



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
106 HOGAN ROAD, SUITE 8
BANGOR, MAINE 04401

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COMMISSIONER

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PERMIT

AMENDMENT A TO BUILDING PERMIT BP 13818 BY SPECIAL EXCEPTION

The staff of the Maine Land Use Planning Commission (LUPC or Commission), after reviewing the application and supporting documents submitted by Bruce R. and Diane R. Brissette (Applicants or Permittees) for Amendment A to Building Permit BP 13818, finds the following facts:

1. Applicants: Bruce R. Brissette
Diane R. Brissette
804 S. Macomber
Greenville, MI 48838
2. Date of Completed Application: March 23, 2015
3. Location of Proposal: Grand Lake Stream Plantation, Washington County, Maine
Maine Revenue Service Map WAP03, Plan 07, Lot 16
Washington County Registry of Deeds: Book 3498, Page 119
Old Webber Timberlands East Shore-Middle Section Lease Lot 34
4. Zoning: General Management Subdistrict (M-GN)
Residential Development Subdistrict (D-RS)
Flood Prone Area Protection Subdistrict (P-FP) by virtue of Ch. 10.23,C,2
5. Lot Size: 0.60 Acres; 26,165 Square Feet (owned)
6. Principal Structure: Existing Seasonal Camp (14 ft. by 18 ft.) with
Existing Camp Addition (16 ft. by 18 ft.),
Existing Front Porch (14 ft. by 9 ft.), and
Existing Back Porch (14 ft. by 9 ft.)-To Be Removed From Lot
Proposed Back Addition (7.5 ft. by 30 ft.)
7. Accessory Structures: Existing Tool Shed (8 ft. by 12 ft.)-To Be Relocated
Existing Tent Platform/Patio (10.5 ft. by 12 ft.)-To Be Removed From Lot
8. Sewage Disposal: Existing Complete Non-engineered System for Seasonal Camp with Limited
Plumbing
9. Soil Profile/Condition/Design: 4/C/ per Maine Subsurface Wastewater Disposal Rules

10. Affected Waterbody: West Grand Lake (East Shore)

The Commission has identified West Grand Lake as a management class 3, resource class 1A, accessible, developed lake with the following resource ratings: outstanding fisheries resources, outstanding wildlife resources, outstanding scenic resources, outstanding shore character, outstanding cultural resources.

11. The Applicants' lot is developed with a pre-Commission 14 foot by 18 foot seasonal camp with a 16 foot by 18 foot side addition, a 14 foot by 9 foot front (lake-side) porch and a 14 foot by 9 foot back (road-side) porch. The lot is also developed with a pre-Commission 8 foot by 12 foot tool shed, a 6 foot by 5 foot pit privy, and an unauthorized 10.5 foot by 12 foot tent platform (reference, Enforcement Case EC 15-12). The seasonal camp with additions is set back 24 feet from the normal high water mark of West Grand Lake, 165 feet from Bonney Brook Road, and 15 feet from the nearest property boundary line. The tool shed is located 16 feet, the pit privy is located 100 feet, and the unauthorized tent platform is located 27 feet from the normal high water mark of West Grand Lake.
12. Building Permit BP 13818, issued to Bruce R. Brissette on January 23, 2008, authorized a 7.4 foot by 30 foot addition to the single family residential dwelling unit and the relocation of the 8 foot by 12 foot shed. The addition to the dwelling unit has not been constructed, the shed has not been relocated to a conforming location, and the permit has expired.
13. The Applicants propose to remove the 14 foot by 9 foot back (road-side) porch and to construct a 30 foot by 7.5 foot addition in its place onto the back of the dwelling unit. The addition would be set back 50 feet from the normal high water mark of West Grand Lake, greater than 50 feet from the traveled portion of Bonney Brook Road and 15 feet from side property boundary lines. The Applicants also propose to relocate the 8 foot by 12 foot toolshed to a location that is setback 100 feet from the normal high water mark of West Grand Lake, 50 feet from Bonney Brook Road, and 15 feet from the side property boundary lines and to remove the unauthorized 10.5 foot by 12 foot tent platform from the lot. The total square footage within 100 feet of the normal high water mark of West Grand Lake would be 891 square feet.
14. Although the Commission's *Land Use Guidance Map* for Grand Lake Stream Plantation identifies the Applicants' lot as being within D-RS and M-GN Subdistricts, according the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Grand Lake Stream Plantation, Washington County, Maine, the lot is located entirely within a FEMA Zone A, an area of 100-year flood (reference the National Flood Insurance Act of 1968 P.L. 90-48, as amended). The Base Flood Elevation for West Grand Lake has been determined.
15. According to Section 10.23,C,2 of the Commission's *Land Use Districts and Standards*, (Standards), areas located within the 100-year frequency floodplain, also known as areas of special flood hazard, as identified by the Commission after consideration of relevant data including, without limitation, areas determined to be flood prone by state or federal agencies, including the Flood Insurance Studies and accompanying Flood Insurance Rate Maps, Flood Boundary and Floodway Maps or

Flood Hazard Boundary Maps prepared by the Federal Emergency Management Agency, historical data, and the National Cooperative Soil Survey.

