at the bottom of the stairs that had existed prior to September 23, 1971.”

**Review Criteria**

- 17. 12 M.R.S. § 682, defines a structure as “anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited, to, buildings, mobile homes, retaining walls, billboards, signs piers and floats”.
- 18. Under provisions of Section 10.26,D,1 of the Commission's Land Use Districts and Standards, the minimum setback from waterbodies such as Long Lake is 100 feet, the minimum setback from roads is 50 feet and the minimum setback from property boundary lines is 15 feet for residential structures.
- 19. Under provisions of Section 10.11,B,1 of the Commission's Land Use Districts and Standards, permits are required for all expansions, reconstructions, relocations, changes of use, or other development of nonconforming structures, uses and lots, except where specifically provided in this section 10.11. In order to obtain a permit, the applicant must meet the approval criteria in 12 M.R.S. Section 685-B(4) and demonstrate that the project will not adversely affect surrounding uses and resources and that there is no increase in the extent of nonconformance, except as provided in Section 10.11,B,9 or in instances where a road setback is reduced by the Commission in order to increase the extent of conformance with a waterbody setback.
- 20. Section 10.26,D, of the Commission’s Land Use Districts and Standards establishes minimum setbacks from water bodies, roads and property boundaries. Under provisions of Section 10.11,B,2 of the Commission's Land Use Districts and Standards, Extent of Nonconformance with Respect to Setbacks, where legally existing, nonconforming structures do not meet these setbacks, an existing setback line will be established. The existing setback line will run parallel to the water body, road or property boundary at a distance equal to the closest point of the existing structure (including attached decks or porches) to the feature from which the setback is established. This is shown graphically below in Figure 10.11,B-1.



Subject to the other requirements in this section, a nonconforming structure may be expanded up to the existing setback line without being considered to be more nonconforming than the original structure. Expansions between the existing setback line and the water body, road or property boundary will be considered to increase nonconformity, and will not be allowed, except as provided in Section 10.11,B,9, Property Line Set Backs.

21. Under provisions of Section 10.11,C,2,a of the Commission's Land Use Districts and Standards, a legally existing, nonconforming structure may be reconstructed or replaced with a permit, provided that the permit application is completed and filed within two years of the date of damage, destruction or removal, and provided that the structure was in regular active use within a two year period immediately preceding the damage, destruction, or removal. Reconstruction or replacement must comply with current minimum setback requirements to the greatest possible extent. In determining whether the proposed reconstruction or replacement meets the setback to the greatest possible extent, the Commission may consider the following factors: size of lot, slope of the land, potential for soil erosion and phosphorus export to a waterbody, location of other legally existing structures on the property, location of the septic system and other on-site soils suitable for septic systems, type and amount of vegetation to be removed to accomplish the relocation, and physical condition and type of existing foundation, if any.
22. Under the provisions of Section 10.11,C,2,b of the Commission's Land Use Districts and Standards, decks attached to a legally existing, nonconforming structure may be reconstructed in place with a permit, except that replacement of any portion a deck that extends into or over the normal high water mark is prohibited.
23. Under provisions of Section 10.11,C,5 of the Commission's Land Use Districts and Standards, the construction of new, detached accessory structures that do not meet waterbody setbacks is allowed with a permit only if the structure cannot be physically sited on the lot to meet the waterbody setback requirement. In this case, the new accessory structure shall meet setbacks to the maximum extent possible, shall not be located closer to the normal high water mark than the principal structure, shall not be located within 25 feet of the normal high water mark, shall not be located closer than 20 feet to the road in conformance with the provision of Section 10.11,B,6, and shall be of size and height that, when combined with legally existing principal buildings will not exceed the size and height requirements of Section 10.11,C,1,b.
23. The facts are otherwise as represented in the original building permit application, this Appeal of the Denial in Part of Building Permit application BP 15320, and supporting documents.

