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

BUILDING PERMIT BP 14936
Amendment A

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by William Wedge for Amendment A to Building Permit BP 14936, finds the following facts:

1. Applicant: William Wedge
   64 Libbey Lane
   Glenburn, ME 04401

2. Date of Completed Application: March 29, 2016

3. Location of Proposal: T1 R9 WELS, Piscataquis County
   Maine Revenue Service Plan 06, Lot 10 on Map PI010
   (formerly Katahdin Timberlands LLC Lease Lot #DC-179)

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

5. Lot Size: 0.65 Acres (owned)

6. Principal Building: Existing Single Family Residence (24 ft. by 24 ft.)
   with Attached L-Shaped Deck (6 ft. x 28 ft. by 24 ft. by 4 ft.)
   Existing Addition (6 ft. by 15 ft.)
   Proposed Expansion in Height of Dwelling (24 ft. by 24 ft)

7. Accessory Structures: Existing Bunkhouse (16 ft. by 20 ft.)

8. Sewage Disposal: Existing Combined Subsurface Wastewater Disposal System

9. Affected Water: Ambajejus Lake

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

Background

10. The applicant's 0.65 acre lot has approximately 98 feet of shoreline frontage on Ambajejus Lake and 131 feet of frontage on the Rock Ridge Road. The lot was historically developed with a pre-Commission 24 foot by 24 foot single family dwelling with an attached 6 foot by 28 foot by 24 foot by 4 ft. L-shaped deck, and 6 foot by 15 ft. addition. The dwelling with attached deck is setback approximately 43 feet from the normal high water mark of the lake and is served by an existing combined subsurface wastewater disposal system.

11. On April 19, 2013, Commission staff issued Building Permit BP 14936 to Gayle Thornton and Melissa Wedge, former lessees, authorizing the construction of a 16 foot by 20 foot bunkhouse to be located 126 feet from Ambajejus Lake, 148 feet from the Rock Ridge Road, and 5 feet from the side property line.

Proposal

12. The applicant proposes an increase in height of the existing 24 foot by 24 foot single family residence by constructing a salt box style roof on top of the existing flat roof. No additional living space is proposed. The proposed increase in height of the dwelling would be located approximately 49 feet from the normal high water mark of the lake, greater than 50 feet from the road, 12 feet from the side property line, and would not exceed 25 feet in height. The applicant further seeks a change in previously authorized setbacks and location of the 16 ft. by 20 ft. bunkhouse. The bunkhouse would be setback from the lake to the maximum possible extent, but the setback was incorrectly measured, and the actual setback would be approximately 90 feet from the normal high water mark of Ambajejus Lake and 100 feet from the Rock Ridge Road, instead of the previously stated 126 feet and 148 feet respectively. The bunkhouse would also be located behind the existing camp instead of within the existing driveway parking area as previously authorized. The total footprint of all structures within 100 feet of the lake would be 1,090 square feet.

Review Criteria

13. Under the provisions of Section 10.26, A, 1, of the Commission's Land Use Districts and Standards, the minimum lot size for residential uses is 40,000 square feet per dwelling unit.

14. Under the provisions of Section 10.11, A, of the Commission's Land Use Districts and Standards, and in accordance with 12 M.R.S.A. §685-A (5), legally existing nonconforming structures, uses and lots will be allowed to continue.

15. 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.

16. 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, horizontal distance of the normal high water mark of bodies of standing water 10 acres or greater in size, such as Ambajejus 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 100 feet from the waterbody may not exceed 1,500 square.

* Expansions that increase the height of a structure or increase the floor area of a structure, such as the addition of a loft or second story, require permits but are not included in the calculation of the footprint of the structure.

17. Under the provisions of Section 10.11, C, 5, of the Commission's Land Use Districts and Standards, the construction of new, detached accessory structures that do not meet water body setbacks is allowed with a permit only if the structure cannot be physically sited on the lot to meet the water body setback requirement. In this case, the new accessory structure shall meet setbacks to the maximum extent possible, shall not be located closer to the normal high water mark than the principal structure, shall not be located within 25 feet of the normal high water mark, shall not be located closer than 20 feet to the road in conformance with the provisions of Section 10.11,B,6, and shall be of a size and height that, when combined with legally existing principal buildings will not exceed the size and height requirements of Section 10.11,C,1,b.

18. The facts are otherwise as represented in Amendment A to Building Permit application BP 14936 and supporting documents.

Based upon the above Findings, the staff concludes that

1. The applicants' lot does not conform to the dimensional requirements of Section 10.26, A, 1, of the Commission's Land Use Districts and Standards.

2. The proposed increase in height of the dwelling would be in compliance with Section 10.11, B, 1, of the Commission's Land Use Districts and Standards in that the proposal would meet the approval criteria in 12 M.R.S.A. Section 685-B(4) and would not adversely affect surrounding uses and resources and would not increase in the extent of nonconformance.

3. The proposed increase in height would be in compliance with Section 10.11, C, 1,b, of the Commission's Land Use Districts and Standards in that the height of the structure would not exceed 25 feet in height and would not increase the footprint of the structure.