The areas identified by FEMA as areas of special flood hazard (Zones A, AE, A1-30, VE) on Flood Insurance Rate Maps, Flood Boundary and Floodway Maps or Flood Hazard Boundary Maps for townships, plantations, or towns qualify as flood prone areas appropriate for protection within this subdistrict. The Commission adopts the FEMA maps as listed in Appendix E, and a note on the Official Land Use Guidance Map shall refer to maps so adopted. In any case where the boundaries of the P-FP subdistrict on the Commission map differ from the boundaries of the FEMA zones, the FEMA boundaries shall apply. The FEMA zones shall be regulated according to the provisions of the P-FP subdistrict.

16. According to Section 10.23,C,3,c,(12) of the Commission's Standards, normal maintenance and repair or renovation equaling or exceeding \$1,000 in cost, or additions and expansions to any legally existing structure or use that do not meet the definition of substantial improvement may be allowed within P-FP subdistricts or FEMA zones A, AE, A1-30, or VE upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., §685-B, and subject to the applicable requirements set forth in Sub-Chapter III.
17. According to Section 10.23,C,3,d,(4) of the Commission's Standards, residential: single family dwellings, including their reconstruction, relocation, or replacement; new construction, reconstruction or replacement of a permanent foundation; substantial improvement or accessory structures; may be allowed within P-FP subdistricts or FEMA zones A, AE, A1-30, or VE as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan.
18. According to Section 10.25,T,2,a of the Commission's Standards, development in flood prone areas, including areas of special flood hazard, shall:
 - (1) Be designed or modified and adequately anchored to prevent flotation (excluding floating piers and docks), collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Use construction materials that are resistant to flood damage;
 - (3) Use construction methods and practices that will minimize flood damage; and
 - (4) Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
19. According to Section 10.25,T,2,j of the Commission's Standards, accessory structures, as defined, located within Zones A1-30, AE, and A, shall be exempt from the required elevation criteria if all other requirements of Section 10.25,T and the following are met. Exempt accessory structures shall:
 - (1) Be 500 square feet or less and have a value less than \$3,000;

- (2) Have unfinished interiors and not be used for human habitation;
- (3) Have hydraulic openings, as specified in Section 10.25,T,2,1,(2), in at least two different walls of the accessory structure;
- (4) Be located outside the floodway, as determined by the provisions of Section 10.25,T,2,k;
- (5) When possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and
- (6) Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Area of Special Flood Hazard.

20. According to Section 10.11,C,1,b of the Commission's Standards, an expansion to a legally existing, nonconforming structure where the expansion is set back 50 feet from the normal high water mark of waterbodies such as West Grand Lake, shall not exceed the maximum combined footprint of 1,000 square feet for all structures not meeting the 100 foot waterbody setback; the maximum height of all structures within these areas shall be 25 feet, or existing structure height, whichever is greater.

21. The facts are otherwise as represented in Building Permit application BP 13818, subsequent amendment applications, and supporting documents.

Based upon the above Findings, the staff Concludes that:

1. The Applicants' addition and improvements would be allowed in the FEMA Zone A under the provisions of Section 10.23,C,3,c,(12) of the Commission's Standards. The Applicants' relocation of the tool shed would be allowed in the FEMA Zone A as a special exception under the provisions of Section 10.23,C,3,d,(4) of the Commission's Standards.
2. If carried out in compliance with the Conditions below, the proposal will meet the applicable requirements set forth in Section 10.11,C,1 and Sub-Chapter III of the Commission's Standards and the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.

Therefore, the staff approves the amendment request of Bruce R. and Diane R. Brissette with the following Conditions:

1. The enclosed permit certificate must be posted in a visible location on your property immediately after receipt and during development of the site and construction of the structures and activities approved by this permit.
2. 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.
3. 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. 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.

4. The authorized addition and improvements to the dwelling unit must be set back a minimum of 50 feet from the normal high water mark of West Grand Lake, 50 feet from the traveled portion (edge) of Bonney Brook Road and 15 feet from side property boundary lines. The addition and improvements to the dwelling unit must not exceed 25 feet in height as measured as the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.
5. **The authorized addition and improvements to the dwelling unit must not increase the market value of the structure by more than 50%.**
6. **All permitted structures** must be designed or modified and adequately anchored to prevent flotation (excluding floating piers and docks), collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. The permittee must use construction materials that are resistant to flood damage, use construction methods and practices that will minimize flood damage, and use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
7. The authorized tool shed must be set back a minimum of 100 feet from the normal high water mark of West Grand Lake, 50 feet from the traveled portion (edge) of Bonney Brook Road and 15 feet from side property boundary lines. The tool shed must not exceed 30 feet in height as measured as the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.
8. The authorized tool shed must be 500 square feet or less and have a value less than \$3,000, and have unfinished interiors and not be used for human habitation. The accessory structure must be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
9. The authorized tool shed must have hydraulic openings in at least two different walls having a total net area of not less than one square inch for every square foot of the enclosed area, must have the bottom of all openings no higher than one foot above the lowest grade. The openings must permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. The tool shed must also have only ground fault interrupt

electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Area of Special Flood Hazard.

10. Once construction is complete, the permittees 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.
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. 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.
13. Nothing in this permit shall be construed to release the permittees from any liability or responsibility arising from any violation, including Enforcement Case EC 15-12, or to be considered a waiver of the authority of the Commission or the state to fully pursue or prosecute such violations.
14. All conditions of Building Permit BP 13818 shall remain in effect except as altered by this amendment.

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 BANGOR, MAINE, THIS 30TH DAY OF MARCH, 2015.

By: Karen E. Babbin
for Nicholas D. Livesay, Executive Director