STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
191 MAIN STREET
EAST MILLINOCKET, MAINE 04430

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT A to BUILDING PERMIT BP 263
AFTER-THE-FACT

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by David F. and Mary E. Black for Amendment A to Building Permit BP 263, finds the following facts:

1. Permittee: David F. and Mary E. Black
   186 Northport Ave.
   Belfast, ME 04915

2. Date of Completed Application: May 4, 2016

3. Location: Indian Purchase #4 Twp., Penobscot County
   Maine Bureau of Taxation Lot , Plan 01 (part of) on Map PE033
   Katahdin Timberlands LLC leased lot #MJ-4

4. Zoning: (D-RS) Residential Development Subdistrict

5. Lot Size: 0.82 Acres (owned)

6. Principal Building: Existing Single Family Dwelling (20 ft. by 30 ft.)
   With Attached Lakeside Deck (20 ft. by 10 ft.)
   Proposed Deck Expansion (4 ft. by 32 ft.)

7. Accessory Structures: Existing Shed (8 ft. by 8 ft.)
   Existing Shed (8 ft. by 8 ft.)

8. Sewage Disposal: Existing Septic Tank & Leach Beds

9. Affected Waterbody: Middle Jo-Mary Lake

The Commission has identified Middle Jo-Mary Lake as a management class 3, resource class 1A, relatively accessible, relatively developed lake with the following resource ratings: outstanding scenic resource and significant fisheries, shore character, cultural and physical resources

FAX: 207-746-2243
WWW.MAINE.GOV/DACF/LUPC

DEPARTMENT OF Agriculture Conservation & Forestry

PHONE: 207-731-4398
PHONE: 207-746-2244

Background:

10. On December 8, 1972, the Commission issued Building Permit BP 263 to Mr. and Mrs. Donald Frost, prior lessees, authorizing the construction of a 26 foot by 32 foot camp on cement posts. A letter of revision was issued on May 3, 1977 by Commission staff authorizing the installation of a full cement foundation instead of the previously authorized post foundation. The dwelling was to be served by a 50 gallon septic tank and leach bed.

11. On April 27, 2016, at the request of Gateway Title and the current lessees, David F. and Mary E. Black, an inspection of the subject property was conducted by Commission staff for compliance of development actitivities associated with Building Permit BP 263. At the time of inspection, Commission staff observed that the property was developed with a 20 foot by 30 foot camp with attached 20 foot by 10 foot lakeside deck located 52 feet from the normal water mark of Middle Jo Mary Lake, within the same footprint of the previously authorized camp dimensions, and two 8 foot by 8 foot sheds located approximately 110 feet from the normal high water mark of the lake. Staff further observed a 4 foot by 32 foot side deck constructed 52 feet from the normal high water mark of Middle Jo Mary Lake without prior authorization from the Commission.

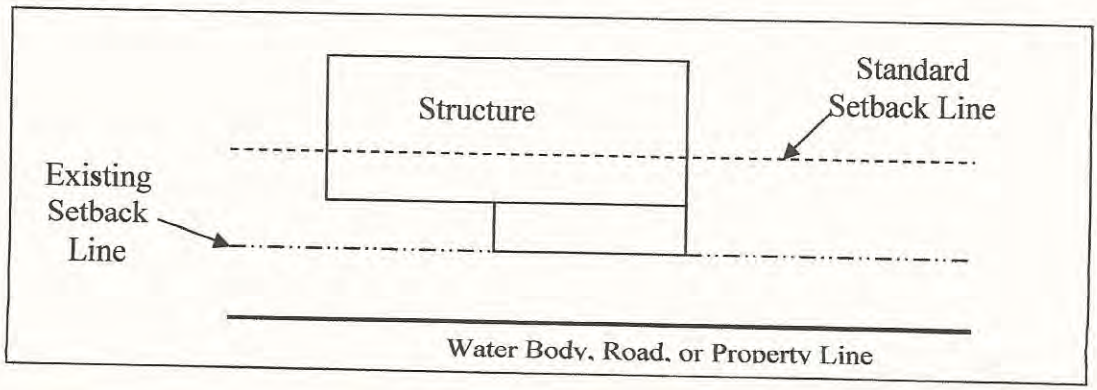
Proposal:

12. The applicants now seek after-the-fact approval for a 4 foot by 32 foot deck expansion located 52 feet from the normal high water mark of Middle Jo-Mary Lake and to reflect the change in dimensions of the 20 foot by 30 foot dwelling with attached 20 foot by 10 foot lakeside deck, as constructed, and located 52 feet from the normal high water mark of Middle Jo-Mary Lake

Review Criteria:

13. Under the 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 section 10.11. In order to obtain a permit, the applicant must meet the approval criteria in 12 M.R.S.A 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.

14. Under the provisions of Section 10.11, B,2, of the Commission's Land Use Districts and Standards, Section 10.26,D of these rules establishes minimum setbacks from water bodies, roads and property boundaries. 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.

15. Under the provisions of Section 10.11,C,1,b of the Commission's Land Use Districts and Standards, legally existing, principal and accessory structures located within 100 feet of the normal high water mark of bodies of standing water 10 acres or greater in size, such as Middle Jo-Mary Lake, may be expanded subject to the other requirements of this section, provided that lot coverage limitations and other applicable land use standards are met. The maximum height of all structures within these areas shall be 25 feet, or existing structure height, whichever is greater. The maximum combined footprint for all structures within these areas may not exceed the limits in Table 10.11,C-1.

Closest Distance of Expansion from Water Body	**Maximum Combined Footprint* for all Structures not Meeting Water Body Setbacks**
Greater than 25 and less than 50 feet.	750 square feet.
Between 50 and 75 feet.	1,000 square feet.
Greater than 75 and less than 100 feet (if applicable setback is more than 75 feet).	1,500 square feet.

Table 10.11,C-1. Limitations on size of structures near water bodies.

16. Under provisions of Section 10.26,F of the Commission's Land Use Districts and Standards the minimum setback for residential structures is 50 feet from roadways such as the Middle Road, and 15 feet from property boundary lines.

17. The facts are otherwise as represented in Amendment A to Building Permit application BP 263 and supporting documents.

Based upon the above Findings, the staff Concludes that:

1. In accordance with Section Section 10.11, B,1 and B,2 of the Commission's Land Use Districts and Standards, the proposal would not have an adverse effect on the surrounding uses and resources and would be no more nonconforming in that the dwelling with attached deck is existing and the proposed deck expansion will be no closer to the lake than the existing structure.

2. In accordance with Section Section 10.11, C,1,b of the Commission's Land Use Districts and Standards, the combined footprint of all existing and proposed structures between 50-75 feet of Middle Jo-Mary Lake is 552 square feet, the combined footprint of all existing and proposed structures between 75-100 feet of the lake is 376 square feet, the maximum combined footprint of all existing and proposed structures not meeting the 100 foot waterbody setback is 928 square feet.

3. In accordance with Section Section 10.26, F of the Commission's Land Use Districts and Standards, the deck expansion will be located greater than 50 feet from the Middle Jo-Mary Road and 15 feet from property boundary lines.

4. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of David F. and Mary E. Black with the following Conditions:

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.

2. 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.

3. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to catch sediment from runoff water before it leaves the construction site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands or adjacent properties. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning.

4. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.

5. The permittee shall secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies including but not limited to: Air and Water Pollution Control Regulations; Subsurface Wastewater Disposal System approval from the Local Plumbing Inspector and/or Maine Department of Health and Human Services, Subsurface Wastewater Program; and the Maine Department of Transportation, Driveway Entrance Permit, a physical E-911 address from your County Commissioner's Office.

6. 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.

7. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.

8. All conditions of previously issued Commission permits shall remain in effect, except as specifically modified by this permit. For parcels that are part of a Commission-approved subdivision, all conditions of the subdivision permit as they pertain to the permittee's parcel shall remain in effect.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittees comply with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT EAST MILLINOCKET, MAINE, THIS 4th DAY OF MAY, 2016.