4. The proposed change in previously authorized setbacks and location of the bunkhouse would be in compliance with Section 10.11, C, 5, of the Commission's Land Use Districts and Standards in that the bunkhouse cannot be physically sited on the lot to meet the water body setback requirement due to the location of the existing septic system, the existence of large boulders, and slope of the lot. The original proposed setback was incorrectly measured, and the actual setback would be 90 feet from Ambajejus Lake and 100 feet from the Rock Ridge Road, instead of the previously stated 126 feet and 148 feet respectively. The combined footprint for all existing and proposed structures within 100 feet of the lake would be approximately 1,090 square feet.

5. The facts are otherwise as represented in Amendment A to Building Permit application BP 15533 and supporting documents.

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. and the provisions of Section 10.11, B, 1 of the Commission's Land Use Districts and Standards.

Therefore, the staff approves the application of William Wedge 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. Structures authorized under this permit, as well as filling/grading/soil disturbance 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 Sections 4 and 8 and approved by this permit.

4. 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.

5. 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.

6. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.

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

8. Unless otherwise proposed, soil disturbance must not occur when the ground is frozen or saturated.

9. 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.

10. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and conditions of approval. The new owner or lessee should then contact the Land Use Planning Commission to have the permit transferred into his/her name. If there are no additional changes the transfer can be accomplished on a Minor Change Form.

11. 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.

12. 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.

13. 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.

14. Structures authorized under this permit must not be sited on a ridge or knoll such that they are visible above the tree line from any water body. All authorized structures must be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.

15. **To protect the scenic quality of Ambajejus Lake, the permitted increase in height of the existing dwelling must not exceed 25 feet in height as measured from the peak of the roof to the lowest point of the structure (including the foundation) at the original grade along the downhill side.**

16. Upon completion of the authorized structures within the terms of this permit, any existing structures authorized 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.

17. 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.

18. All conditions of previously issued Commission permits shall remain in effect, except as modified by this permit.

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

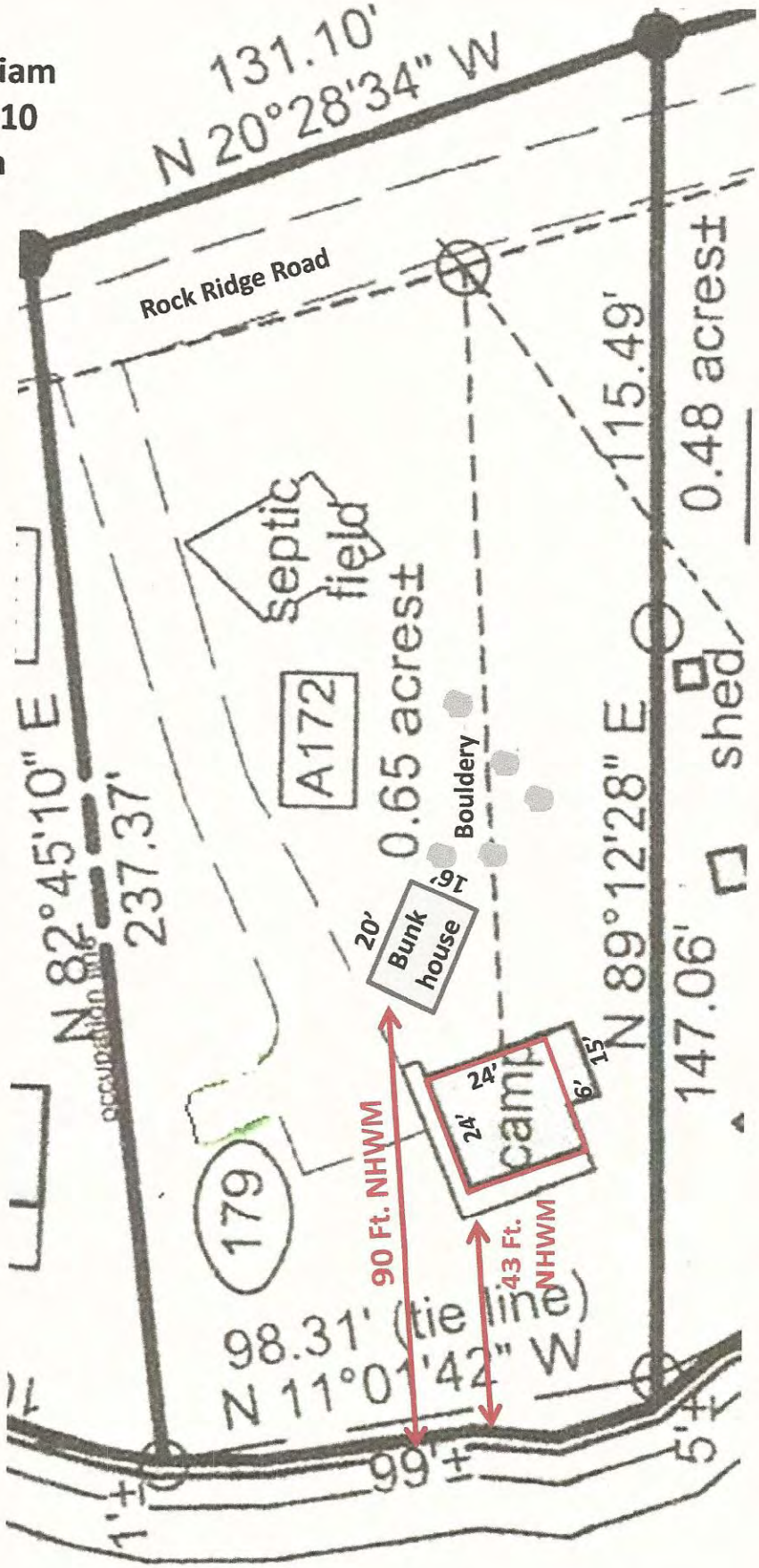
violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