**Based upon the above Findings, the Commission concludes that:**

**8'x32' Lake-Side Deck**

1. The reconstruction of the lake-side deck 30 feet from Long Lake does not comply with the 100 foot setback from the normal high water mark contained in Section 10.26,D,1 of the Commission's Land Use Districts and Standards. The reconstructed lake-side deck, however, replaced a pre-Commission, legally existing, nonconforming deck. The new deck was reconstructed within 2 years of removal of the previously existing deck and the previous deck

was in regular use prior to removal. Additionally, the reconstructed deck is an in-kind and in-place replacement of the prior deck and no portion of the new deck extends into or over the normal high water mark. As a result, the after-the-fact reconstruction of the attached lake-side deck complies with Section 10.11,C,2 and 2,b of the Commission's Land Use Districts and Standards.

2. The reconstruction of the attached lake-side deck is in compliance with Section 10.11,B,1 in that it does not increase nonconformance and will not adversely affect surrounding uses and resources and meets the Criteria for Approval, 12 M.R.S. § 685-B(4).

**19'x25' Wooden Platform with 6'x7' Stairs**

3. The construction of the wooden platform and associated stairs 12 feet and 5 feet, respectively, from Long Lake does not comply with the 100 foot setback from the normal high water mark contained in Section 10.26,D,1 of the Commission's Land Use Districts and Standards. Unlike the lake-side deck, the applicants have not demonstrated that the platform and stairs previously existed and the new platform and stairs constitute reconstruction of previous, legally existing, nonconforming structures. Additionally, even if the new wooden platform with stairs qualified as reconstruction of the previously existing wooden covered patio with tarps, the applicants failed to demonstrate that the previous wooden patio with tarps existed within two years of the construction of the new wooden platform with stairs. Notably, the Maine Revenue Service tax card as existing in 2013, which showed the lake-side deck, did not show the wooden platform and stairs. This is consistent with the original statement made by one of the applicants that the prior wooden covered patio with tarps was removed in 2005. While after learning about the 2-year reconstruction window the applicant clarified that the prior structure was removed in 2014 and not in 2005, the record evidence before the Commission does not support such a finding. As a result, because the applicants have failed to demonstrate the new wooden platform and stairs were the reconstruction of legally existing, nonconforming structures and, additionally, because they have failed to demonstrate that any previously existing platform and stairs were removed within two years of the construction/reconstruction, the applicants have failed to satisfy Section 10.11,C,2 of the Commission's Land Use Districts and Standards.
4. The after-the-fact wooden platform with stairs is not in compliance with Section 10.11,C,5 of the Commission's Land Use Districts and Standards in that the platform with stairs is located closer to the water body than the principal structure.
5. The after-the-fact wooden platform with stairs does not meet the Criteria for Approval, Section 685-B(4) in that they do not comply with the Commission's regulations.

**Therefore, the Commission denies the appeal for the staff's partial denial of Building Permit 15320 and DENIES that portion of the applicants' application, specifically in regard to the appellants' request for after-the-fact permit approval of the existing, unauthorized 19 foot by 25 foot wooden platform with 6 foot by 7 foot stairs within 100 feet of Long Lake.**

**Therefore, the Commission affirms the staff's partial approval of Building Permit 15320 and APPROVES that portion of the applicants' application, specifically in regard to the appellants'**

**request for after-the-fact permit approval for the existing reconstructed 8 foot by 32 foot lake-side deck 30 feet from Long Lake with the following conditions:**

1. 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.
2. The 8 foot by 32 foot lake-side deck must be set back a minimum of 30 feet from the normal high water mark of Long Lake, 50 feet from East Van Buren Cove Road and 15 feet from other property boundary lines.
3. 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.
4. The permittees shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies, including, but not limited to, natural resources protection and air and water pollution control regulations and the Subsurface Wastewater Disposal Rules of the Maine Department of Environmental Protection and the Maine Department of Human Services.
5. Nothing in this permit shall be construed to release the permittees from any liability or responsibility arising from any violation, including Enforcement Case EC 14-61, or to be considered a waiver of the authority of the Commission or the state to fully pursue or prosecute such violations.

