

# DEVELOPMENT PERMIT APPLICATION

## For Agricultural Irrigation Pond or Impoundment


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### WHO MAY USE THIS FORM?

Anyone constructing agricultural irrigation pond or impoundment under 12 MRSA Section 685-B of the Commission's statutes in the plantations, unorganized townships and certain towns which remain under the Maine Land Use Planning Commission ("LUPC" or "Commission") jurisdiction.

### WHERE CAN I GET HELP TO COMPLETE THIS FORM?

Call the LUPC office that serves your area and ask to speak to one of our regional representatives (see below for office locations and contact information). Also, go to web site at [www.maine.gov/dacf/lupc/](http://www.maine.gov/dacf/lupc/) to browse through our rules and regulations, other applications, recent publications and newsletters, Commission meeting agendas, and other valuable information.

 *Your application may be returned if it is incomplete! Contact [the LUPC office that serves your area](#) if you need any help with this form.*

### MAILING YOUR APPLICATION

Fill out the application form. Mail the entire application form and the required attachments (including the appropriate application fee and exhibits – see Instructions) to the LUPC office that serves your areas. (see the LUPC website at [www.maine.gov/dacf/lupc/about/AgencyContactSheet.pdf](http://www.maine.gov/dacf/lupc/about/AgencyContactSheet.pdf))

**THIS FORM IS NOT A VALID PERMIT.  
NO CONSTRUCTION ACTIVITIES MAY BEGIN PRIOR TO YOUR RECEIPT OF A PERMIT.  
THE LUPC MAY REQUIRE ADDITIONAL INFORMATION NOT ENCOMPASSED IN THIS APPLICATION.**

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For office use:

Tracking No.

DP

Permit No.

Fee Received

# Application for Development Permit

For Agricultural Irrigation Pond or Impoundment

## APPLICANT/PROJECT LOCATION

1. Name of Applicant(s): \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_ ZIP Code \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

2. Property owner, if different from the applicant:  
 Name of Owner: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_ ZIP Code \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

3. Location of Property:  
 Twp./Plt.: \_\_\_\_\_ County: \_\_\_\_\_  
 Lot Size: \_\_\_\_\_ acres Lot # \_\_\_\_\_ Plan \_\_\_\_\_ Map \_\_\_\_\_

4. If you have an agent, such as your real estate agent, lawyer, or contractor acting on your behalf regarding this application, please complete the following authorization:

"I hereby authorize: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_ ZIP Code \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_  
 to act as my legal agent in all matters relating to this Application for a Permit."

5. Application Fee:  
 Check one of the following:  
 I have enclosed a check or money order for my application fee;  
 I would like to pay my application fee online, please contact me with the necessary information.

6. I hereby declare that I have examined this application, including the accompanying exhibits, and to the best of my knowledge and belief, it is true, accurate, and complete. I understand and acknowledge that I am responsible for compliance with all limitations of any permit issued to me by the Maine Land Use Planning Commission.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Should you have any questions or need assistance in completing this application, please contact the Maine Land Use Planning Commission staff at (207) 287-2631.

# CHECKLIST OF REQUIRED FEES, EXHIBITS, AND SUPPLEMENTS

Please check off the following for the application fee, exhibits, and supplements. To determine which exhibits are required for your application, use the highlighted notes (👉) contained in certain questions and the instructions in Required Fees, Exhibits and Supplements. Please check if the exhibit is required and if it has been provided, and note that the supplements may also require additional exhibits. Please check with Commission staff if you have any questions.