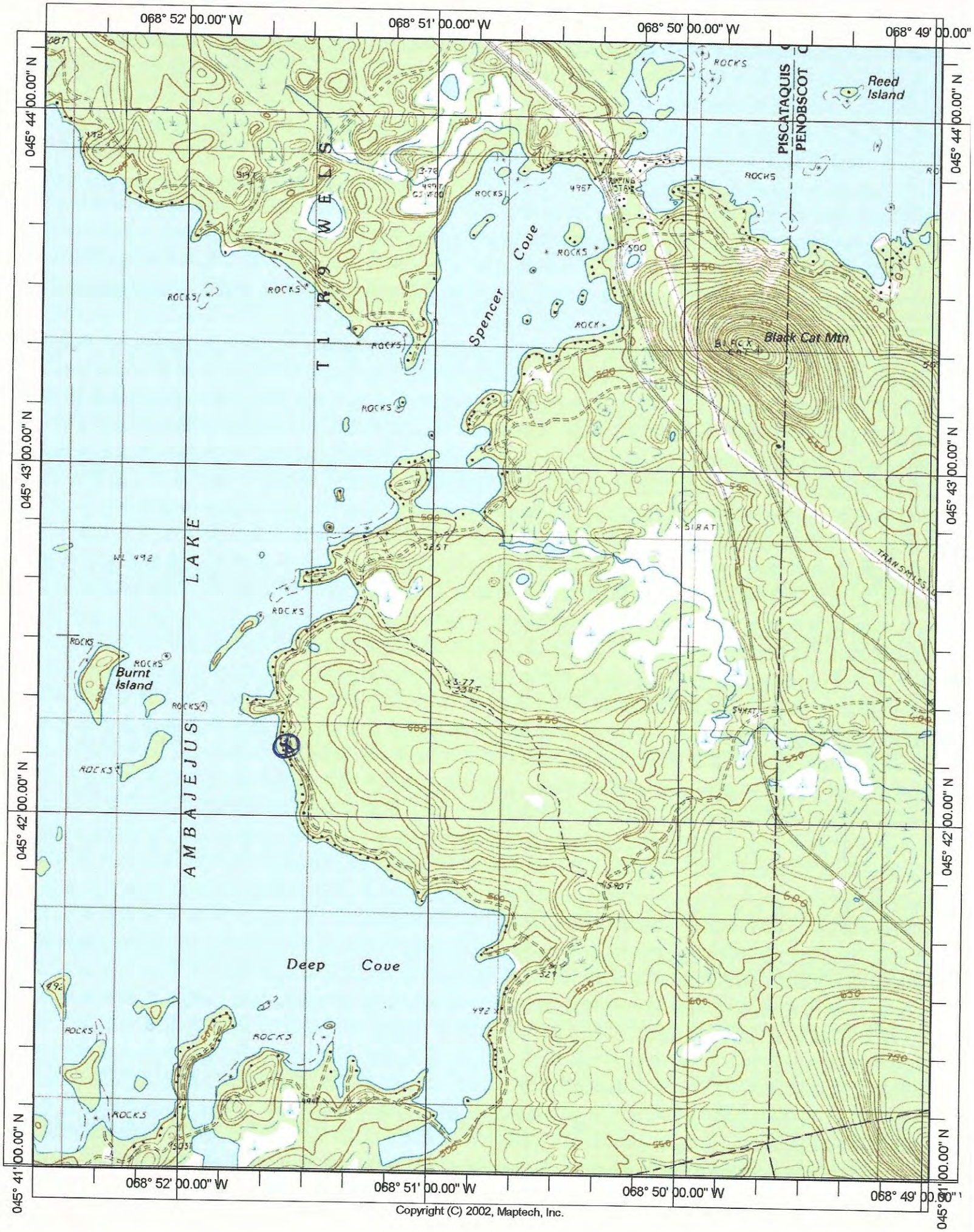
DONE AND DATED AT EAST MILLINOCKET, MAINE, THIS 29th DAY OF MARCH, 2016.

By: Debra A. Kazanski

for Nicholas Livesay, Executive Director

Wedge, William
Plan 06, Lot 10
Site Diagram





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