BP 15144

BP 15144 Permit No. | $ 321.20 Fee Received

CONDITIONS OF APPROVAL (for Building Permits within the Brassua Lake Concept Plan)

1. The Development Restrictions of the Brassua Lake Concept Plan (ver. 10/2004), a copy of which is attached.
2. Construction activities authorized in this permit must be substantially started within 2 years 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. Structures authorized under this permit, as well as filled and graded areas and cleared openings created as part of construction activities authorized under this permit, must be located at least 100 feet from the normal high water mark of Brassua Lake, 50 feet from the access road, and 15 feet from all property boundary lines. In addition, structures authorized under this permit must be sited within the building envelope, as identified on the registered plat associated with the Subdivision Permit authorizing the creation of this parcel.
4. Structures authorized under this permit must be no higher than the screening vegetation or 25 feet, whichever is greater, except that structures located greater than 500 feet from Brassua Lake must be no higher than 40 feet.
5. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.
6. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
7. Upon completion of the authorized structures within the terms of this permit, any existing structures 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.
8. 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. 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. Once in place, such measures shall be maintained to ensure proper functioning. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day.
11. All temporary sedimentation and erosion control devices must 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.
12. Exterior lighting on the lakeside of any authorized structures must be limited to 100 watts in aggregate, screened from lake view and directed towards the ground and/or the structure.
13. 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.
14. If the permittee holds interest in this parcel of land via a sales contract or other binding agreement, the permittee shall submit a copy of the deed transferring title of this parcel to the Commission upon final execution of such deed.
15. 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.
16. All conditions of previously issued Commission permits shall remain in effect, except as specifically modified by this permit. In addition, all conditions of the Subdivision Permit authorizing the creation of the permittee's parcel as they pertain to said parcel shall remain in effect.

LURC AUTHORIZATION (for office use)

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. Based on the information you have submitted in the attached application and supporting documents, the staff of the Land Use Regulation Commission concludes that, if carried out in compliance with the conditions of approval above, your proposal will meet the criteria for approval, 12 M.R.S.A. §685-B(4) of the Commission's statutes, the provisions of the Commission's *Land Use Districts and Standards* (Chapter 10; ver. August 10, 2011), and the Brassua Lake Concept Plan (ver. 10/2004). 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 Regulation Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

Ted Wolfe — LURC Authorized Signature

4-28-14 — Effective Date

Appendix 1 – Development Restrictions

DEVELOPMENT RESTRICTIONS FOR AREAS A - G

The following restrictions shall apply to all structures and uses on lots within land proposed for development (Areas A-G), as illustrated on Map 6.

All references to the Commission's Rules and Standards herein shall mean those rules and standards in effect as of the date of approval of the Concept Plan, copies of which are attached hereto as Appendices 2 - 15.

A. Restrictions for All Development Areas

1. No building or other construction may be undertaken on any lot without first obtaining an approved permit from the Maine Land Use Regulation Commission.
2. All structures and uses must meet the land use standards outlined in Appendices 2-15, including the dimensional and setback requirements outlined in Appendix 9, herein, and the clearing of vegetation requirements outlined in Appendix 3, herein.
3. All work that disturbs the natural soil conditions shall use current erosion control measures in accordance with LURC's Guidelines for Vegetative Stabilization (Appendix 15) and Maine's Erosion and Sediment Control Handbook for Construction: Best Management Practices (Department of Environmental Protection, March 1991).
4. Building height within 500 feet of Brassua Lake or Baker Pond shall be no higher than the screening vegetation or 25 feet, whichever is greater. Notwithstanding the dimensional requirements of Appendix 9, building height greater than 500 feet from Brassua Lake or Baker Pond shall be no higher than 40 feet.
5. Exterior lighting on the lakeside of the structure shall be limited to 100 watts in aggregate, screened from lake view and directed towards the ground and/or the structure.
6. Buried utilities are allowed on the lot to provide service. Overhead utilities are allowed between structures on the lot.
7. Subsurface wastewater disposal systems are permitted, pursuant to approved septic design and soil suitability in accordance with the State of Maine Plumbing Code. If an outhouse (privy) is utilized, it must be located behind the camp, at least 100 feet away from the normal high water mark of the shoreline, and screened from view from the shoreline.
8. Wells are permitted, in accordance with the State of Maine Plumbing Code. However, Brassua Lake water shall only be procured by hand carry or by hand pump.
9. If generators are used, some form of noise protection must be employed, including but not limited, to enclosure of the generator in a shed. All generators must be equipped with spark arrestor units. The noise levels produced by generator use shall be no more than 60 dba (decibels) measured 50 feet away from the source.
10. The property lines shall be kept free and open. No fences, hedges, or walls shall be allowed thereon.

B. Additional Restrictions for Area A

1. Lots within Area A may only be used for single-family residential dwellings. Only one residential dwelling is allowed per lot. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed. The lots cannot be further subdivided.
2. The total building footprint for the principal structure on each lot is limited to no more than 2,000 square feet.
3. Two (2) accessory structures are allowed per lot. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate.
4. Area A shall have 3000 feet of shorefront encompassing approximately 40 acres in "Common Open Green Space". The "Common Open Green Spaces" are to remain in a natural undeveloped state in perpetuity; docks (permanent or temporary), structures, and lighting are prohibited.
5. No trailered ramps are to be constructed on individual lots within Area A.
6. Each lot owner within Area A shall belong to the Poplar Hill Lot Owners Association. The purpose of the Poplar Hill Lot Owners Association is to govern the uses specified in the lot owners' association rules and bylaws that include the ability to enforce any and all covenants, to fix assessments or common charges for maintenance and normal repair of the loop, spur and access road, to maintain and pay taxes of the "common open green areas", and to pay for the removal of refuse from the transfer site at Area B.

7. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed on each lot. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.

8. Driveways shall be constructed, when site conditions allow, so that two adjacent lots share a common entry (egress) point from (to) the access road.

9. Signs permitted on the lot include one "for sale" sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12" x 24" (2 sq. ft.) in size.

C. Additional Restrictions for Area B

1. Allowed uses on Shorefront Lot:

   a. Allowed uses are limited to one attendant's cabin, a boat ramp, and parking area. The attendant's cabin and lot shall not be conveyed as a private residence. The lot may not be further subdivided. The Area B shorefront lot may not be conveyed separately from the Area B interior lot.

   b. Notwithstanding the requirements set forth in Appendix 2, buildings shall be set back at least 150 feet from the normal high water mark, 20 feet from side lot line, and 100 feet from the access road.

   c. The total building footprint for the attendant's cabin is limited to no more than 1,200 square feet.

   d. Two (2) accessory structures are allowed limited to a maximum of 600 square feet of footprint in aggregate.

   e. A private boat ramp shall be constructed in accordance with Appendix 10.

   f. Boat ramp lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.

   g. Signs permitted on the lot include "recreational" signs and signs identifying an attendant's dwelling. No sign shall exceed 24" x 24" (4 sq. ft.) in size. Recreational signs shall be those typically located at boat ramp facilities, such as boat ramp sign, parking signs, no swimming sign, limitation of use sign, hours of operation sign, and seasons of operation sign. No commercial signs are allowed on the lot.

   h. Notwithstanding the clearing standards of Appendix 3, cleared openings for the entire lot shall not exceed 20,000 square feet.