	Required*		Provided		Exhibit	*Required
	YES	NO	YES	NO		
✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application Fee.....	Required unless a waiver is granted by the LUPC Director in very specific and limited circumstances.
✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit A – Location Map and Directions to Site.....	Required.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit B – Deed, Lease or Sales Contract for landowner , any legal restrictions on the property and a Legal Agreement with Landowner(s) if applicant is not the landowner .....	Required, if not already on file with the Commission
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit C – Photographs .....	Required, if not already on file with the Commission.
✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit D – Proposed Site Plans .....	Required.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit E – Corporate Good Standing .....	Required if applicant is a Corporation.
✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit F – Farm Plan.....	Required.
✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit G – Dam Specifications .....	Required.
✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit H – Construction Schedule .....	Required.
✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit I – Operation and Maintenance .....	Required.
✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit J – Maintenance of Stream Flow.....	Required.
✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit K – Impacts to Existing Uses and Resources.....	Required.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit L – Water Transfers.....	Required, if the water is to be transferred from another waterbody.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit M – Spill Prevention Control and Countermeasures Plan .....	Required, if petroleum products are to be stored in the area.
✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supplement S-2: Requirements for Non-Residential Development.....	Required.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supplement S-5: Agent Authorization.....	Required, if the applicant wishes to authorize an agent to act on your behalf.

## REQUIRED EXHIBITS

Please attach the exhibits listed below. If you do not fully understand an exhibit or believe that an exhibit is not applicable to your situation, please contact [LUPC office that serves your area](#) for guidance. Incomplete applications may be returned.

### APPLICATION FEE (*nonrefundable*)

Submit a check or money order payable to "Treasurer, State of Maine" for the appropriate fee: Base fee \$200 plus \$0.40 per square foot (footprint) structures (\$5,000.00 Maximum fee); **After-the-Fact permits:** triple the standard fee.

Effective 1/1/2022 the LUPC will be accepting digital payments. The following third-party surcharges apply to digital payment transactions: \$0.25 for debit payments and 3% of the transaction amount for credit card payments; these additional fees can be avoided if the application fee is paid by check or money order. If you intend to pay the application fee online, please indicate that point on your application (see item #5). Our staff will provide you with the applicable permit fee, a tracking number, and a link to the online payment option.

### EXHIBIT A: LOCATION MAP AND DIRECTIONS TO SITE

Submit, as EXHIBIT A, a copy of a Land Use Guidance Map, a U.S.G.S. Topographic or equivalent map on which you have clearly marked the location of the project site. Mark the project site location with an X, then draw a circle around the X and then an arrow which points to your lot.


Land Use Guidance Maps are available for all towns, townships and plantations under Land Use Planning Commission jurisdiction. If you did not receive one of these maps with your application, copies are available, upon request, from the commission's office. There is no charge for these maps when associated with an application.


**Please also provide specific directions to the proposed development site.** These directions should be typed or printed on a separate 8 ½" by 11" sheet of paper and attached to the location map. The directions should provide enough detail so that someone from the Commission can locate the site.

### EXHIBIT B: TITLE, RIGHT OR INTEREST

Provide each applicable document, label each applicable in the upper right hand corner of the first page of each document numbering each separately (*e.g.*, Exhibit B1: Deed; Exhibit B2: Submerged Land Lease).

- **Deed, Lease or Sales Contract.** Unless already on file with the LUPC, submit complete, signed copies of all deeds or leases that demonstrate the applicant's title, right or interest in all of the land addressed in this application. A current binding option to purchase all necessary interest in the land, or a similar contractual agreement that establishes terms for future title and provides a description of the property are also acceptable. If you are submitting a contractual agreement, you must also submit complete, signed copies of all deeds or leases that demonstrate the current land owner's title, right or interest in all of the land addressed in this application. If you are submitting a lease that requires the lessor's approval, also submit written approval signed by the lessor.

 *If you are leasing your property, read your lease carefully and contact the lessor before submitting this application to the LUPC. You may need to get written permission for your proposal from the lessor first.*
- **Submerged Land.** Many activities below the natural low water line on lakes or ponds must be approved by the Maine Bureau of Parks and Lands (BPL). Contact BPL (207) 287-3061 to determine if your activity requires a submerged lands approval. [www.maine.gov/dacf/parks/about/submerged\\_land.shtml](http://www.maine.gov/dacf/parks/about/submerged_land.shtml). If so, include the BPL approval with this application. If not, indicate by "n/a".
- **Flowed Land.** Activities conducted on flowed land must be approved by the owner of the flowed land, if the owner can be identified. If applicable, include a letter of permission from the owner with this application. If not applicable, indicated by "n/a".

