

For office use:

AUG 08 2015

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Minor Change Request

for revisions to previously issued permits

Tracking No. 48376 Minor Change to Permit No. BP15067-A

1. APPLICANT INFORMATION

| | | |
|---|--|----------------------|
| Name(s): <u>Jeffrey A. Donnell</u> | Daytime Phone: <u>207 361-9908</u> | FAX (if applicable): |
| Mailing Address: <u>15 Corn Swamp Rd York, ME 03909</u> | E-mail (if applicable): <u>yorkriverlobster@maine.rr.com</u> | |

2. PREVIOUSLY ISSUED PERMIT INFORMATION

| | |
|-----------------------------|-----------------------------|
| Permit Number: <u>15067</u> | Date Issued: <u>9/18/13</u> |
|-----------------------------|-----------------------------|

3. PROJECT LOCATION AND PROPERTY DETAILS

| | |
|--|--|
| Township, Town or Plantation: <u>Taunton Raynham</u> | County: <u>Somerset</u> |
| Tax Plan and Lot Numbers (check tax bill): <u>Lot #29 on Plan 01</u> | Book/Page or Lease Numbers (check deed or lease): <u>Book 8768 Book 4162 Pg 68</u> |

4. PROPOSED CHANGES

- Transfer of ownership. Submit a new deed, lease or sales contract. Provide the name of the previous permit holder: _____
- Typographical errors or other errors of transcription. Describe the errors and proposed corrections, below.
- Changing the phrasing of the Commission's written decision. Describe the phrasing of concern and the proposed corrections, below.
- Corrections of dimensions or minor variations, expansions or changes affecting less than 10% of an approved structure or project. Submit a site plan.

Describe in detail the Minor Change that you are proposing.

We have reduced the size of the addition to 12x12 (see attached revision) We had originally planned a 24x28 addition on the end. The new plan is 12x12 and now behind the original structure (see revised site plan)

5. CERTIFICATION AND APPLICANT SIGNATURES (all persons listed on the deed, lease or sales contract must sign below)

I have personally examined the information submitted in this request, including the accompanying attachments, and to the best of my knowledge and belief, this request is true and accurate I certify that the above described request will be completed in accordance with the Commission's permit conditions and applicable standards. I understand that activities carried out in violation of any conditions or standards are subject to enforcement action.

J.A. Donnell Applicant Signatures 7/24/15 Date

COMMISSION ACKNOWLEDGMENT (for office use)

Based upon the information supplied by the applicant in this form and the attachments, staff finds that this request qualifies as a minor change to a permit previously authorized by the Commission. All conditions of previously issued Commission permits shall remain in effect.