2. Allowed uses on Interior Lot:

   a. "Area B" above the access road may only be used to support activities of Area A. An equipment rental office, 4 equipment storage buildings, and a rubbish transfer station are allowed. No residential development is allowed in "Area B". The rental activities allowed include the management of the properties within Area A and the rental of canoes, kayaks, bicycles, and cross-country skis. The transfer station is for use by residents of Area A. The lot may not be further subdivided. The Area B interior lot may not be conveyed separately from the Area B shorefront lot.

   b. Notwithstanding the requirements set forth in Appendix 2, buildings shall be set back at least 500 feet from the normal high water mark, 25 feet from side lot line, and 75 feet from the access road.

   c. The total building footprint for the rental office is limited to no more than 1,200 square feet.

   d. The total building footprint for the storage buildings is limited to 8,000 square feet in aggregate. A total of four (4) storage buildings are allowed.

   e. The transfer station shall consist of a concrete pad and dumpsters, and shall be screened from access road view.

   f. Signs permitted on the lot include "recreational" signs and signs identifying a rental office. No sign shall exceed 24" x 24" (4 sq. ft.) in size. Recreational signs shall be those typically located at rental offices, such as parking signs, hours of operation sign, informational signs about the Lake Concept Plan Area, and seasons of operation sign. One 100 watt illuminated commercial informational sign, 24" x 24"(4 sq. ft.), will be allowed at the entrance of the rental office access road.

   g. Notwithstanding the clearing standards of Appendix 3, cleared openings of vegetation shall not exceed 40,000 square feet in aggregate.

D. Additional Restrictions for Area C

1. Area C may be used for one (1) manager's cabin, and one (1) sporting lodge with ten (10) rental cabins and private boat launch. One outpost cabin may be placed on one of the three islands associated with Area C. No additional development is allowed on the islands, except that structures associated with primitive recreation are permitted. The lot may not be further subdivided. The manager's cabin, sporting lodge, outpost cabin or any rental cabins may not be conveyed separately.

2. Notwithstanding the requirements set forth in Appendix 2, the manager's cabin shall be set back at least 150 feet from the normal high water mark, 15 feet from side lot line, and 50 feet from the access road. The sporting lodge, outpost cabin and

rental cabins shall be set back at least 150 feet from the normal high water mark, 25 feet from side lot line, and 75 feet from the access road.

3. The total building footprint for the manager's cabin is limited to 2,000 square feet. The total building footprint for the sporting lodge, outpost camp and rental cabins is limited to 8,000 square feet in aggregate.
4. Two (2) accessory structures associated with the manager's cabin are allowed, limited to a maximum of 800 square feet of footprint in aggregate. Two (2) accessory structures associated with the sporting lodge are allowed limited to a maximum of 800 square feet of footprint in aggregate.
5. Rental Cabin footprints are limited to 800 square feet each.
6. Notwithstanding the building height requirements set forth in Appendix 2, the rental cabin building height is limited to 25 feet.
7. Signs permitted on the lot include "recreational" signs and "informational" signs. No sign shall exceed 24" x 24" (4 sq. ft.) in size. Recreational signs shall be those typically located at recreational facilities, such as parking signs, hours of operation sign, seasons of operation, cabin names, directional signs, informational signs about the sporting lodge and about the Lake Concept Plan Area. One 100 watt illuminated commercial informational sign, 24" x 24" (4 sq. ft.), will be allowed at the entrance of the access road.
8. Clearing of vegetation associated with the sporting lodge shall be in accordance with Appendix 3 and not exceed 10,000 square feet in aggregate within 250' of the normal high water mark. Clearing of vegetation associated with each sporting lodge cabin shall be accordance with Appendix 3 and not exceed 5,000 square feet in aggregate within 250' of the normal high water mark.

E. Additional Restrictions for Area D

1. Area D is associated with The Birches and shall not be conveyed separately. Only one residential dwelling is allowed.
2. The total building footprint for the principal structure on the lot is limited to no more than 1,200 square feet.
3. Two (2) accessory structures are allowed on the lot. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate.
4. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed on each lot. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
5. Signs permitted on the lot include one "for sale" sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12" x 24" (2 sq. ft.) in size.

F. Additional Restrictions for Area E

1. Area E may only be used for a single-family residential dwelling. Only one residential dwelling is allowed. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed. The lot cannot be further subdivided.
2. The total building footprint for the principal structure on the lot is limited to no more than 2,000 square feet.
3. Two (2) accessory structures are allowed on the lot. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate.
4. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed on each lot. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
5. Signs permitted on the lot include one "for sale" sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12" x 24" (2 sq. ft.) in size.

G. Additional Restrictions for Area F

1. The lot may only be used for single-family residential dwellings. Two residential dwellings are allowed. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed. The lot cannot be further subdivided.
2. The total building footprint for each principal structure is limited to no more than 2,000 square feet.
3. Two (2) accessory structures are allowed per dwelling. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate for each dwelling.
4. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed for each dwelling. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
5. Driveways shall be constructed, when site conditions allow, so that two adjacent lots share a common entry (egress) point from (to) the access road.
6. Signs permitted on the lot include one "for sale" sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12" x 24" (2 sq. ft.) in size.

H. Additional Restrictions for Area G

1. The lot can be subdivided into five parcels. Four parcels may only be used for single-family residential dwellings. The remaining lot is to be retained by the applicant. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed. The four parcels cannot be further subdivided.
2. The total building footprint for the principal structure on each lot is limited to no more than 2,000 square feet.
3. Two (2) accessory structures are allowed per lot. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate.
4. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed on each lot. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
5. Driveways shall be constructed, when site conditions allow, so that two adjacent lots share a common entry (egress) point from (to) the access road.
6. Signs permitted on the lot include one "for sale" sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12" x 24" (2 sq. ft.) in size.

RESTRICTION FOR THE TRAIL AND CABIN SYSTEM, PROTECTED ISLANDS, UTILITIES, AND ROADS

The following restrictions shall apply to structures and uses on lots outside of land proposed for development, as illustrated on Map 6.

All references to the Commission's Rules and Standards herein shall mean those rules and standards in effect as of the date of approval of the Concept Plan, copies of which are attached hereto as Appendices 2 - 15.

I. Restrictions for the Trail and Cabin System

1. All work that disturbs the natural soil conditions shall use current erosion control measures in accordance with LURC's Guidelines for Vegetative Stabilization (Appendix 15) and Maine's Erosion and Sediment Control Handbook for Construction: Best Management Practices (Department of Environmental Protection, March 1991).
2. The trail system width shall be limited to a 14-foot wide corridor with low vegetation.
3. A trail (walking path) shall be allowed within the 14-foot corridor.
4. Vehicle traffic on the trail system within the permanent conservation area is limited to and for direct support of trail maintenance, and may include the following equipment: trail grooming machinery (12 feet wide), forest management equipment, and emergency vehicles.
5. A total of nine (9) structures are allowed along the trail system. Six (6) structures are allowed in the permanent conservation area. Two (2) structures are allowed on Poplar Hill.
6. Notwithstanding the requirements of Appendix 9, herein, all structures shall be set back at least 250 feet from the normal high water mark, except that structures on Poplar Hill and Brassua Lake's western peninsula shall be set back at least 500 feet form the normal high water mark and screened from view.
7. Notwithstanding the clearing standards of Appendix 3, clearing of vegetation associated with each cabin shall not exceed 4,000 square feet in aggregate.
8. The total building footprint is limited to 400 square feet for each cabin.
9. Notwithstanding the dimensional requirements of Appendix 9, building height is limited to 25 feet.