By: Debra A. Kaczynski

for Nicholas Livesay, Executive Director

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MAY 04 2016

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ATF

For office use:

48855	BP 263-A	$ 226.80
Tracking No.	Permit No.	Fee Received

Maine Land Use Planning Commission
Department of Agriculture, Conservation and Forestry

Building Permit Amendment

SHORT FORM for Residential Development

1. APPLICANT INFORMATION

Applicant Name(s): DAVID F + MARY E. BLACK	Daytime Phone: 338-2010	FAX *(if applicable)*:
Mailing Address: 186 Northport Ave.		Email *(if applicable)*: Lobsterman@Acadia-net
Town: Belfast		State: MAINE / Zip Code: 04915

2. PROJECT LOCATION AND PROPERTY DETAILS

Township, Town or Plantation: Township 4 Indian Purchase

County: Penobscot

Tax Information *(check Tax Bill)*
Map: PE033 Plan: 01 Lot 1

All Zoning at Development Site *(check the LUPC map)*

Road Frontage. List the name(s) and frontage(s) (in feet) for any public or private roads, or other rights-of-way adjacent to your lot:

Road #1: Middle Sumary Rd Frontage 120 ft.
Road #2: — Frontage ____ ft.

Water Frontage. List the name(s) and frontage(s) (in feet) for any lakes, ponds, rivers, streams, or other waters on or adjacent to your lot:

Waterbody #1: Middle Sumary Lake Frontage 93'
Waterbody #2: — Frontage ____

3. EXISTING STRUCTURES (Fill in a line for each existing structure)

Previously issued Building Permit BP ____

Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)	Year built	Exterior dimensions (in feet) (LxWxH)	Type of foundation (full basement, slab, post, etc.)	Horizontal Distance (in feet) of structure from nearest: Road	Property line	Lake or pond	River or stream	Wetland	Ocean/Tidal waters
Dwelling	1972	20' x 30'	Full Basement	160'	30'	62' ~~100~~	—	—	—
Deck	1972	10' x 20'	Post		40'	52' ~~90~~	—	—	—
Deck	1972	4' x 32'	Post		40'	52' ~~70~~	—	—	—
(2) Shed	1972	8' x 8'	Post		30'	110' ~~150~~	—	—	—

4. PROPOSED ACTIVITIES (Fill in a line for each new or modified structure)

Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)	Proposal (check all that apply): New structure*	Reconstruct*	Expand	Relocate*	Remove	Enclose deck/porch	Permanent foundation*	Change dimensions or setbacks	Exterior Dimensions (in feet) (LxWxH)	Horizontal Distance (in feet) of structure from nearest: Road	Property line	Lake or pond	River or stream	Wetland	Ocean/Tidal waters
ATF Permit Existing Deck	☑	☐	☐	☐	☐	☐	☐	☐	4' x 32'	160'	40'	52' ~~70~~	—	—	—
	☐	☐	☐	☐	☐	☐	☐	☐							
	☐	☐	☐	☐	☐	☐	☐	☐							
	☐	☐	☐	☐	☐	☐	☐	☐							

*** Reconstructions, Relocations, Permanent Foundations and New Accessory Structures:**

a. If the structure or foundation will not meet the LUPC's minimum setback distances from property lines, roads, water bodies or wetlands, explain what physical limitations (lot size, slope, location of septic system, etc.) prevent the structure or foundation from meeting setbacks:

Deck Presently Exists - ATF

b. For reconstructions, has the existing structure been damaged, destroyed or removed from your property? ☐YES ☐NO
If YES, was the structure in regular active use within a 2-year period preceding the damage, destruction or removal? ☐YES ☐NO
If YES, provide the date the structure was damaged, destroyed or removed: _____

5. VEGETATION CLEARING, FILLING AND GRADING, SOIL DISTURBANCE (If applicable, fill in this table)

	Proposed New Area (in sq. ft.) of cleared/filled/disturbed soil:	Distance (in feet) between edge of cleared/filled area and the nearest:					
		Road	Property line	Lake or pond	River or stream	Wetland	Ocean/Tidal Waters
Cleared area	N/A						
Filled/disturbed area							