In accordance with 5 M.R.S. section 11002 and Maine Rules of Civil Procedure 80C, this decision by the Commission may be appealed to Superior Court within 30 days after receipt of notice of the decision by a party to this proceeding, or within 40 days from the date of the decision by any other aggrieved person. In addition, where this decision has been made without a public hearing, any aggrieved person may request a hearing by filing a request in writing with the Commission within 30 days of the date of the decision.

DONE AND DATED AT BREWER MAINE, THIS 10<sup>TH</sup> DAY OF JUNE, 2015.

By: \_\_\_\_\_  
Nicholas D. Livesay, Executive Director

# Land Use Guidance Map

## T17 R3 WELS

Arroostook County



Maine Department of Conservation  
 LAND USE REGULATION COMMISSION  
 Augusta, Maine 04333-0022  
 (207) 287-2631  
 TTY (207) 287-2213  
<http://www.state.me.us/doc/lurc>

### Legend

- |  |                          |  |                                 |
|--|--------------------------|--|---------------------------------|
|  | Development Subdistricts |  | P-FP Flood Prone                |
|  | D-RS Residential         |  | P-GP Great Pond                 |
|  |                          |  | P-SL2 75 feet Shoreland - Minor |
|  |                          |  | P-WL1 Wetlands - Significant    |
|  |                          |  | P-WL2 Wetlands - Scrub-shrub    |
|  |                          |  | P-WL3 Wetlands - Forested       |

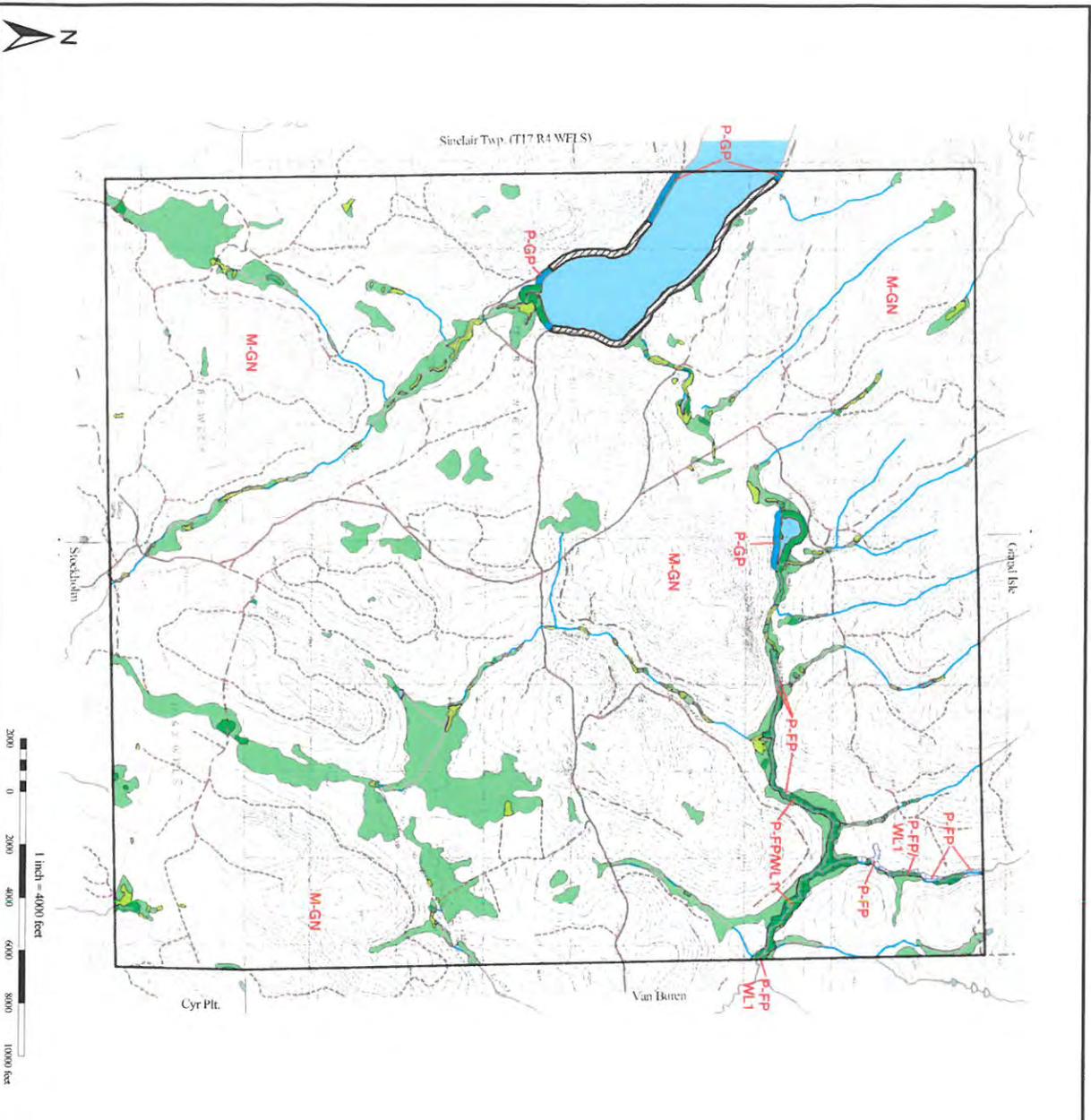
- Management Subdistricts
- M-GN General