J. Restrictions for Development on the Protected Islands

1. No development is allowed on any islands placed in permanent conservation, except that structures associated with primitive campsites are permitted in accordance with the terms of the conservation easement.
2. No development is allowed on any islands placed in the 20-year conservation area during the term of this Lake Concept Plan, except that structures associated with primitive campsites are permitted.

K. Restrictions for Road Projects

1. Access Road and Public Hand Carry Boat Launch Road
   a. The landowner is responsible for upgrading the road in accordance with the road construction standards of Appendix 5. The maintenance and normal repair of the Access Road is the responsibility of the Poplar Hill Lot Owner's Association. The maintenance and normal repair of the Public Boat Launch Road is the responsibility of the landowner.

2. Loop Road and Spur Road

   a. The landowner is responsible for upgrading the road to provide access to the lots in Area A. The maintenance and normal repair of the Loop Road and Spur Road is the responsibility of Poplar Hill Lot Owner's Association.

   b. The loop road shall be upgraded in accordance with the road construction standards of Appendix 5 and the State Soil Scientist recommendations, below:

   c. The road width shall be 14 feet wide and have 2:1 H/V slopes of flatter. Cross slope grade shall be a uniform 3-5% slope to allow drainage to the down hill side. The road shall be constructed in a layer system that includes laying geo-textile fabric directly on the old road, followed by a layer of 12 inch MDOT Class B (4" minus) aggregate, and then a final layer of 6 inch MDOT Class A (2" minus) aggregate. In wet areas and wetland areas an additional layer of geo textile fabric shall be used between the 12 inch and 6 inch layer. Ditches shall be minimized and existing ditches may require stone or geo-textile fabric to reduce erosion and promote vegetation growth. Existing drainage structures will need to be evaluated for size and condition. Stoned lined ditch turnouts will be placed so that water will run through a buffer area prior to entering the lake.

   d. The loop road may be developed in phases to match the development phases of Area A.

   e. Traffic movement around the loop road will be at a posted speed limit. Traffic turnouts will be placed on the uphill side of the loop road. The location of the turnouts will be spaced such as the use of the clearings produced from previous logging operations might be used.

3. Individual Lot Roads

   a. Road maintenance and normal repair of individual lot roads (within Areas D, E, F, and G) shall be the responsibility of the lot owner(s).

L. Restrictions for Utility Lines

1. Underground utility lines shall be allowed to all areas proposed for development, utilizing existing and proposed roadway corridors where practicable. When possible utility lines shall be placed along the shared drives to each residential dwelling.
2. Overhead utility lines are allowed only to connect a structure to another structure on the same lot.

DEED COVENANTS

The development restrictions outlined in Appendix 1, above, shall be included as deed covenants for lots within land proposed for development (Areas A-G), as appropriate. In addition, the following deed covenants shall apply to all lots within land proposed for development and all cabins within the trail and cabin system:

M. Deed Covenants

1. The exterior of the main building or an accessory structure are to be finished within one year from start of construction.
2. All buildings and lots shall be maintained in a neat and attractive manner, and in good repair.
3. All chimneys must be of brick, stone, tile construction, or stovepipe installed and maintained under the applicable building fire codes.
4. All exterior roofing material must be made of non-combustible material and be a dark, natural looking color: Dark Green, black, brown, and charcoal gray are preferred.
5. All exterior materials, including window frames, trims, chimneys and screen doors are to be unobtrusive in color and texture, shall be a dark color, and shall be non-reflective.
6. All buildings must have traditional exteriors. Appearances should blend with the surroundings, i.e. wood siding (shingles, log siding, logs), and if painted only "earth tones".
7. No mobile homes are allowed.
8. Trash, garbage, or other waste shall be kept in sanitary containers, and the site shall not be used as a dumping ground for waste disposal. All trash, garbage, or other waste shall be removed at the end of each period of use or more often, if necessary, and transported to Area B's transfer station. Area C, Area D, and Area E shall transport waste to Rockwood Transfer Station. The following are not permitted: Outside storage or placement of machines or equipment, which are not in useable condition; and metal, vinyl or plastic siding for structures.

STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, ME 04333-0022

VEGETATION CLEARING STANDARDS FOR AREAS WITHIN THE BRASSUA LAKE CONCEPT PLAN

The following shall apply to vegetation clearing for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

a. A vegetative buffer strip shall be retained within:

(1) 50 feet of the right-of-way or similar boundary of any public roadway,

(2) 75 feet of the normal high water mark of any standing body of water less than 10 acres in size, or any tidal water or flowing waters draining less than 50 square miles, and

(3) 100 feet of the normal high water mark of a standing body of water 10 acres or greater in size or flowing water draining 50 square miles or more.

b. Within this buffer strip, vegetation shall be maintained as follows:

(1) There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.

(2) Selective cutting of trees within the buffer strip is permitted provided that a well- distributed stand of trees and other vegetation is maintained.

For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of *12* or more in a 25-foot by 25-foot square (625 square feet) area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a "well-distributed stand of trees and other vegetation" shall be defined as maintaining a rating score of *8* or more per 25-foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4 ½ Feet Above Ground Level (inches)	Points
2 - 4 in.	1
> 4 - 12 in.	2
> 12 in.	4

NOTE: As an example, if a 25-foot x 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

(3x1) + (3x2) + (3x4) = 21 points

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points (21 - 12 = 9) may be removed from the plot provided that no cleared openings are created and all other requirements of this rule and other laws are followed.

[over]

PHONE: (207) 287-2631
FAX: (207) 287-7439
TTY: (888) 557-6690

The following shall govern in applying this rating system:

(a) The 25-foot x 25-foot plots shall be established where the landowner or lessee proposes clearing within the required buffer;

(b) Each successive plot shall be adjacent to but not overlap a previous plot;

(c) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;

(d) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules.

(3) In addition to subsection (2) above, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level, may be removed in any ten (10) year period.

(4) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover shall not be removed and the soil shall not be disturbed, except to provide for a footpath or other permitted use.

(5) Pruning of tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.

(6) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 sq. ft., these openings shall be established with native tree species.

c. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a standing body of water greater than 10 acres, no more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all standing bodies of water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.

d. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing or standing body of water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

PHONE: (207) 287-2631
FAX: (207) 287-7439
TTY: (888) 557-6690

STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, ME 04333-0022

FILLING AND GRADING STANDARDS FOR AREAS WITHIN THE BRASSUA LAKE CONCEPT PLAN

The following requirements for filling and grading shall apply in all subdistricts except as otherwise provided herein. The purpose of this section is to allow minor filling and/or grading of land without a permit, provided the performance standards set forth below are met. If the standards are not met, a permit is required.

