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

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EXECUTIVE DIRECTOR

# PERMIT

AMENDMENT A TO BUILDING PERMIT 14208

The staff of the Maine Land Use Regulation Commission after reviewing the application and supporting documents submitted by Paul Allen for Amendment A to Building Permit BP 14208, finds the following facts:

1. Applicant: Paul Allen
   47 Park Street
   East Millinocket, ME 04430

2. Date of Completed Application: April 26, 2016

3. Location of Proposal: Indian Purchase #4 Twp., Penobscot County
   Maine Revenue Service Plan 15, Lot 112
   Formerly Katahdin Timberlands, LLC Lease Lot # ST-112

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

5. Lot Size: 0.28 Acres (owned)

6. Principal Building: Existing Seasonal Dwelling (32 ft. by 28 ft.)
   w/ Proposed Filling and Grading associated with
   Landscaping and Driveway Maintenance

7. Affected Waterbody: South Twin Lake

   The Commission has identified South Twin Lake as a management class 3,5, resource class 1B, accessible, developed lake with the following resource ratings: significant fisheries resources, outstanding scenic resources, significant shore character, significant cultural resources.

**Background**

8. The applicant's lot is developed with a pre-Commission 32 foot by 28 foot seasonal camp

located approximately 45 feet from the normal high water mark of South Twin Lake. The camp is accessed by an existing driveway that traverses a steep slope from the elevated camp road to the camp at the lakeshore elevation. The existing driveway and bank behind the camp is eroding and represents a continued source of sedimentation to the waterbody if not improved.

9. On June 19, 2009, Commission staff issued Building Permit BP 14208 to Paul and Winnie Allen authorizing the excavation of an area directly behind the existing camp such that the slope is terraced and stabilized with constructed timber retaining walls in order to create useable space and improve stormwater control. All disturbance related to the terracing of the slope would be set back approximately 70 feet from the normal high water mark of South Twin Lake. Building Permit BP 14208 further authorized crowning and resurfacing of the existing driveway and improvement of the existing ditch along the westerly side of the driveway to better control stormwater and to prevent continued erosion. The authorized activities were not completed.

**Proposal**

10. The applicant now proposes to install a riprap retaining wall directly behind and adjacent to the camp, instead of the previously authorized timber retaining walls, to stabilize the bank and to construct an armoured drainage ditch along the edge of the driveway to prevent surface drainage from directly entering the lake. The outflow point of the ditch would be directed to an existing forested vegetative buffer located 50 feet from the lake. A level spreader will be used at the ditch terminus to evenly disperse stormwater thoughout the existing vegetated filer area and to prevent channelization. The riprap retaining wall would consist of irregular riprap stones underlain with geotextile fabric and an anchoring row of large rocks in a trench at the toe of the slope. The filter fabric will be keyed in at the top of the riprap edge and extended into the toe trench. The riprap retaining wall will be approximately 25 linear feet by approximately 5-8 feet in height. No vegetation removal is proposed. Minimal regrading of the bank is proposed in order that the final riprap slope will be no steeper than 1.5(h):1(v). The applicant proposes to install temporary sedimentation control devices, such as silt fence and/or staked hay bales prior to soil disturbance.

**Review Criteria**

11. 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.

12. Under provisions of Section 10.27,F, 6 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 a flowing water, a body of standing water, a coastal wetland, or the upland edge of freshwater wetlands identified as P-WL1 Subdistrict than 100 feet of a body of standing water 10 acres or greater in size.

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.

13. The facts are otherwise as represented in the application for Amendment A to Building Permit BP 14208, 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 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, would reduce surface run-off and erosion into the lake, and would stabilize an eroding bank. 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 Paul Allen for Amendment A to Building Permit BP 14208 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. **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 50 feet between the outflow point of the ditch and the normal high water mark of South Twin Lake.**

10. **Stormwater from the improved driveway ditch shall enter a level spreader constructed such that it reduces velocity of flow and evenly disperses stormwater flow into the existing vegetated filter area. The buffer and area below the spreader shall remain uncompacted from construction equipment.**

11. **All filling and grading activities must be set back a minimum of 50 feet from the normal high water mark of South Twin Lake.**

12. Except for the driveway, 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 26th DAY OF APRIL, 2016.

By: _____

*for* Nicholas D. Livesay, Executive Director