

** After the fact **

For office use:

Tracking No. 48575 BP 15209A Permit No. 15209A Fee Received \$150.00

Building Permit Amendment

SHORT FORM for Residential Development

1. APPLICANT INFORMATION

Applicant Name(s) <u>Bendrix Bailey</u>		Daytime Phone <u>508 314-7772</u>	FAX (if applicable)
Mailing Address <u>34 Garrish Rd</u>		Email (if applicable) <u>Ben@Bendrix.com</u>	
Town <u>Rochester MA</u>	State <u>MA</u>	Zip Code <u>02770</u>	

2. PROJECT LOCATION AND PROPERTY DETAILS

Township, Town or Plantation <u>Beaver Cove</u>	County <u>Piscataquis</u>
Tax Information (check Tax Bill) Map: <u>4</u> Plan: <u>4</u> Lot: <u>45</u>	All Zoning at Development Site (check the LUPC map) <u>DRS</u>
Road Frontage. List the name(s) and frontage(s) (in feet) for any public or private roads, or other rights-of-way adjacent to your lot: Road #1: <u>Black Point Rd</u> Frontage <u>100</u> ft. Road #2: _____ Frontage _____ ft.	Water Frontage. List the name(s) and frontage(s) (in feet) for any lakes, ponds, rivers, streams, or other waters on or adjacent to your lot: Waterbody #1: <u>Moosehead Lake</u> Frontage <u>100'</u> Waterbody #2: _____ Frontage _____

3. EXISTING STRUCTURES (Fill in a line for each existing structure)

Previously issued Building Permit BP 15209A

Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)	Year built	Exterior dimensions (in feet) (LxWxH)	Type of foundation (full basement, slab, post, etc.)	Horizontal Distance (in feet) of structure from nearest:						
				Road line	Property	Lake or pond	River or stream	Wetland	waters	Ocean/Tidal
<u>Dwelling</u>	<u>2014</u>	<u>24 x 30 x 24</u>	<u>Basement</u>	<u>130</u>	<u>26</u>	<u>31*</u>	<u>—</u>	<u>NA</u>	<u>—</u>	
<u>Porch</u>	<u>2014</u>	<u>19 x 6</u>	<u>Post</u>	<u>154</u>	<u>35</u>	<u>27</u>	<u>—</u>	<u>NA</u>	<u>—</u>	
<u>Mudroom</u>	<u>2014</u>	<u>10 x 12</u>	<u>Post</u>	<u>131</u>	<u>32</u>	<u>50</u>	<u>—</u>	<u>NA</u>	<u>—</u>	

4. PROPOSED ACTIVITIES (Fill in a line for each new or modified structure)

Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)	Proposal (check all that apply)							Exterior Dimensions (in feet) (LxWxH)	Horizontal Distance (in feet) of structure from nearest:					
	New structure*	Reconstruct*	Expand	Relocate*	Remove	Enclose deck/porch	Permanent foundation*		Change dimensions or setbacks	Road	Property line	Lake or pond	River or stream	Wetland
<u>Dwelling (setback change)</u> <u>EC 15-371</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>24 x 30 x 24</u>	<u>130</u>	<u>26</u>	<u>25*</u>	<u>—</u>	<u>NA</u>	<u>—</u>

* Reconstructions, Relocations, Permanent Foundations and New Accessory Structures:

- a. If the structure or foundation will not meet the LUPC's minimum setback distances from property lines, roads, water bodies or wetlands, explain what physical limitations (lot size, slope, location of septic system, etc.) prevent the structure or foundation from meeting setbacks:

None

RECEIVED
157 00 2015
LUPC - GREENVILLE

b. For reconstructions, has the existing structure been damaged, destroyed or removed from your property?.....YES NO
 If YES, was the structure in regular active use within a 2-year period preceding the damage, destruction or removal?YES NO
 If YES, provide the date the structure was damaged, destroyed or removed: _____

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	Lake or pond	River or stream	Welland
Cleared area	N/A					
Filled/disturbed area						
What is the average slope of land between the area to be filled/disturbed and the waterbody or wetland?						% <input type="checkbox"/> NA

6. PROSPECTIVELY ZONED AREAS (RANGELEY AREA ONLY)

Buffering in Prospectively Zoned Areas. Is your property located in one of the following Prospectively Zoned Plantations or Townships?YES NO

Adamstown Twp. Rangeley Pit.	Dallas Pit. Richardsontown Twp.	Lincoln Pit. Sandy River Pit.	Magalloway Pit. Townships C, D, and E.
---------------------------------	------------------------------------	----------------------------------	---

If YES, please complete the following table regarding the width of the vegetative buffers at the narrowest point between the existing and proposed structures and the nearest applicable road, property line, and subdistrict setbacks as applicable:

Standard Minimum Required:	Width of Vegetated Buffers			
	Road	Side Property Line	Rear Property Line	Subdistrict Boundary (If D-ES or D-CI)
25 feet in D-GN, D-GN2, D-GN3 50 feet in D-RS, D-RS2, D-RS3 75 feet in D-ES and D-CI	15 feet	15 feet	50 feet Buffer to other Subdistricts	
This property:	_____ feet	_____ feet	_____ feet	_____ feet

Note: You may be required to submit Exhibit E: Documentation for Exceptions to Buffering Requirements. (See instructions on page iii)

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

Agent Name (if applicable)	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 LUPC. 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 Commission's review is limited only to land use issues and the Commission does not make any findings related to the MUBEC nor do the LUPC staff inspect buildings or enforce any provisions of that Code.

