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 D TO BUILDING PERMIT BP 10701

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Delores O'Kane for Amendment D to Building Permit BP 10701, finds the following facts:

1. Permittee: Delores O'Kane
   63 Oak Street
   Millinocket, ME 04462

2. Date of Completed Application : June 23, 2015

3. Location: T 1 R 9 WELS, Piscataquis County
   Maine Bureau of Taxation Lot 33, Plan 06 on Map PI010
   Katahdin Timberlands L.L.C. Lease Lot #SC-153 (formerly Lots A-143 & A-144)

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

5. Lot Size: 0.69 Acres (Leased)

6. Principal Building: Existing Dwelling Unit (16 ft. by 20 ft.)
   with Rear Addition (18 ft. by 16 ft.)
   with Side Addition (12 ft. by 12 ft.)
   with Rear Addition (5 ft. by 16 ft.)
   Existing Lakeside Deck (8 ft. by 16 ft.)
   Existing Side Deck (5 ft. by 8 ft.)
   Proposed Filling & Grading with Retaining Wall for Driveway and Parking Area (Approx. 20 foot by 57 foot)

7. Accessory Structures: Existing Shed (8 ft. by 12 ft.)

8. Sewage Disposal: Existing Combined System

9. Affected Waterbody: Ambajejus Lake

   The Commission has identified Ambajejus Lake as a resource class 1A, management class 3, 5, relatively accessible, relatively developed lake of statewide significance with outstanding cultural and significant fisheries, scenic, shore character, and physical resources.

Background

10. The applicant's lot was historically developed with a 16 foot by 20 foot seasonal camp with a daylight basement, a 16 foot by 18 foot addition, an 8 foot by 16 foot deck, an 8 foot by 12 foot deck, and a 4 foot by 4 foot shed. The camp is setback 22 feet from the normal high water mark of Ambajejus Lake. The shed is setback approximately 22 feet from Ambajejus Lake. All structures were constructed prior to 1971. There is an existing combined sewage disposal system serving the camp.

11. On March 15, 2000, Building Permit BP 10707 was issued to Jerome O'Kane authorizing a 12 foot by 12 foot addition to the rear of the existing seasonal camp. The proposed addition would be setback 52 feet from the normal high water mark of Ambajejus Lake.

12. On July 25, 2000, Amendment A to Building Permit BP 10707 was issued to Jerome P. O'Kane authorizing a change in the proposed setback of the 12 foot by 12 foot addition to the rear of the camp. The addition would be constructed in the same location as previously permitted, but the setback was incorrectly measured, and the actual setback would be 40 feet from Ambajejus Lake instead of the previously stated 52 feet. The combined floor area for all existing (848 sq. ft.) and proposed (144 sq. ft.) structures within 100 feet of the lake would be approximately 992 square feet.

13. On November 6, 2013 at the request of the permittee, an inspection of the subject property was conducted by Commission staff for compliance of development actitivities associated with the subject property. At the time of inspection, Commission staff observed a 5 foot by 16 foot addition had been constructed onto the rear of the camp and a 7 foot by 16 foot shed located 42 feet from the normal high water mark of Ambajejus Lake without prior authorization from the Commission and in excess of the maximum allowed 1,000 square feet total combined footprint for all structures within 75 feet from the normal high water mark of Ambajejus Lake. Specifically, the combined footprint of all structures totaled 1,168 square feet.

14. On November 25, 2013, Amendment B to Building Permit BP 10701 was issued to Delores C. O'Kane for After-the-Fact approval of the 5 foot by 16 foot rear addition, the reduction of the 12 foot by 8 foot side deck to a 5 foot by 8 foot deck, and the relocation of the 7 foot by 16 foot shed located 42 feet from the normal high water mark to 100 feet from the normal high water mark. The total combined footprint footprint for all structures within 75 feet of the normal high water mark would be 1,000 square feet. (*Reference: Enforcement Case EC 13-28, Resolved)*.

15. On May 22, 2014, Amendment C to Building Permit BP 10701 was issued to Delores C. O'Kane authorizing the removal of the 7 foot by 16 foot shed located 42 feet from the normal high water mark of the lake instead of the relocation of the shed as previously approved and the construction of an 8 foot by 12 foot shed to be located 75 feet from lake. Pursuant to Chapter 10, Section 10.11,C,5 of the Commission's Land Use Districts and Standards, new detached accessory structures that do not meet water body setbacks is allowed with a permit only if the structures cannot be physically sited on the lot to meet the water body setback requirement. The physical limitations of existing slope and large boulders on the lot prevent the structure from meeting waterbody setbacks.