These standards do not apply to filling or grading activities which constitute forest or agricultural management activities, the construction, reconstruction and maintenance of roads, or the construction of public trailered ramps, hand-carry launches, or driveways. Such activities are separately regulated.

a. Within 250 feet of water bodies and wetlands, the maximum size of a filled or graded area, on any single lot or parcel, shall be 5,000 square feet. This shall include all areas of mineral soil disturbed by the filling or grading activity; and

b. Beyond 250 feet from water bodies, the maximum size of filled or graded areas, as described above, shall be 20,000 square feet, except that there shall be no limit to the size of filled or graded areas in M-GN General Management Subdistricts which are greater than 250 feet from water bodies and wetlands. In such General Management Subdistrict areas, the provisions of subsections d and f of this section shall apply; and

c. Clearing of areas to be filled or graded is subject to the Clearing Standards of Section 10.17, A, 2; and

d. Imported fill material to be placed within 250 feet of water bodies shall not contain debris, trash, rubbish or hazardous or toxic materials. All fill, regardless of where placed, shall be free of hazardous or toxic materials; and

e. 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 the distance 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

f. All filled or graded areas shall be promptly stabilized to prevent erosion and sedimentation.

Filled or graded areas, including all areas of disturbed soil, within 250 feet of water bodies and wetlands, shall be stabilized according to the Guidelines for Vegetative Stabilization contained in Appendix B of this chapter.

PHONE: (207) 287-2631
FAX: (207) 287-7439
TTY: (888) 557-6690

STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, ME 04333-0022

GUIDELINES FOR VEGETATIVE STABILIZATION FOR AREAS WITHIN THE BRASSUA LAKE CONCEPT PLAN

Areas of disturbed soil, including but not limited to areas that are filled, graded or otherwise disturbed during construction projects, should be stabilized according to the following guidelines. These guidelines do not apply to forest management activities and are not strict regulations, and therefore alternative methods of stabilizing soil may be used. However, whenever soil stabilization or stabilization of disturbed areas is required by regulation or by the terms of individual permits, individuals must assure that either these guidelines, or measures equally effective in stabilizing disturbed areas of soil are employed.

The goals to be achieved by proper stabilization are the avoidance of accelerated soil erosion and the avoidance of sedimentation or pollution of water bodies. All stabilization measures must be maintained so that grass or other vegetation remains intact and healthy, otherwise these measures will be ineffective.

In General:

1. Sterile soils such as sands and gravels should be covered with 2 to 4 inches of soil medium that will support vegetative growth.
2. Disturbed soil areas should be graded such that runoff water is either minimized or eliminated from running over the site.
3. Disturbed areas which can be seeded between May 1 and September 15 should be prepared and seeded during that period.
4. Disturbed areas which cannot be seeded between May 1 and September 15 should be mulched with hay, straw or some other suitable material to keep them as stable as possible over the winter, and particularly during spring runoff the following year. For over-wintering, mulch must be tacked down, as it is easily blown around on frozen ground, leaving areas of soil exposed. Mulch hay should be applied at a depth of 4 inches, or between 150 to 200 lbs. per 1000 square feet, over the disturbed site. Mulched over-wintered areas should be prepared and seeded the following spring as soon as conditions allow.

   It is not recommended that disturbed areas be seeded after September 15th ("dormant seeding") for a number of reasons. Among the reasons, seeding rates are doubled, which is more expensive; timing is critical to ensure that germination does not occur before the following spring; there is an increased risk of sedimentation because sites are generally wetter in the fall; the thicker mulch must be removed in the spring in order to allow the germinating seed to survive; and the application of fertilizer during this time increases the risk of leaching or runoff loss of nutrients into water bodies.
5. Seeding preparation, in addition to providing a soil medium that will support vegetative growth if the site is sterile, includes the application of lime and fertilizer, which should be lightly raked prior to seeding. After the area is seeded, it should be lightly watered and then mulched with 70 to 90 lbs. (2 standard bales) per 1,000 square feet of weed free hay or straw to protect the seed. Keep the site stable and moist, and allow the seed to germinate and grow.
6. For accurate liming as well as fertilization, it is recommended that you have the soil analyzed to determine the specific nutrient requirements of your site.

   Lime should be applied at a rate of approximately 140 pounds to 1000 square feet of area. This rate may vary depending on the natural conditions of the soil on the site. 10-5-20 fertilizer should be applied at a rate of 18.5 lbs. per 1000 square feet of area. Following the establishment of vegetation, non-phosphorous fertilizer should be used in accordance with the Department of Environmental Protection's recommendations.

PHONE: (207) 287-2631
FAX: (207) 287-7439
TTY: (888) 557-6690

7. In shoreland areas in particular, fertilizers should be of the "quick release" low phosphorus type, such as 12-4-8 mixtures applied at a rate of 8 pounds per 1,000 square feet of area. If you are near water bodies, it is important not to apply more than approximately this amount of fertilizer, as excess may be washed into streams or lakes and contribute to lowering water quality and such things as algae blooms in lakes.

   Following the establishment of vegetation, non-phosphorous fertilizer should be used in accordance with the Department of Environmental Protection's recommendations.

   Fertilizers should never be applied right before thunder storms or before spring runoff, because the great amounts of water running over the land will wash the fertilizer, particularly phosphorus, into water bodies. However, a light watering after the fertilizer is applied will help bind the phosphorus to the soil.

8. There are many combinations of grasses that can be used. One combination particularly good for providing soil stability, generally referred to as the Soil Conservation Mixture, consists of: (Proportions, by weight)

   Creeping Red Fescue 35%
   Kentucky Bluegrass 25%
   Annual Rye Grass 15%
   Perennial Rye Grass 10%
   Red Top 10%
   White Dutch Clover 5%
   * Oats - See Below

   This seed would be applied at a rate of 1 pound per 1000 square feet. These particular grasses do best if mowed no closer than 2-1/2 to 3 inches from the ground. Of course, other seed mixtures are available.

   It is important, in choosing a mixture, to choose one suitable for the site being stabilized. There are many different types of seeding mixtures designed for particular site conditions such as shade, sun, and drainage. Any mix should contain some seed which germinates rapidly to provide the quickest stabilization possible while awaiting the germination of the remaining types.

   (*)For quick germination, oats are very good. They germinate in 7 to 10 days. They should be planted at a rate of approximately 1 to 1-1/2 bushels per acre, in addition to the basic grass mixture. Oats should be mowed when they reach knee height to allow the germinating grasses to receive sunlight.

Alternatives:

As indicated above, other stabilization programs may be used, provided they are equivalently effective in stabilizing disturbed areas and preventing accelerated soil erosion and sedimentation of water bodies. Further assistance may be obtained, including in some cases site-specific recommendations, as follows:

Local Soil and Water Conservation Districts
The USDA Natural Resource Conservation Service
Maine Department of Environmental Protection, Lakes Program
Landscaping Professionals
Reputable Lawn and Garden Supply Dealers

The following documents may provide valuable assistance to those developing a soil stabilization plan:

Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices (Cumberland County Soil & Water Conservation District and Maine Department of Environmental Protection, 1991)

Strategy for Managing Nonpoint Source Pollution From Agricultural Sources and Best Management Guidelines (NPS Agricultural Task Force, 1991)

Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations, Best Management Practices (Maine Forest Service, 1991)

PHONE: (207) 287-2631
FAX: (207) 287-7439
TTY: (888) 557-6690

For office use:

47334 Tracking No. | BP 15144 Permit No. | $321.20 Fee Received

Maine Land Use Regulation Commission
Department of Conservation

Expedited Building Permit

for residential development in Tomhegan Twp. within the Brassua Lake Concept Plan