- Water body
- 
- Improved road
- 
- Unimproved road
- 
- Trail
- 
- Areas designated as two or more protection zones are annotated with each zone, e.g. P-FP/EW/WL1, P-FP/SL1, etc., where necessary
- Subdistrict boundary
- 
- Zoning amendment
- 

Topographic base, roads and trails from U.S. Geological Survey 7.5-minute map series

For the purpose of simplicity, this map does not show the Wetland Protection Subdistricts for areas identical pursuant to Section 1016.K.2, such as beds of rivers, lakes, and other water bodies, and freshwater wetlands within 25 feet of stream channels, which are nevertheless within P-WL Subdistricts.

This map is a reduced version of the official Land Use Guidance Map. It is not certified to be a true and correct copy. Full size official LURC Land Use Guidance Maps are available from the Commission at its Augusta office. Potential applicants unsure of their zoning should request a full size map from the Augusta office.



Appeal of Approval/Denial  
BP15320; Denis and Velma Ouellette  
T17R 3 WELS, Aroostook County



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March 12, 2015

Land Use Planning Commission  
22 State House Station  
Augusta, ME 04333-0022

RE: Denis and Velma Ouellette  
Approval in part, denial in part of Building Permit Application  
BP 15320, Township 17, Range 3, W.E.L.S.

Dear Sirs:

I represent Denis and Velma Ouellette.

This will request that the Commission review the decision of the staff dated February 13, 2015 with regard to:

1. The denial of the permit with regard to reconstruction of the stairs attached to the 19 foot by 25 foot wooden platform. The Ouellette's contend that those stairs were a legal non-conforming structure existing prior to September 23, 1971.
2. The denial of the permit with regard to the 19 foot by 25 foot wooden platform. The Ouellette's contend that this platform was the second reconstruction of an existing structure consisting of wood, carpet and tarps.
3. The staff decision failed to recognize the existence of a non-conforming 8 foot by 3 foot cement slab at the bottom of the stairs that had existed prior to September 23, 1971.

The Ouellette's are prepared to present evidence and photographs in support of their position.