Proposal

16. The applicant proposes to cut the grade of the existing gravel driveway by approximately 18 inches at the top of the slope located greater than 100 feet from Ambajejus Lake and place the material at the bottom of the slope within an existing graveled driveway/parking area located 50 feet from the normal high water mark of Ambajejus Lake and to create an armoured drainage ditch along the edge of the driveway to prevent road surface drainage from directly entering the lake. The outflow point of the ditch would be directed to an existing forested vegetative buffer located 65 feet from the lake. The applicant further proposes to place a row of boulders at the toe of slope along the edge of the parking area, approximatley 57 linear feet by approximately 2 feet high, to act as a retaining wall for the 12 inches of proposed gravel fill. The proposed gravel fill within the parking area would be sloped away from the lake, further reducing run-off and erosion into the lake. The proposed filling and grading of the driveway/parking area measuring approximately 20 foot by 57 foot, would allow for safe parking and turn around, lessen the steep grade of the driveway, and would reduce existing run-off and erosion towards the lake. In addition, the existing pre-Commission, private trailed boat launch would be discontinued at that time. No vegetation removal is proposed except for two existing trees to allow for an armoured drainage ditch. The applicant proposes to install temporary sedimentation control devices, such as silt fence and/or staked hay bales prior to soil disturbance.

Review Criteria

17. Pursuant to Section 10.21,J,3,c(8) of the Commission's Land Use Districts and Standards, filling and grading which is not in conformance with the standards of Section 10.27,L may be allowed within D-RS subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III.

18. Under provisions of Section 10.27,F,5 of the Commission's Land Use Districts and Standards, a permit is required for filling and grading of land where filled or graded areas are in the vicinity of water bodies or wetlands such filled or graded areas shall not extend closer to the normal high water mark of flowing, standing, tidal bodies of water, or upland edge of wetlands identified as P-WL1 Subdistrict than indicated in the following table:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Percent)	**Width of Strip Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge** (Feet Along Surface of the Ground)
10 or less	100
20	130
30	170
40	210
50	250
60	290
70	330

Table 10.27,F-1. Unscarified filter strip width requirements for exposed mineral soil created by filling and grading.

The applicant for such permit shall show by a preponderance of the evidence the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

19. The facts are otherwise as represented in the application for Amendment D to Building Permit

BP 10701, and supporting documents.

Based upon the above Findings, the staff of the Land Use Planning Commission concludes that:

1. The proposal would meet the provisions of Section 10.27,F,5, of the Commission's Land Use Districts and Standards in that the filling and grading activities would be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area, utilizes an existing drive/parking area, would reduce surface run-off and erosion into the lake, and would result in discontinuance of an existing pre-Commission, private trailered boat launch. An erosion control barrier would be used and all exposed soil would be stabilized.

2. The proposal complies with the applicable requirements of Sub-Chapter III of the Commission's Land Use Districts and Standards.

3. 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 Delores O'Kane for Amendment D to Building Permit BP 10701 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 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. Prior to construction, erosion control devices must be in place prior to commencement of construction. All disturbed soil, other than the traveled surface of the driveway/parking area, must be permanently stabilized with mulch and seeded. All soil stabilization measures must be completed during or immediately following construction to minimize the potential for soil erosion sedimentation.

4. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.

5. 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.

6. Soil disturbance must not occur when the ground is frozen or saturated.

7. During construction, the permittee shall take reasonable precautions to avoid siltation and overland storm water flows. Methods used may include, but are not limited to, the use of mulch to temporarily stabilize exposed soil, cessation of construction activities during inclement

weather and installation of water turnouts, waterbars, and any other measures which may prove necessary.

8. All operations must be stopped where the continuation of such operations will cause or contribute to the occurrence of accelerated erosion or concentrated overland storm water flows, or the sedimentation of surface waters, whether such occurrence is precipitated by wet weather, the failure of water control measures, or other factors. Adequate steps must immediately be taken to stop any accelerated erosion or sedimentation of surface waters and to correct the situation which led to such occurrence.

9. All filling & grading activities authorized under this permit must be set back a minimum of 50 feet from the normal high water mark of Ambajejus Lake and 15 feet from side property boundary lines.

10. The driveway must be located and constructed so that (a) it will not erode or create any undue restriction or disruption of existing surface water drainage ways and (b) it will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland or roadway.

11. In order to prevent road surface drainage from directly entering waterbodies or wetlands, the armoured drainage ditch authorized under this permit shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least 65 feet between the outflow point of the ditch and the normal high water mark of Ambajejus Lake.

12. Except for the driveway and parking area, all areas of exposed mineral soil disturbed by the authorized activity must be promptly seeded and mulched to avoid soil erosion and lake sedimentation.

