

SEP 04 2014

For office use:

LUPC - DOWNEAST

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

Tracking No. **47232** BP **10308-B** Permit No. **\$ 106.00** Fee Received

# Building Permit Amendment

## 1. APPLICANT INFORMATION

SHORT FORM for Residential Development

Applicant Name(s) JAMES F. RUTHERFORD II, DEVON D. RUTHERFORD		Daytime Phone 207-967-0300	FAX (if applicable) 207-967-0208
Mailing Address P.O. BOX 1928		Email (if applicable) josterrutherford@yahoo.com	
Town KENNEBUNKPORT	State ME	Zip Code 04046	

## 2. PROJECT LOCATION AND PROPERTY DETAILS

Township, Town or Plantation CATWAUCE TWP	County WASHINGTON
Tax Information (check Tax Bill) Map: WA034 Plan: 05 Lot 7/34.1	All Zoning at Development Site (check the LUPC map) D-RS
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: ACCESS RD. (LAKE SHORE RD) Frontage 217 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: CATWAUCE LAKE Frontage 203 ft.
Road #2: Frontage ft.	Waterbody #2: Frontage ft.

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

Previously issued Building Permit BP 10308-A

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	waters	Ocean/Tidal
CAMP	1950	30x24x19	FROST WALL	90	65	35				
SHED	1950	15x16x10	POST	30	35	105				
SHED ADDITION	1965	6x8x10	POST	30	35	105				
PLATFORM	1970	8x11		90	65					
DRIVEWAY	RSD	10x150			60	105				
PRIVATE BOAT RAMP	1950	SEE AMENDMENT A								

## 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)							Exterior Dimensions (in feet) (LxWxH)	Horizontal Distance (in feet) of structure from nearest:						
	New structure*	Reconstruct*	Expand	Relocate*	deck/porch	Enclose foundation*	Permanent foundation*		Change dimensions or setbacks	Road	Property line	Lake or pond	River or stream	Wetland	waters
BATHROOM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10x10x9	80	65	59				
PORCH	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20x9x9	81	65	59				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								

### \* 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:

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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)

Table with columns: 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. Includes rows for Cleared area, Filled/disturbed area (with handwritten values 280, 80, 65, 59), and a question about average slope.

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. Rangeley Plt. Dallas Plt. Richardsontown Twp. Lincoln Plt. Sandy River Plt. Magalloway 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:

Table with columns: Standard Minimum Required; Road (25, 50, 75 feet); Side Property Line (15 feet); Rear Property Line (15 feet); Subdistrict Boundary (If D-ES or D-CI) (50 feet Buffer to other Subdistricts). Includes a row for 'This property:'.

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)

Form fields for Agent Name (JAMES F. RUTHERFORD), Daytime Phone (207-967-0300), FAX (207-967-0208), Mailing Address (P.O. Box 1928), Email (jfoaster.rutherford@yahoo.com), Town (KENNEBUNKPORT), State (ME), and Zip Code (04046).

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.

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) field with handwritten signature of Devon Rutherford and Date 1/30/14.

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EXHIBIT C: SITE PLAN

For office use:

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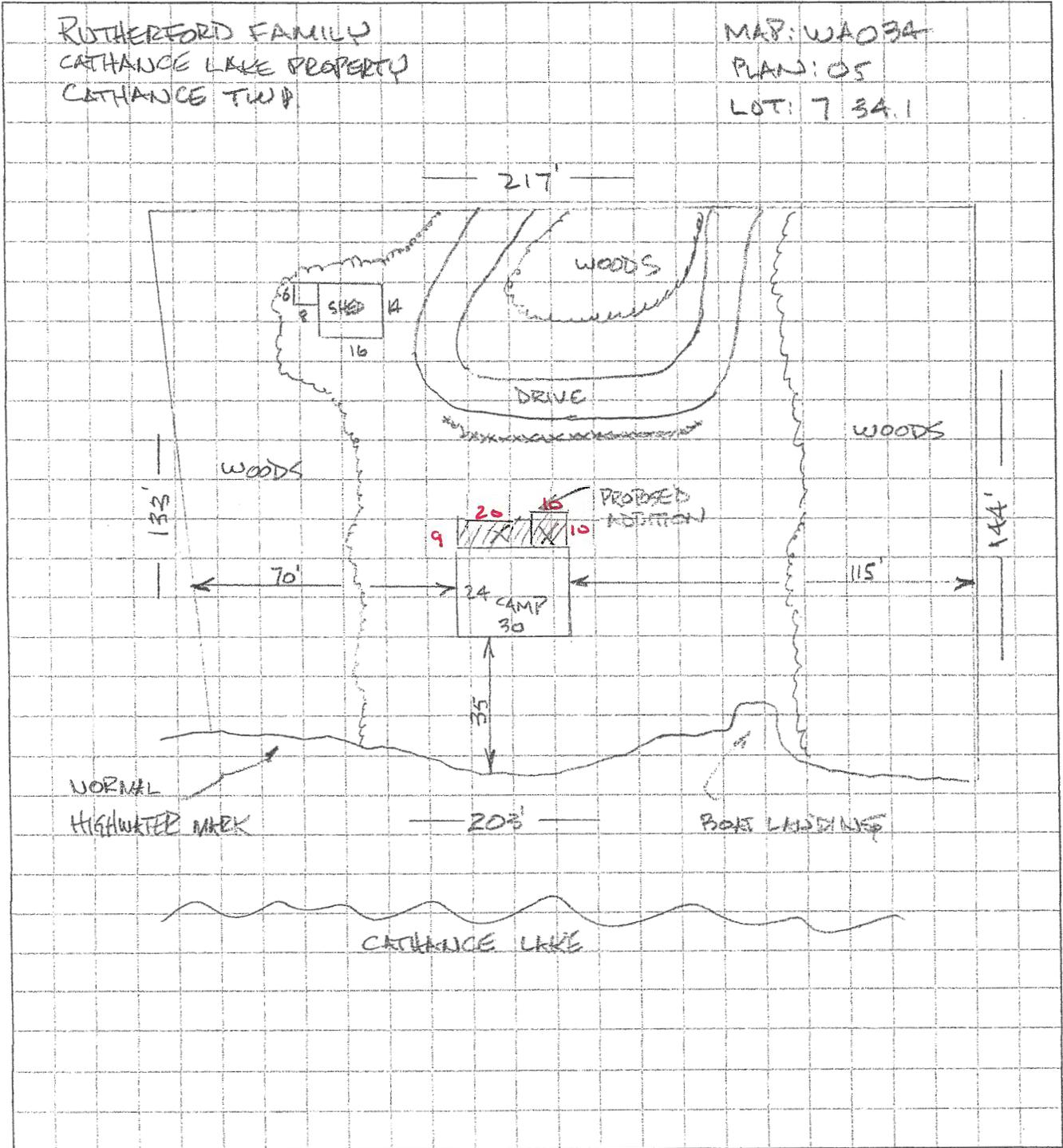
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Prepare a bird's-eye view site plan that shows your entire property and include elements described for Exhibit C in the instructions on page ii. Do not use colors. Refer to the instructions on page ii for a sample site plan.



Notes/Legend:

- XXXX EXISTING ROCK RETAINING WALL
- ~ EXISTING IRREGULAR ROCKY SHORE LINE
- X PROPOSED BATHROOM & PORCH

SCALE: 1/4" = 10'-0"

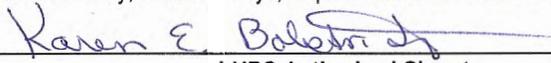
## CONDITIONS OF APPROVAL

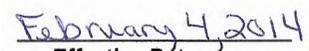
1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. Structures authorized under this permit, as well as filled and graded areas and cleared openings created as part of construction activities authorized under this permit, must be located to meet the road, property line, water and wetland setback distances, exterior dimensions and building heights listed in the tables in Sections 4 and 5 and approved by this permit.
3. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.
4. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
5. Upon completion of the authorized structures within the terms of this permit, any existing structures to be removed from the lot and other construction debris must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
6. Soil disturbance must not occur when the ground is frozen or saturated.
7. Topsoil must not be removed from the site except for that necessary for construction activities authorized in this permit. Topsoil must be stockpiled at least 100 feet from any water body.
8. 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.
9. 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.
10. 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.
11. 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.
12. If the permittee holds interest in this parcel of land via a sales contract or other binding agreement, the permittee shall submit a copy of the deed transferring title of this parcel to the Commission upon final execution of such deed.
13. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
14. 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.
15. All conditions of previously issued Commission permits shall remain in effect, except as specifically modified by this permit. In addition, all conditions of any Subdivision Permit authorizing the creation of the permittee's parcel as they pertain to said parcel shall remain in effect.

**This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. Any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.**

### LUPC AUTHORIZATION (for office use)

Based on the information you have submitted in the attached application and supporting documents, the staff of the Land Use Planning Commission concludes that, if carried out in compliance with the conditions of approval below, your proposal will meet the criteria for approval, 12 M.R.S.A. §685-B(4) of the Commission's statutes and the provisions of the Commission's *Land Use Districts and Standards* (Chapter 10; ver. September 01, 2013). 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.

  
LUPC Authorized Signature

  
Effective Date

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