[Signature] LUPC Authorized Signature 8-4-15 Effective Date

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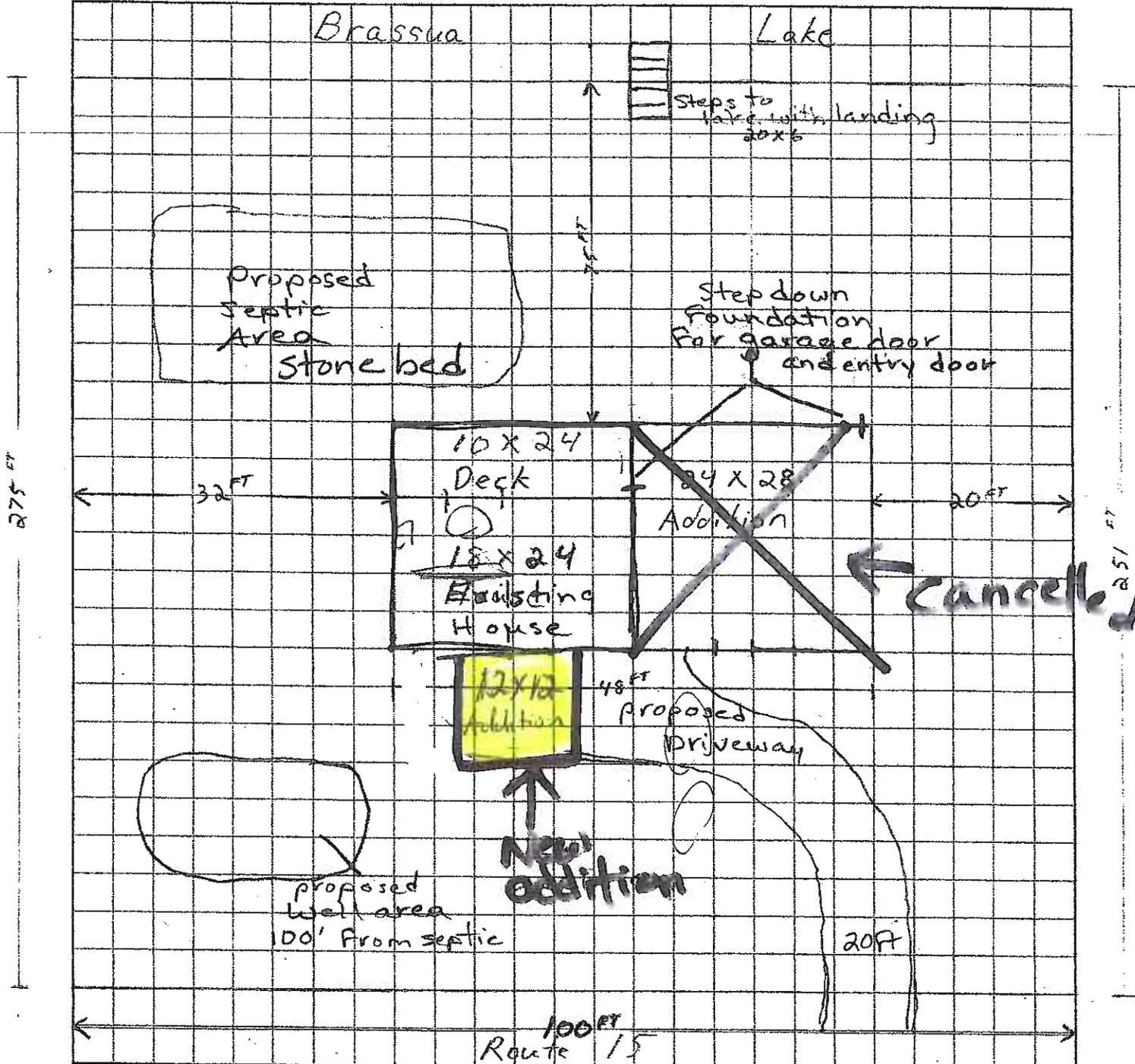
BP

Permit No. []

EXHIBIT D-2: PROPOSED SITE PLAN

***REQUIRED ONLY IF ALL PROPOSED CHANGES CANNOT BE CLEARLY SHOWN ON EXHIBIT D-1.**

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



Notes/Legend:



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

BUILDING PERMIT BP 15067

The staff of the Maine Land Use Planning Commission after reviewing the application and supporting documents submitted by Jeffery Donnell and Building Permit 15067 finds the following facts:

1. Applicant: Jeffery Donnell
15 Corn Swamp Road
York, ME 03909
2. Date of Completed Application: September 18, 2013
3. Location of Proposal: Taunton Raynham Academy Grant, Somerset County
Lot #29on Plan 01
4. Zoning: (D-RS) Residential Development Subdistrict
5. Lot Size: 0.49 acres (owned)
6. Structures: Existing Single family Dwelling Unit (18ft. by 24ft.)
Existing Decks (irregular shaped)
Proposed Permanent Foundation (28ft by 48ft.) *footprint includes deck and addition*
Proposed Deck (10ft. by 48ft.)
Proposed Addition (24ft. by 28ft.)
Proposed Shoreline Access Stairs (6ft. by 20ft.)
7. Sewage Disposal: Proposed Sewage Disposal System
8. Affected Waterbody: Brassua Lake

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

Background

9. The applicant's 0.49 acre lot with 100 feet of shoreline frontage on Brassua Lake and 100 road frontage on Route 15 was developed prior to the inception of the Commission. Structures constructed in prior to the Commission's inception included an 18 foot 24 foot single family dwelling unit with attached decks set back 58 feet from the normal high water mark of Brassua Lake. The single family dwelling unit was also served by shoreline access stairs to the water body.

Proposal

10. The applicant seeks permit approval to install a 28 foot by 48 foot permanent foundation for the existing 18 foot by 24 dwelling, proposed 10 foot by 24 foot deck and 24 foot by 28 foot addition. The proposed permanent foundation and expansions are proposed to be relocated further back from Brassua Lake at 75 feet from the normal high water mark. The applicant has stated that the proposed foundation cannot be located further back from the waterbody because of the slope of the lot and because of the proposed location of the replacement septic system.
11. The applicant also proposes to construct a 6 foot wide by 20 foot log set of stairs to replace the damage stairs that access Brassua Lake.
13. To serve the existing single family dwelling unit the applicant is proposing to install a replacement combined sewage disposal system.