1. APPLICANT INFORMATION

HOME

Applicant Name(s)	Daytime Phone	FAX *(if applicable)*
DENNIS & KATHLEEN TREMBLAY	207-846-3787	
Mailing Address	CELL 207-329-0273	**Email** *(if applicable)*
81 OLD FIELD ROAD		KTREMBLAY10@GMAIL.COM
Town		**State** / **Zip Code**
YARMOUTH		MAINE 04096

2. PROJECT LOCATION AND PROPERTY DETAILS – *TOMHEGAN TWP*

Tax Plan and Lot Numbers (check tax bill)	**Book/Page Numbers** (check deed)
MAP S0037 PLAN 12 LOT 22	DOC 14191 BK 4455 PAGE 187
Lot size (in acres, or in square feet if less than 1 acre)	**Lot coverage** (in square feet)
3.59 ACRES	156,380.4 SQUARE FEET

Please check one of the following located on Brassua Lake:

- ☒ Area A: 52 shorefront residential lots (Poplar Hill)
- ☐ Area E: 1 shorefront residential lot (eastern shore)
- ☐ Area F: 1 shorefront residential lot on the Brassua Lake's western shore
- ☐ Area G: 4 shorefront residential lots on Brassua Lake's eastern shore

3. EXISTING STRUCTURES

Are there any structures on your property? **If YES**, fill in a line on the table for each existing structure. ..... ☐ YES ☒ NO

Type of structure (dwelling, garage, deck, porch, shed, driveway, etc.)	Year built	Exterior dimensions (LxWxH)	Type of foundation (full basement, slab, post, etc.)	Distance (in feet) of structure from nearest: Road	Property line	Brassua Lake	Wetland

4. PROPOSED ACTIVITIES

- ☐ Transfer of ownership. Provide the name of the previous owner or lessee of your property: _____
- ☐ Installation of a new sewage disposal system, or expansion of an existing sewage disposal system.
- ☒ New construction, reconstruction of existing structures, or changes to previously permitted structures. Fill in a line on the table below for each structure:

Type of structure (dwelling, garage, deck, porch, shed, driveway, etc.)	Proposal (check all that apply): New structure	Reconstruct	Expand	Relocate	Enclose deck/porch	Permanent foundation	Change dimensions or setbacks	Other *	Exterior dimensions (LxWxH)	Distance (in feet) of structure from nearest: Road	Property line	Brassua Lake	Wetland
DWELLING + PORCH	☒	☐	☐	☐	☐	☒	☐	☐	26'X36'X23'	650'	65'	175'	
	☐	☐	☐	☐	☐	☐	☐	☐	18'X18'X13'				
	☐	☐	☐	☐	☐	☐	☐	☐	4'X9'X14'				
	☐	☐	☐	☐	☐	☐	☐	☐	6'X10'X8'				
	☐	☐	☐	☐	☐	☐	☐	☐					
	☐	☐	☐	☐	☐	☐	☐	☐					

RECEIVED
APR 28 2014
LUPC - GREENVILLE

*** Other.** If you selected "Other" from the table above, describe in detail what you are proposing:

5. VEGETATION CLEARING, FILLING AND GRADING, SOIL DISTURBANCE (If applicable, fill in this table)

	Proposed New Area (in sq. ft.) of cleared/filled/disturbed soil:	Distance (in feet) between edge of cleared/filled area and the nearest:			
		Road	Property line	Brassua Lake	Wetland
Cleared area	3,404	640	55	150	
Filled/disturbed area					

What is the average slope of land between the area to be filled/disturbed and Brassua Lake or the wetland? .. 9 % ☐ NA

6. APPLICANT SIGNATURE (REQUIRED) AND AGENT AUTHORIZATION (OPTIONAL)

Agent Name	Daytime Phone	FAX *(If applicable)*	
Mailing Address		Email *(If applicable)*	
Town		State	Zip Code

I have personally examined and am familiar with the information submitted in this application, including the accompanying exhibits and supplements, and to the best of my knowledge and belief, this application is complete with all necessary exhibits. I understand that if the application is incomplete or without any required exhibits that it will result in delays in processing my permit decision. The information in this application is a true and adequate narrative and depiction of what currently exists on and what is proposed at the property. I certify that I will give a copy of this permit and associated conditions to any contractors working on my project. I understand that I am ultimately responsible for complying with all applicable regulations and with all conditions and limitations of any permits issued to me by the Commission. If there is an Agent listed above, I hereby authorize that individual or business to act as my legal agent in all matters relating to this permit application. I understand that while there is a required Statewide Maine Uniform Building and Energy Code (MUBEC) administered by the Maine Department of Public Safety, Bureau of Building Codes & Standards, the LUPC's review is limited only to land use issues and the Commission does not make any findings related to the MUBEC nor do Commission staff inspect buildings or enforce any provisions of that Code.

Please check **one** of the boxes below: *(see "Accessing the Project Site for Site Evaluation and Inspection" just prior to the application form)*

☑ I authorize staff of the Land Use Planning Commission to access the project site as necessary at any reasonable hour for the purpose of evaluating the site to verify the application materials I have submitted, and for the purpose of inspecting for compliance with statutory and regulatory requirements, and the terms and conditions of my permit.

☐ I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to obtain my permission to fully access the project site for purposes of any necessary site evaluation and compliance inspection.

All appropriate persons listed on the deed, lease or sales contract must sign below.

Signature(s) Dennis P Tremblay **Date** 04-07-2014

Kathleen Tremblay **Date** April 7, 2014

See Conditions of Approval and LUPC Authorization

THIS FORM IS NOT A VALID PERMIT UNTIL IT IS SIGNED BY AN AUTHORIZED LUPC REPRESENTATIVE.

NO CONSTRUCTION ACTIVITIES MAY BEGIN PRIOR TO YOUR RECEIPT OF A PERMIT.