Very truly yours,



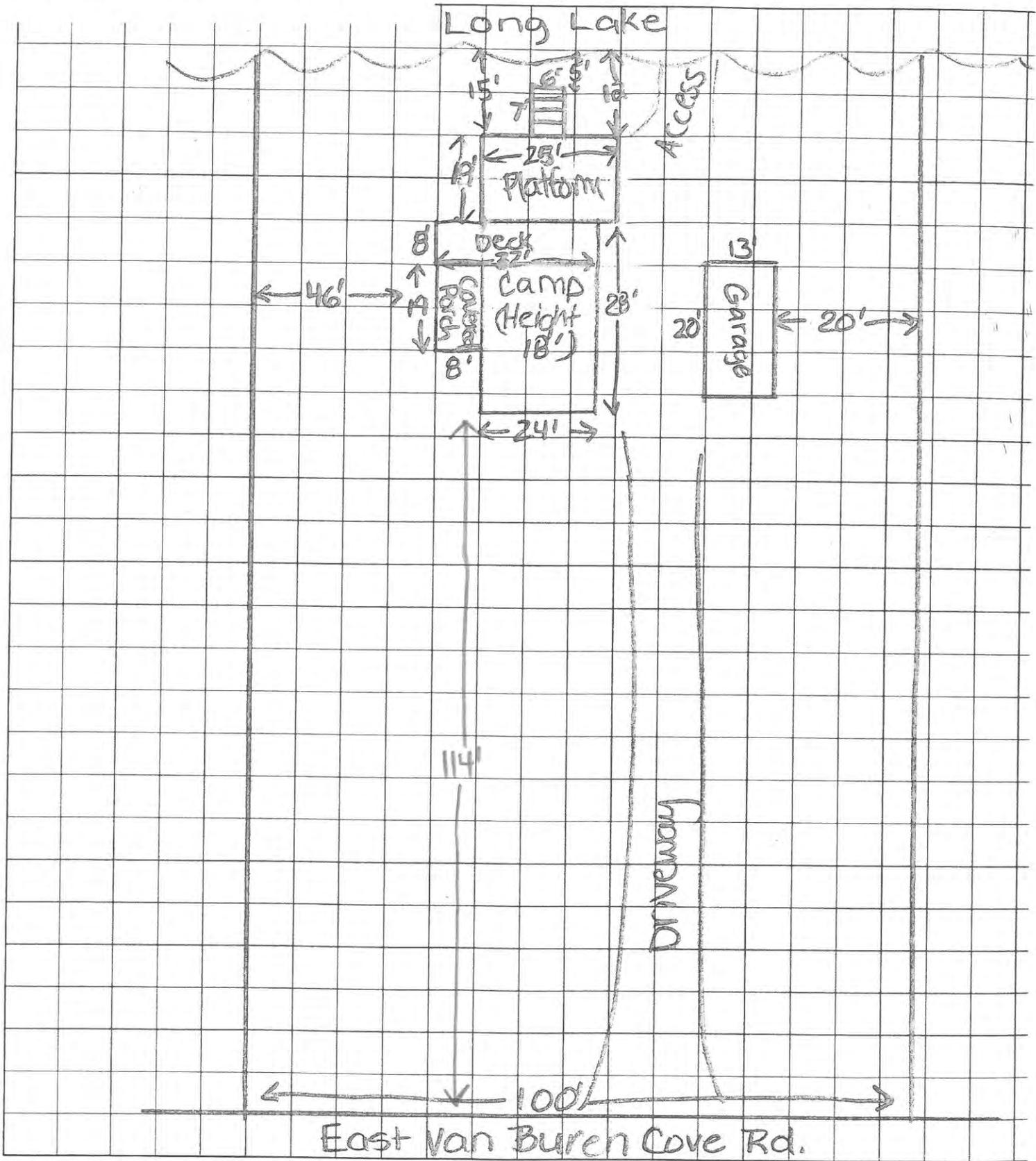
William J. Smith, Esq.

WJS/clb

cc. Denis Ouellette

Billie J. MacLean ✓

APPEAL OF BP 15320  
DENIS AND VELMA OUELLETTE  
T17 R 3 WELS, AROOSTOOK COUNTY



Notes/Legend:

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