13. Once construction activities are complete, the permittee shall submit a self-certification form notifying the Commission 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. 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 permittee complies 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 7th DAY OF JULY, 2015.

By: Debra A. Kazowski

for Nicholas D. Livesay, Executive Director

FIRE Rd. 17

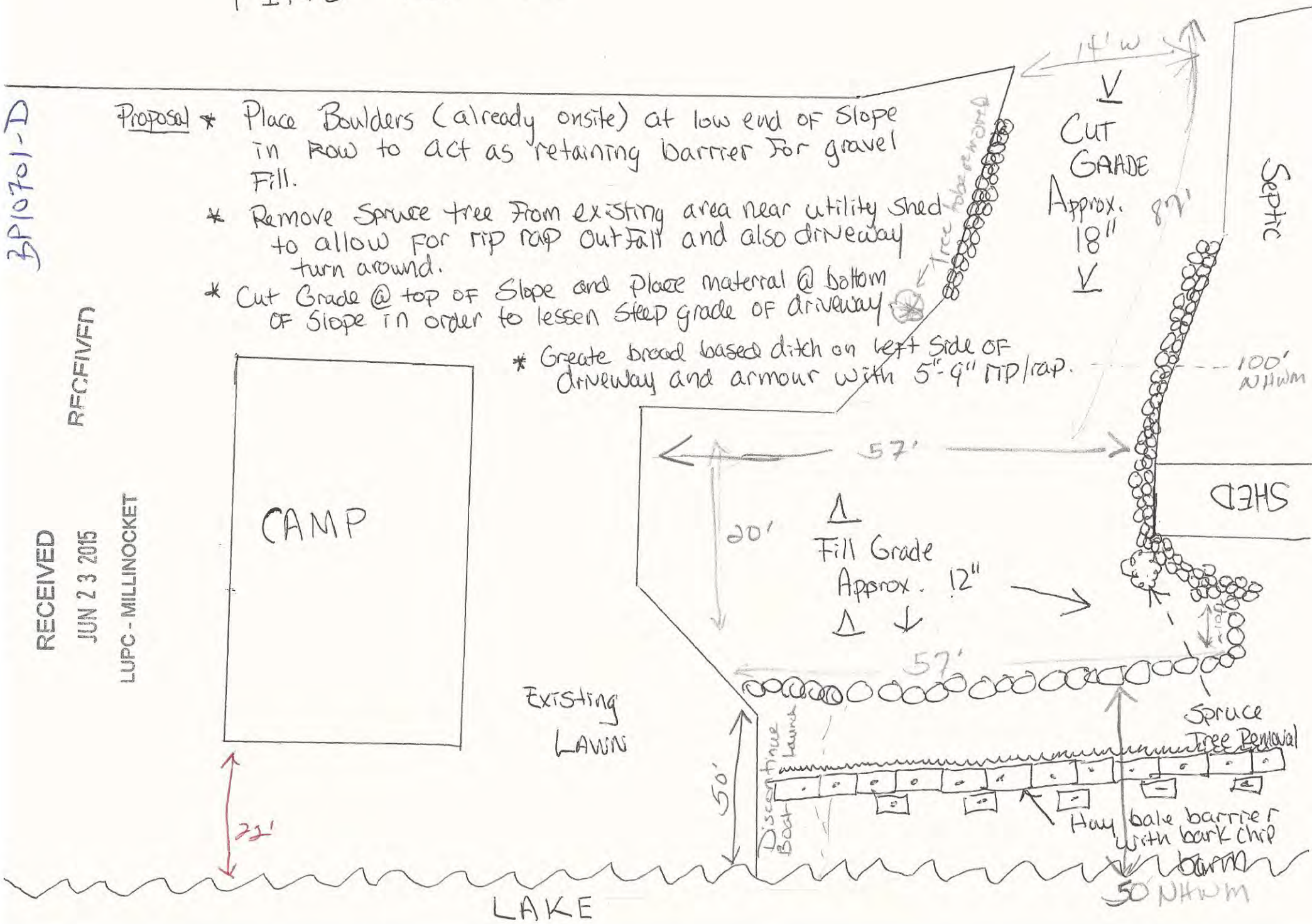
BP10701-D

RECEIVED
JUN 23 2015
LUPC - MILLINOCKET

RECEIVED

Proposal * Place Boulders (already onsite) at low end of Slope in Row to act as retaining barrier for gravel Fill.

* Remove Spruce tree from existing area near utility shed to allow for rip rap outfall and also driveway turn around.

* Cut Grade @ top of Slope and place material @ bottom of Slope in order to lessen steep grade of driveway.

* Greate broad based ditch on left side of driveway and armour with 5"-9" rip/rap.