6. PROSPECTIVELY ZONED AREAS (RANGELEY AREA ONLY)

Buffering in Prospectively Zoned Areas. Is your property located in one of the following Prospectively Zoned Plantations or Townships? ☐YES ☑NO

Adamstown Twp. Dallas Plt. Lincoln Plt. Magalloway Plt.
Rangeley Plt. Richardsontown Twp. Sandy River Plt. Townships C, D, and E.

If YES, please complete the following table regarding the width of the vegetative buffers at the narrowest point between the existing and proposed structures and the nearest applicable road, property line, and subdistrict setbacks as applicable:

	Width of Vegetated Buffers			
	Road	Side Property Line	Rear Property Line	Subdistrict Boundary (If D-ES or D-CI)
Standard Minimum Required:	25 feet in D-GN, D-GN2, D-GN3 50 feet in D-RS, D-RS2, D-RS3 75 feet in D-ES and D-CI	15 feet	15 feet	50 feet Buffer to other Subdistricts
This property:	_____ feet	_____ feet	_____ feet	_____ feet

Note: You may be required to submit Exhibit E: Documentation for Exceptions to Buffering Requirements. (See instructions on page iii)

7. APPLICANT SIGNATURE (REQUIRED) AND AGENT AUTHORIZATION (OPTIONAL)

Agent Name *(if applicable)* —	Daytime Phone —	FAX *(if applicable)* —	
Mailing Address —		Email *(if applicable)* —	
Town —		State —	Zip Code —

I have personally examined and am familiar with the information submitted in this application, including the accompanying exhibits and supplements, and to the best of my knowledge and belief, this application is complete with all necessary exhibits. I understand that if the application is incomplete or without any required exhibits that it will result in delays in processing my permit decision. The information in this application is a true and adequate narrative and depiction of what currently exists on and what is proposed at the property. I certify that I will give a copy of this permit and associated conditions to any contractors working on my project. I understand that I am ultimately responsible for complying with all applicable regulations and with all conditions and limitations of any permits issued to me by the LUPC. If there is an Agent listed above, I hereby authorize that individual or business to act as my legal agent in all matters relating to this permit application. I understand that while there is a required Statewide Maine Uniform Building and Energy Code (MUBEC) administered by the Maine Department of Public Safety, Bureau of Building Codes & Standards, The Commission's review is limited only to land use issues and the Commission does not make any findings related to the MUBEC nor do the LUPC staff inspect buildings or enforce any provisions of that Code.

Please check one of the boxes below: *(see "Accessing the Project Site for Site Evaluation and Inspection")*

☑ I authorize staff of the Land Use Planning Commission to access the project site as necessary at any reasonable hour for the purpose of evaluating the site to verify the application materials I have submitted, and for the purpose of inspecting for compliance with statutory and regulatory requirements, and the terms and conditions of my permit.

☐ I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to obtain my permission to fully access the project site for purposes of any necessary site evaluation and compliance inspection.

All appropriate persons listed on the deed, lease or sales contract must sign below.