 *Flowed land is the area between the normal high water mark and the natural low water line for lakes where the water level is controlled by a dam. For general information on flowed land, contact BPL or your LUPC regional representative.*

## EXHIBIT C: PHOTOGRAPHS OF THE PROJECT SITE

Submit, as EXHIBIT C, a series of recent photographs, which show the project site as it presently exists. You must provide photographic evidence of existing site conditions for the record. Attach, as EXHIBIT C, a series of recent photographs which show the project site as it presently exists. Such photographs must have been taken within the past two years and must include at least one each of the following:

- An aerial and/or panorama of the existing and/or proposed development site;
- A view of the existing and/or proposed development site from the access road;
- A view of the existing and/or proposed development site from any adjacent dwelling units;
- Upstream and downstream views of any waterbodies or wetlands on or abutting the proposed development site; and
- If there is any existing development, include photographs of that development including all existing structures, roads, driveways, parking areas, etc.

Photographs should be mounted on 8 1/2" by 11" paper, and each page clearly identified with the applicant's name and address. Each photograph should have a caption, which includes the date taken and be clearly identified (*i.e.*, north shoreline taken from the center of stream, upstream of proposed water crossing.) All photographs are considered part of the application and, as such, cannot be returned.

## EXHIBIT D: SITE PLANS

Submit, as EXHIBIT D, two or more site plans prepared by a Professional Engineer, licensed Land Surveyor, or other qualified professional, drawn to scale, which show the proposed development site as it presently exists. Both the pre-development (Exhibit D-1) and the post-development site plans (Exhibit D-2) must be drawn to the same scale, and that scale clearly indicated on each plan.

Pre-development plans must include all property boundary lines (or that area identified on the property map as designated for development) and should include all features as they exist before proposed development begins. Plans must also include dimensions to show the size of existing features and their distance from property lines, waterbodies and roads. Such features should include, but are not limited to:

- Existing and proposed topography;
- All streams and waterbodies, including stream channel location;
- Existing wetland boundaries;
- All existing structures: show dimensions of structures and setbacks from roads, waterbodies and property boundary lines;
- Footprint of proposed dam if applicable;
- Maximum proposed pool elevation;
- Normal proposed pool elevation;
- Outlet location;
- Emergency spillway location;
- All proposed accessory structures such as pump houses: show dimensions of structures and setbacks from roads, waterbodies and property boundary lines;
- Existing and proposed access roads; and
- Buffer strips.

If the applicant owns a large parcel of land, and only a portion of that parcel is to be developed, a separate site plan should be submitted which provides all boundary lines of your entire parcel and clearly identifies the location and boundaries of the proposed development site, including all areas within 250 feet of proposed development, in relation to property boundary lines. Under such circumstances, pre-development site plans need only include the development site and all areas within 250 feet of the proposed development as shown on this site plan.

Using cross hatching, a contrasting color, or a shading technique, show on this plan, to scale, the development that you are proposing and include setbacks from all roads, waterbodies, and property boundary lines, and the dimensions of all structures.

## EXHIBIT E: CORPORATE GOOD STANDING

If the owner of the proposed development is a corporation, submit, as EXHIBIT E, a certification of corporate good standing from the Secretary of State, State of Maine. Certification of good standing can be requested at: <https://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x> or by contacting the Bureau's Reporting and Information Section at (207) 624-7752.

## **EXHIBIT F: FARM PLAN**

Provide a narrative description of how the proposed project fits into the applicant's farm irrigation plan, including:

- Amount and location of target acreage to be served by the pond or impoundment;
- Anticipated number, timing and frequency of applications of water during the irrigation season;
- The pumping rate and duration of pumping for each application;
- The anticipated volume of water to be withdrawn from the pond or impoundment during the irrigation season;
- Alternatives to the proposed pond or impoundment that have been examined by the applicant; and
- Practices undertaken by the applicant to conserve water and minimize water withdrawals.