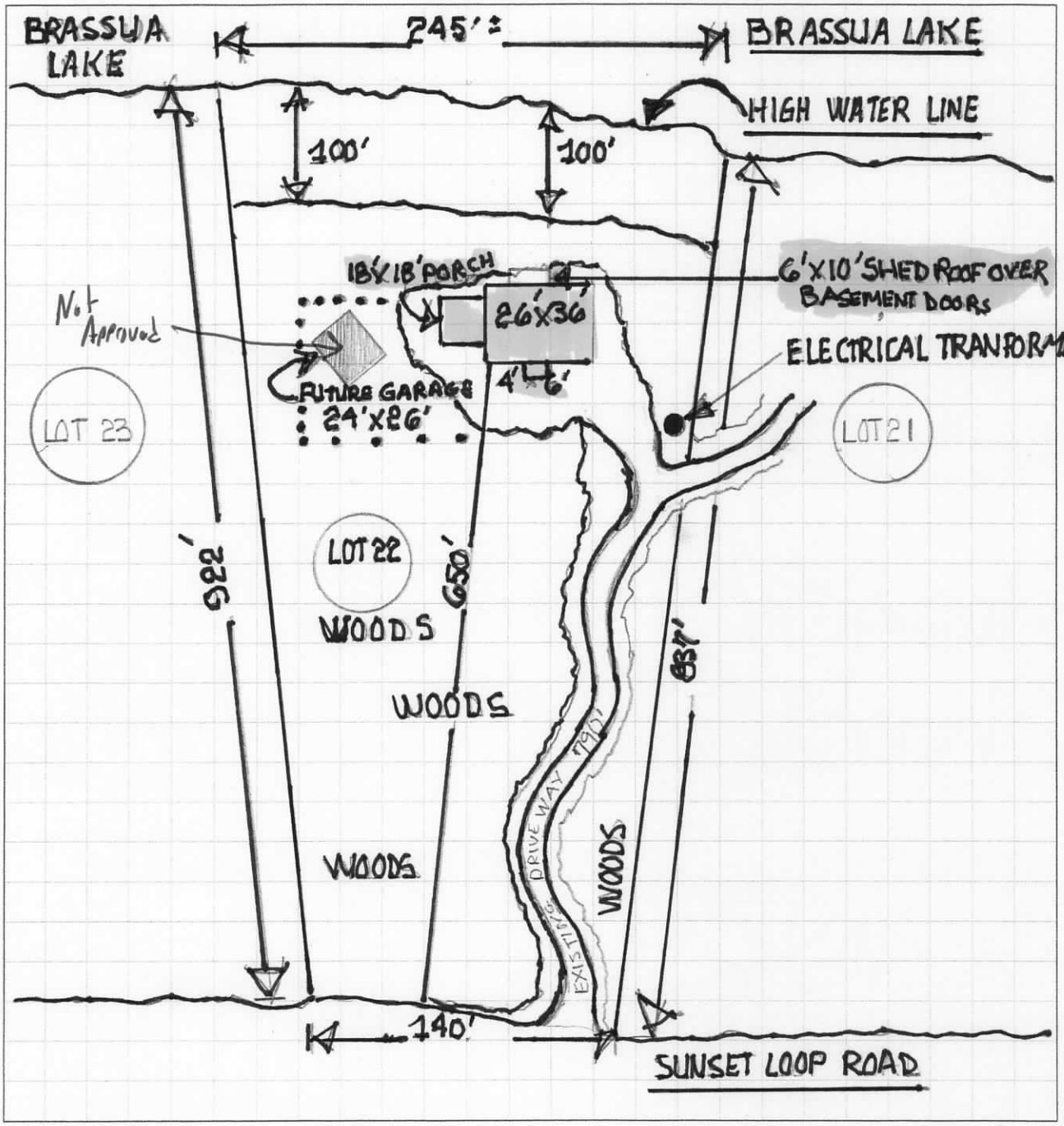
THE COMMISSION MAY REQUIRE ADDITIONAL INFORMATION NOT ENCOMPASSED IN THIS APPLICATION.

For office use:

Tracking No. | BP | Permit No.

EXHIBIT D-1: EXISTING SITE PLAN

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, and demonstrates that all development is within the building envelopes approved as part of the applicable subdivision permit. Do not use colors. Refer to the instructions on page viii for a sample site plan.



Notes/Legend:

PROPOSED STRUCTURES

• • • • • • FUTURE PROPOSED CLEARED AREA

FUTURE GARAGE - NOT TO BE CONSTRUCTED WITHIN NEXT 5 YEARS

Not approved under this Proposal

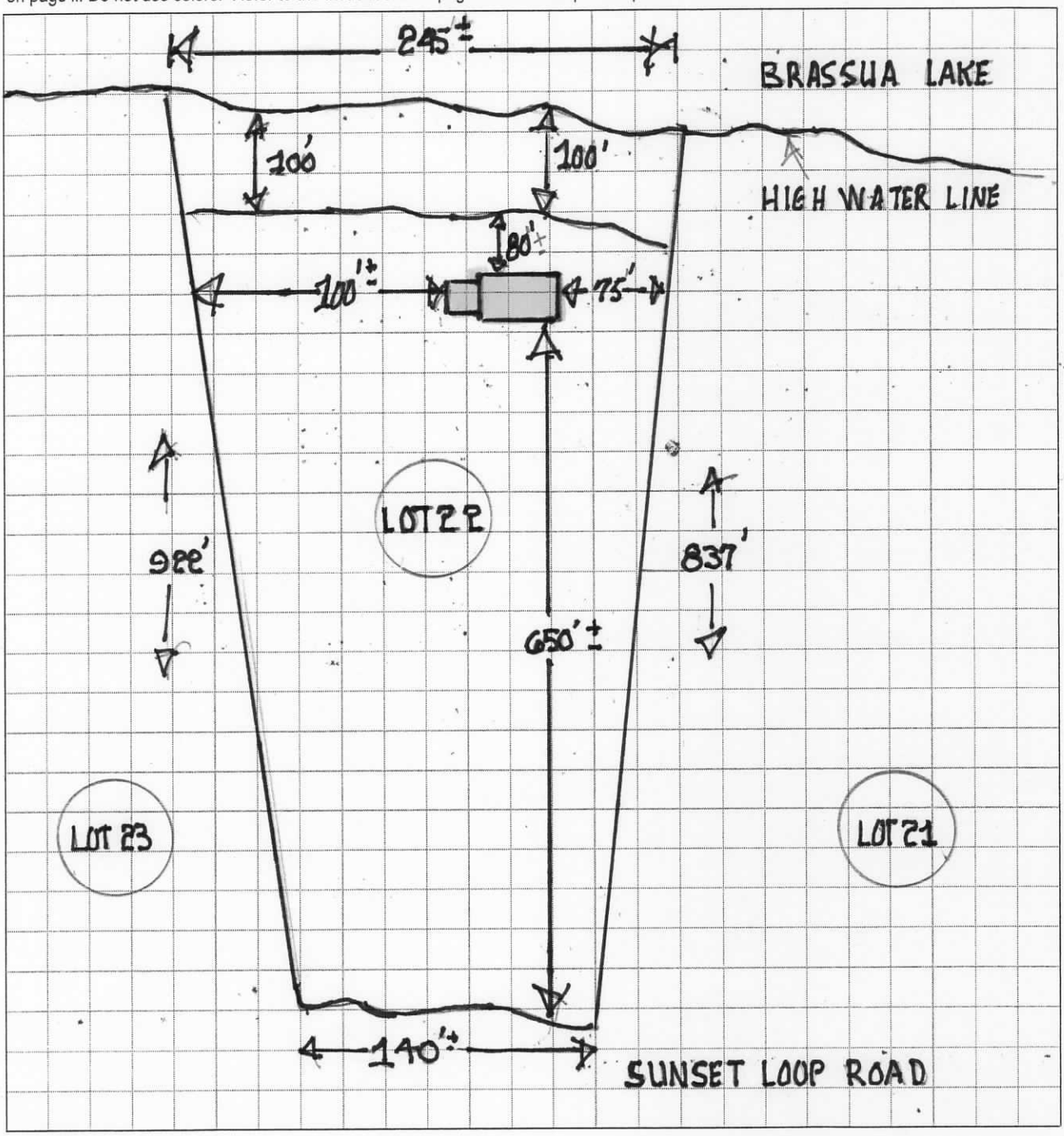
For office use:

Tracking No. | 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:

DENNIS P & KATHLEEN TREMBLAY

BIRD EYE VIEW

SQUARE FEET

36' X 26' = 936 COTTAGE

18' X 18' = 324 SCREEN PORCH

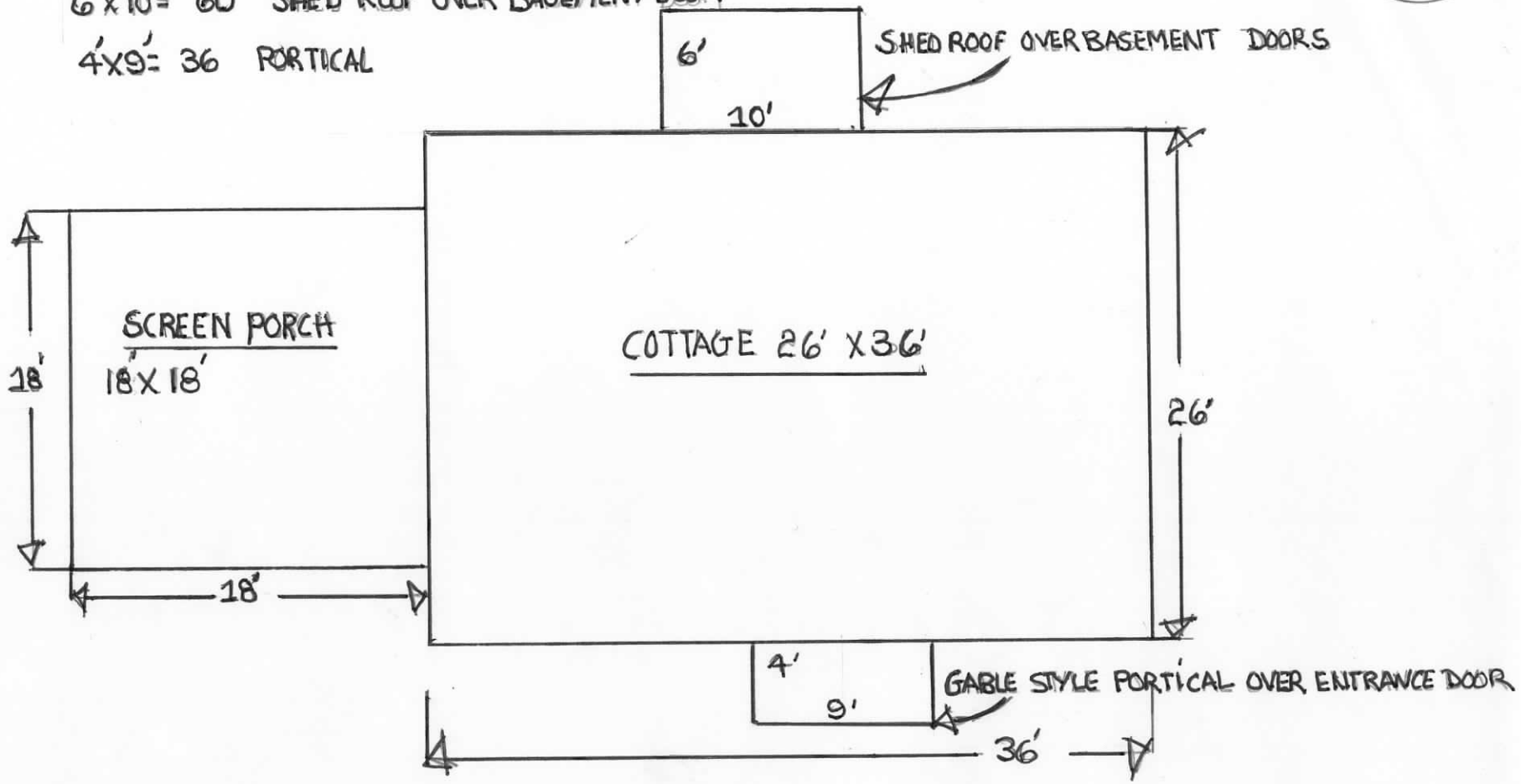
6' X 10' = 60 SHED ROOF OVER BASEMENT DOOR

4' X 9' = 36 PORTICAL

1356 SQ FT X .20 = $271.20

BASIC 50.00 FEE -

PERMIT TOTAL $321.20



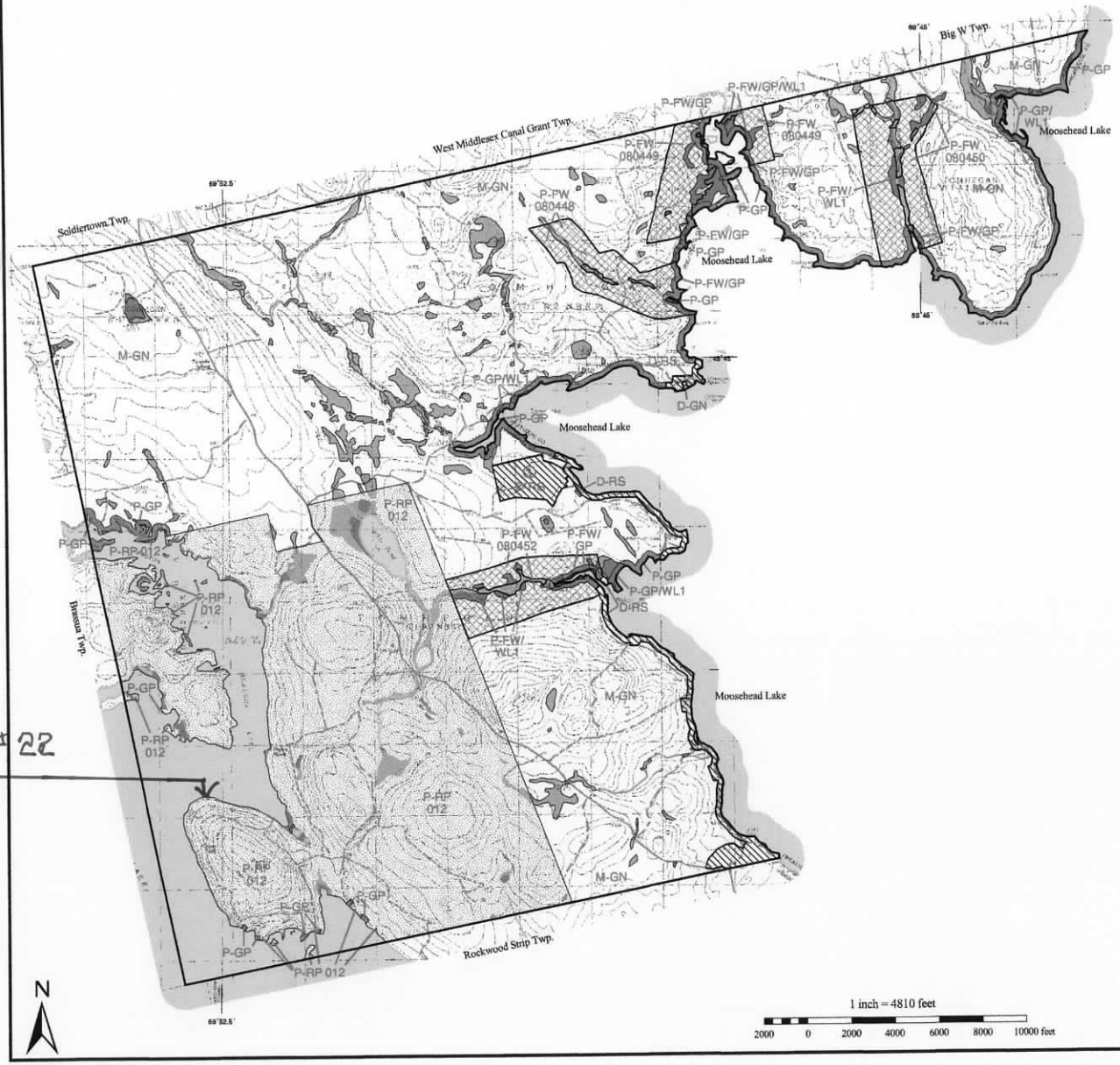
1/8" = 1 FOOT

Land Use Guidance Map

Tomhegan Twp.