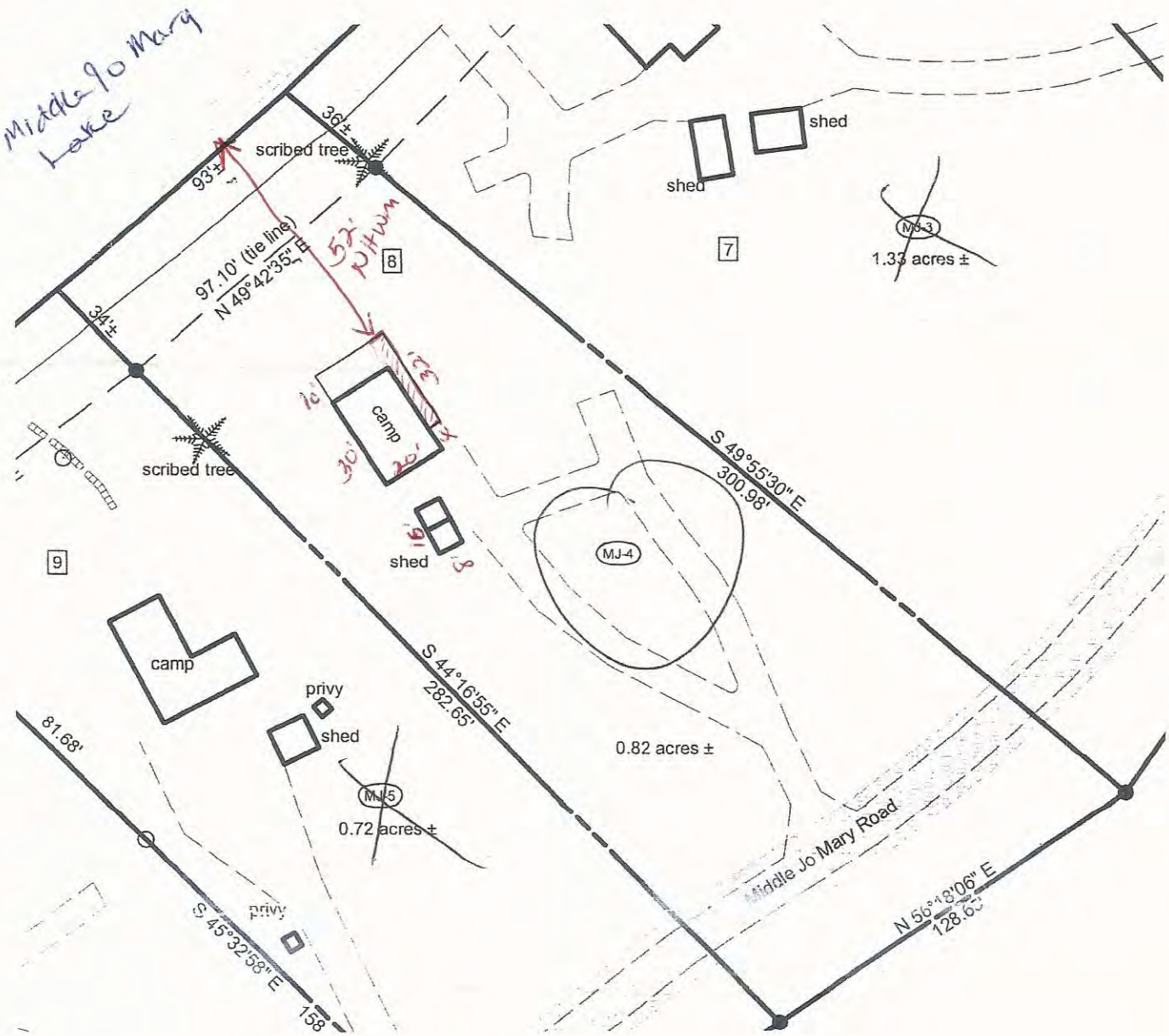
Signature(s) David [signature] Date 5-2-16

Mary S Black Date 5-2-16

For office use: 48855 Tracking No. BP 263-A Permit No.

EXHIBIT C: SITE PLAN

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for Exhibit C in the instructions on page ii. Do not use colors. Refer to the instructions on page ii for a sample site plan.