Review Criteria

13. Under provisions of Section 10.11,B,1 of the Commission's Land Use Districts and Standards, permits are required for all expansions, reconstruction, relocations, changes of use, or other development of nonconforming structures, uses and lots, except where specifically provided in this 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, except in instances where a road setback is waived by the Commission in order to increase the extent of conformance with a waterbody setback.
14. Under the provisions of Section 10.11,C,1 of the Commission's Land Use Districts and Standards, an addition to a legally existing nonconforming dwelling located between 75 feet and 100 feet from the normal high water mark of waterbodies such as Brassua Lake, shall not exceed the maximum foot print of 1,500 square feet for all structures within 100 feet of the waterbody.
15. Under the provisions of Section 10.11,C,2,c of the Commission's Land Use Districts and Standards, the addition of a permanent foundation beneath a legally existing, nonconforming structure constitutes a reconstruction subject to the provision in Section 10,11,C,2,a.
16. Under provisions of Section 10.11,C,2,a of the Commission's Land Use Districts and Standards, a legally existing, nonconforming structure may be reconstructed or replaced with a permit, provided that the permit application is completed and filed within two years of the date of damage, destruction or removal, and provided that the structure was in regular active use within a two year period immediately preceding the damage, destruction, or removal. Reconstruction or replacement must comply with current minimum setback requirements to the greatest possible extent.

In determining whether the proposed reconstruction or replacement meets the setback to the greatest possible extent, the Commission may consider the following factors: size of lot, slope of the land, potential for soil erosion and phosphorus export to a waterbody, location of other legally existing structures on the property, location of the septic system and other on-site soils suitable for septic systems, type and amount of vegetation to be removed to accomplish the relocation, and physical condition and type of existing foundation, if any.

17. The facts are otherwise as represented in Building Permit application BP 15067 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposal would be in compliance with Section 10.11,B,1 of the Commission's Land Use Districts and Standards, in that the proposed permanent foundation and camp expansion would meet the approval criteria in 12 M.R.S.A. Section 685-B(4), would not adversely affect surrounding uses and resources, and would not increase in the extent of nonconformance. Specifically, the waterbody setback would increase from 58 feet to 75 feet.
2. The proposal would meet the criteria for a waiver of the Commission's minimum waterbody setback requirement under provisions of Section 10.11,C,2,a of the Commission's Land Use Districts and Standards. Specifically, the proposed foundation and camp expansion cannot be more conforming with respect to the waterbody setback because of the slope of the lot and location of the proposed septic system. The proposed permanent foundation and camp expansion will be set back to the greatest possible extent and meet the minimum setback requirement from the property boundary lines. The minimum waterbody setback requirement may be waived from 100 feet to 75 feet.
3. The proposal would be in compliance with Section 10.11,C,1 of the Commission's Land Use Districts and Standards, in that the proposed addition located between 75 and 100 feet from the lake, in combination with all the structures within 100 feet of the lake, would have a maximum foot print less than 1,500 square feet.
4. The proposal complies with all applicable standards of Sub-Chapter III of the Commission's Land Use Districts and Standards.
5. 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 for Building Permit BP 15067 for Jeffery Donnell 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 Regulation Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Regulation 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 75 feet from the normal high water mark of Brassua Lake, greater than 15 feet from nearest property boundary line and greater than 50 feet from nearest roadways. Structures within 100 feet of the normal high water mark of Brassua Lake shall not exceed a height greater than 25 feet measured from original mean grade.
4. The authorized shoreline access stairs shall be only utilized for the purpose of accessing a temporary docking structure or the shoreline of Brassua Lake.
5. 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.

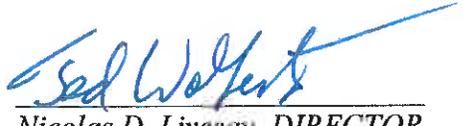
6. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
7. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.
8. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
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. 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.
15. 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.
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. 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.
18. The lot may not be further divided without the prior review and approval of the Commission. In addition, certain restrictions, including subdivision, setback and minimum lot size requirements, and activities on the original parcel from which the lot was first divided, may limit or prohibit further division of the lot in the future. The permittee(s) is (are) hereby advised to consult applicable land use laws and rules and with the Commission prior to any future further division of the lot.
19. 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.

DONE AND DATED AT GREENVILLE, MAINE, THIS 18th DAY OF SEPTEMBER, 2013

By:

For;


Nicolas D. Livesay, DIRECTOR