T1 R2 NBKP
Somerset County

Maine Department of Conservation
LAND USE REGULATION COMMISSION
Augusta, Maine 04333-0022
(207) 287-2631
TTY (207) 287-2213
http://www.state.me.us/doc/lurc



Legend

Development Subdistricts

- D-GN General
- D-RS Residential

Protection Subdistricts

- P-FW Fish and Wildlife
- P-GP Great Pond
- P-RP Resource Plan
- P-SL2 75 feet Shoreland – Minor
- P-WL1 Wetlands – Significant
- P-WL2 Wetlands – Scrub-shrub
- P-WL3 Wetlands – Forested

Management Subdistricts

- M-GN General

- Water body
- Improved road
- Unimproved road
- Trail

Areas designated as two or more protection zones are annotated with each zone, e.g. P-FP/FW/WL1, P-FP/SL1, etc., where necessary

— or — Subdistrict boundary
① Zoning amendment

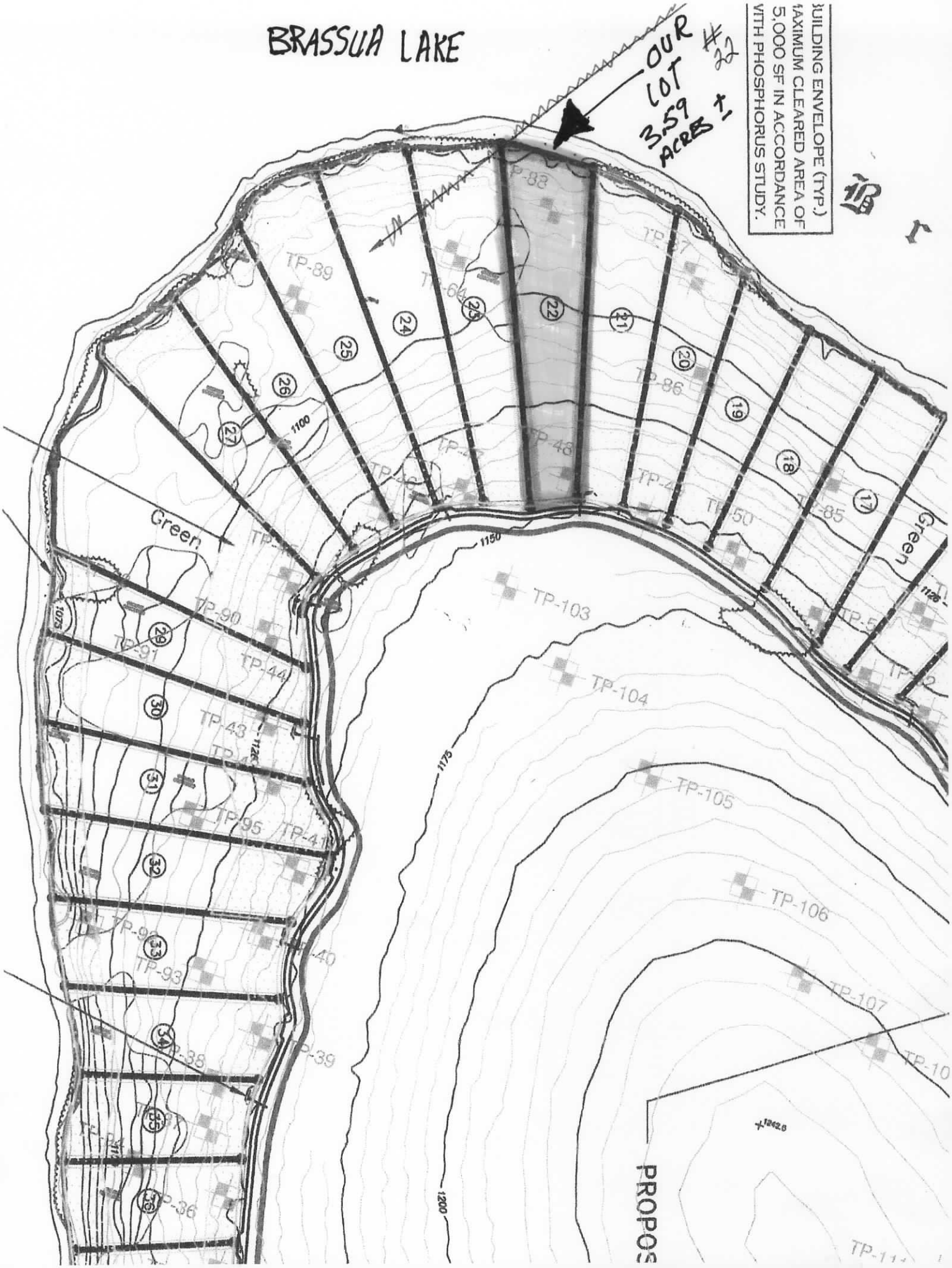
Topographic base, roads and trails from U.S. Geological Survey 7.5-minute map series

For the purpose of simplicity, this map does not show the Wetland Protection Subdistricts for areas identified pursuant to Section 10.16,K,2 such as beds of rivers, lakes, and other water bodies, and freshwater wetlands within 25 feet of stream channels, which are nevertheless within P-WL Subdistricts.

This map is a reduced version of the official Land Use Guidance Map. It is not certified to be a true and correct copy. Full size official LURC Land Use Guidance Maps are available from the Commission at its Augusta office. Potential applicants unsure of their zoning should request a full size map from the Augusta office.

Land Use Guidance Map last amended on September 17, 2009

LOT # 22


BRASSUA LAKE
OUR LOT #22
3.59 ACRES ±
BUILDING ENVELOPE (TYP.)
MAXIMUM CLEARED AREA OF
5,000 SF IN ACCORDANCE
WITH PHOSPHORUS STUDY.
Green
Green
PROPOS
TP-89
TP-64
TP-88
TP-87
TP-86
TP-48
TP-50
TP-85
TP-90
TP-91
TP-44
TP-43
TP-95
TP-41
TP-93
TP-40
TP-39
TP-38
TP-36
TP-103
TP-104
TP-105
TP-106
TP-107
1100
1150
1175
1200
1075
1126
1242.6
17
18
19
20
21
22
23
24
25
26
27
29
30
31
32
33
34
35
36

BRASSUA LAKE

8979 ACRES

JACKMAN

T1 R1, T1 R2, T2 R1, T2 R2, AND ROOKWOOD STRIP

SOMERSET CO, MAINE

AREA 8979 ACRES

0 1 2 3 4 5 6 7
TENTHS OF MILE

GREENVILLE