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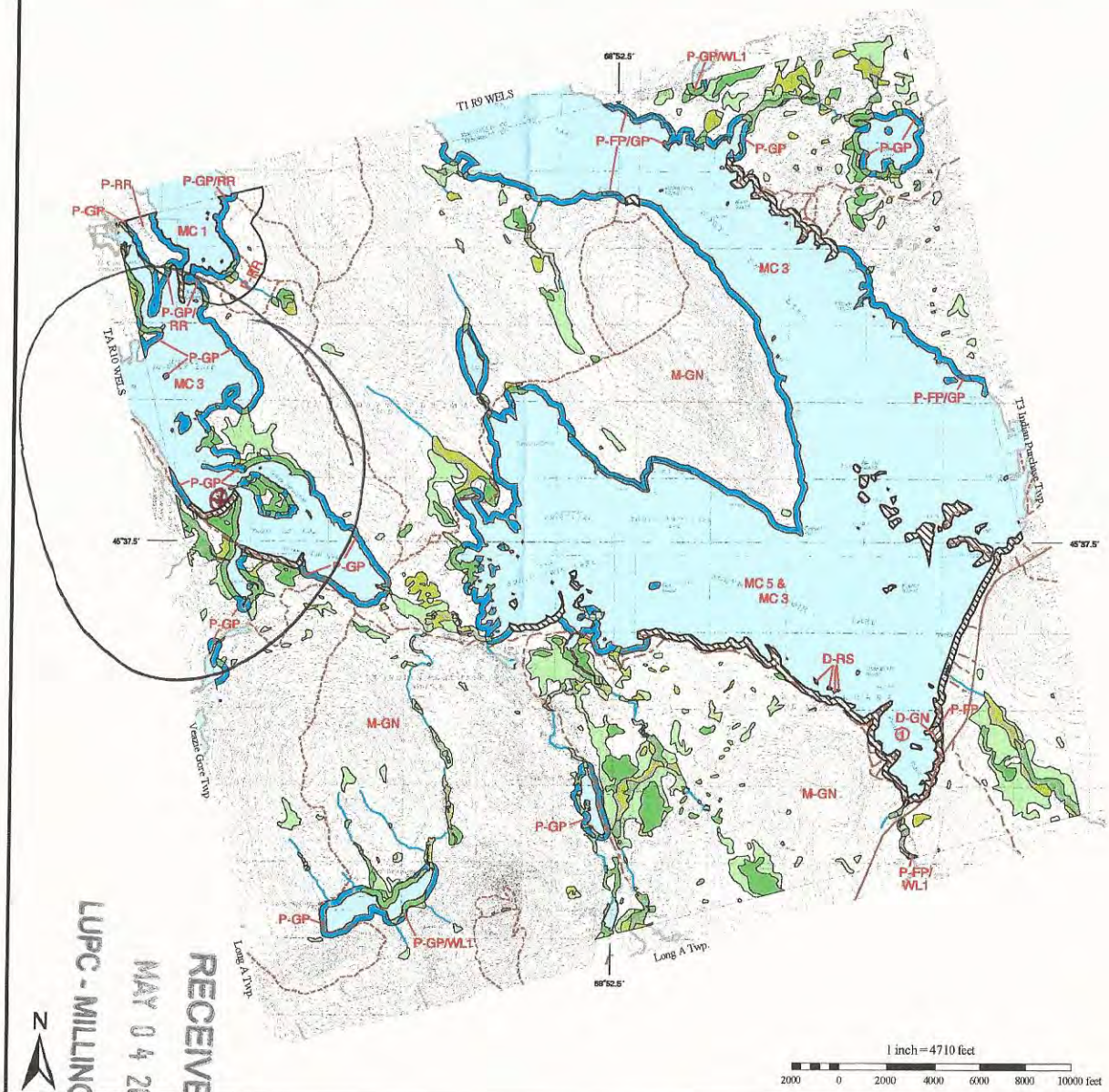
Land Use Guidance Map

T4 Indian Purchase Twp.

T4 IP
Penobscot County

Maine Department of Agriculture, Conservation and Forestry
LAND USE PLANNING COMMISSION
Augusta, Maine 04333-0022
(207) 287-2631
TTY (888) 577-6690
http://www.maine.gov/doc/lupc



Legend

Development Subdistricts

- D-GN General
- D-RS Residential

Protection Subdistricts

- P-FP Flood Prone
- P-GP Great Pond
- P-RR Recreation-Water
- P-SL2 75 ft 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/FW/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 identified pursuant to Section 10.16,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 LUPC 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.

Land Use Guidance Map last amended on August 18, 2005

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