## **EXHIBIT G: DAM SPECIFICATIONS**

Construction plans for the proposed project prepared by a Professional Engineer drawn to scale and showing:

- Plan or aerial view;
- Cross section through the dam;
- Cross section through the outlet;
- Accessory structures such as fish ladders or similar devices if applicable;
- A narrative description of how the impoundment is to be constructed. If fill is to be used, tests on the fill material conducted under the direction of a Professional Engineer which demonstrate its suitability for the proposed use; and
- Proposed pool elevation – normal and maximum levels.

## **EXHIBIT H: CONSTRUCTION SCHEDULE**

State the approximate start date, anticipated duration of construction activities, any specific timing limitations associated with the construction project (e.g., low water). [Note: The Commission may condition any permit so as to limit the instream work window to protect aquatic resources.]

## **EXHIBIT I: OPERATION AND MAINTENANCE**

Provide a narrative description of the plans for the ongoing operation and maintenance of the irrigation pond or impoundment.

## **EXHIBIT J: MAINTENANCE OF STREAM FLOW**

A plan to maintain a minimum flow downstream of the dam. Include calculations used to create the plan including an assessment of the site-specific aquatic base flow prepared by a qualified professional.

## **EXHIBIT K: IMPACTS TO EXISTING USES AND RESOURCES**

An assessment of potential impacts to existing uses and resources including the following:

- Fisheries, Wildlife and Botanical Resources: Provide a description of the existing fisheries, wildlife and botanical resources in the project area including threatened or endangered species and significant wildlife habitat prepared by a qualified professional. Describe anticipated and potential impacts to these resources; steps to avoid, minimize and mitigate adverse impacts; and mechanisms to monitor the effects of the project on the project area.
- Recreational Resources: Describe the existing recreational resources of the project area including outstanding river segments; anticipated and potential adverse impacts to these resources; steps to avoid, minimize and mitigate adverse impacts; and mechanisms to monitor the effects of the project on the project area.
- Historic and Archeological Resources: Provide a statement from the Maine Historic Preservation Commission regarding any known pre-historic or historic archeological resources in the area including any recommended steps to avoid, minimize or mitigate adverse impacts to these resources.

## **EXHIBIT L: WATER TRANSFERS**

If water is to be transferred from another waterbody to the proposed pond or impoundment, provide the following information:

- The name and location of the waterbody that would supply water to the pond or impoundment, including photographs of the site proposed for water withdrawal and a description of any modifications to the site that would be needed to withdraw water;
- A description of the existing uses and resources associated with the waterbody from which water would be withdrawn, including information on existing water quality and fisheries, wildlife and botanical resources;
- An assessment of the potential impacts on the waterbody due to water withdrawals; including potential impacts on water quality, flow and use, and associated fisheries, wildlife and botanical resources;

- A plan for maintaining minimum flows downstream of the withdrawal point;
- The timing of the proposed transfers;
- The estimated volume of water to be transferred;
- The mechanism for water transfer; and
- An assessment of the potential impacts of the water transfer on the receiving waterbody.

#### **EXHIBIT M: SPILL PREVENTION CONTROL AND COUNTERMEASURES PLAN**

If petroleum products are to be stored in the area, for example to power a pump, an SPCC plan must be prepared for the project. The plan must include, at a minimum, the following information:

- Provisions for secondary containment for fuel storage;
- Procedures for refueling;
- Procedures and chain of command for response to and reporting of spills;
- A list of spill response and emergency contact numbers; and
- A list of spill response materials to be maintained on site.

#### **SUPPLEMENT S-2: REQUIREMENTS FOR NON-RESIDENTIAL DEVELOPMENT.**

You must submit this supplement with this LUPC permit application. A pre-application conference with LUPC is strongly encouraged for first-time or large-scale non-residential development proposals. Contact the [LUPC office that serves your area](#) to make an appointment for a pre-application meeting or to obtain a copy of this supplement.

#### **SUPPLEMENT S-5: AGENT AUTHORIZATION.**

In applying for this permit you wish to authorize an agent to act on your behalf in this permit process, please provide a completed S-5 supplement form for each agent. Contact the [LUPC office that serves your area](#) for additional information and to obtain a copy of this supplement or go to [www.maine.gov/dacf/lupc/application\\_forms/index.shtml](http://www.maine.gov/dacf/lupc/application_forms/index.shtml).