Please check one of the boxes below: (see "Assessing the Project Site for Site Evaluation and Inspection")

- 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 here

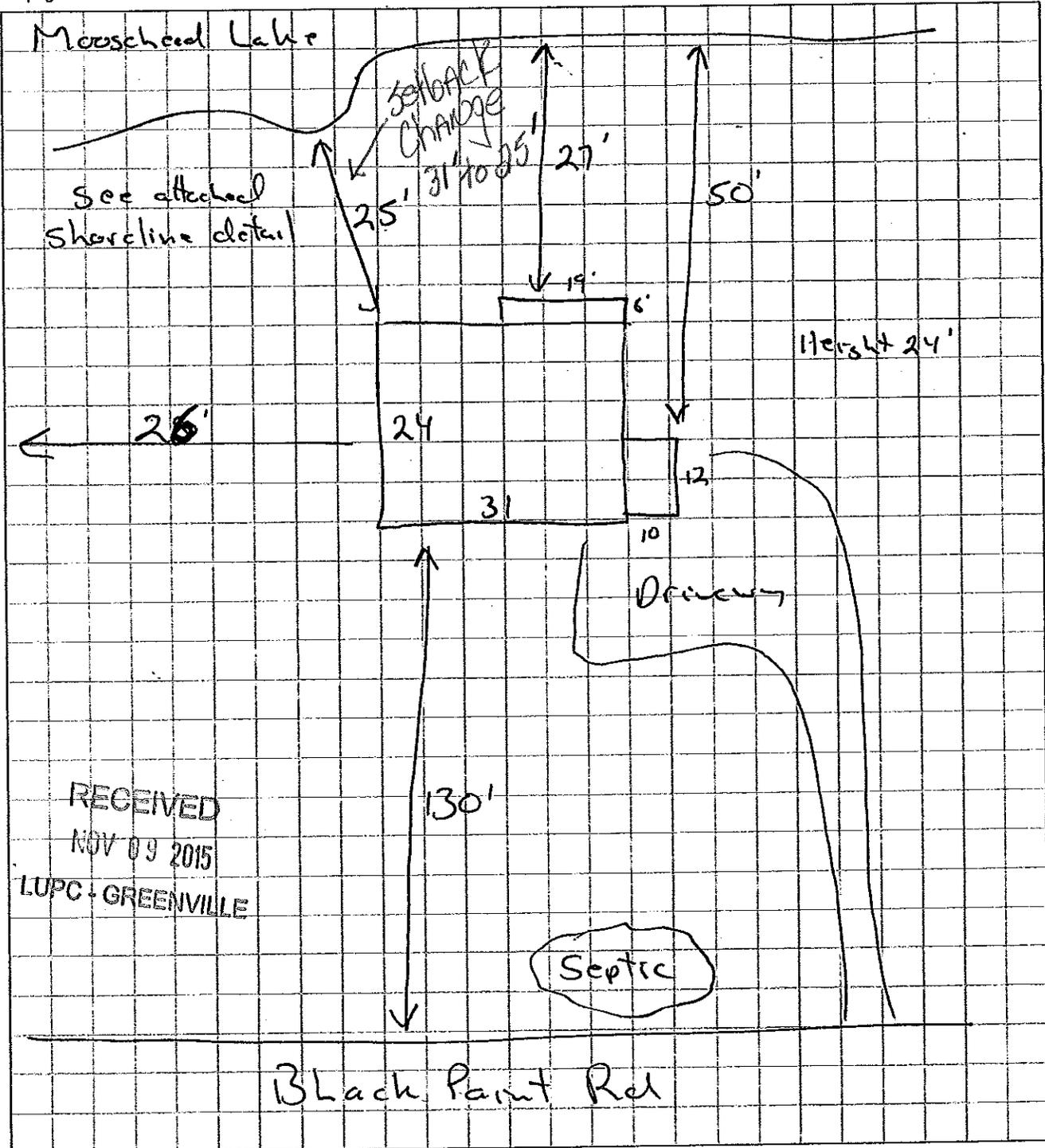
Signature(s) Michelle M. Bailey Date 10-20-15
NOV 09 2015 Date 10-20-15
 LUPC - GREENVILLE

For office use:

Tracking No.	BP	Permit No.
--------------	----	------------

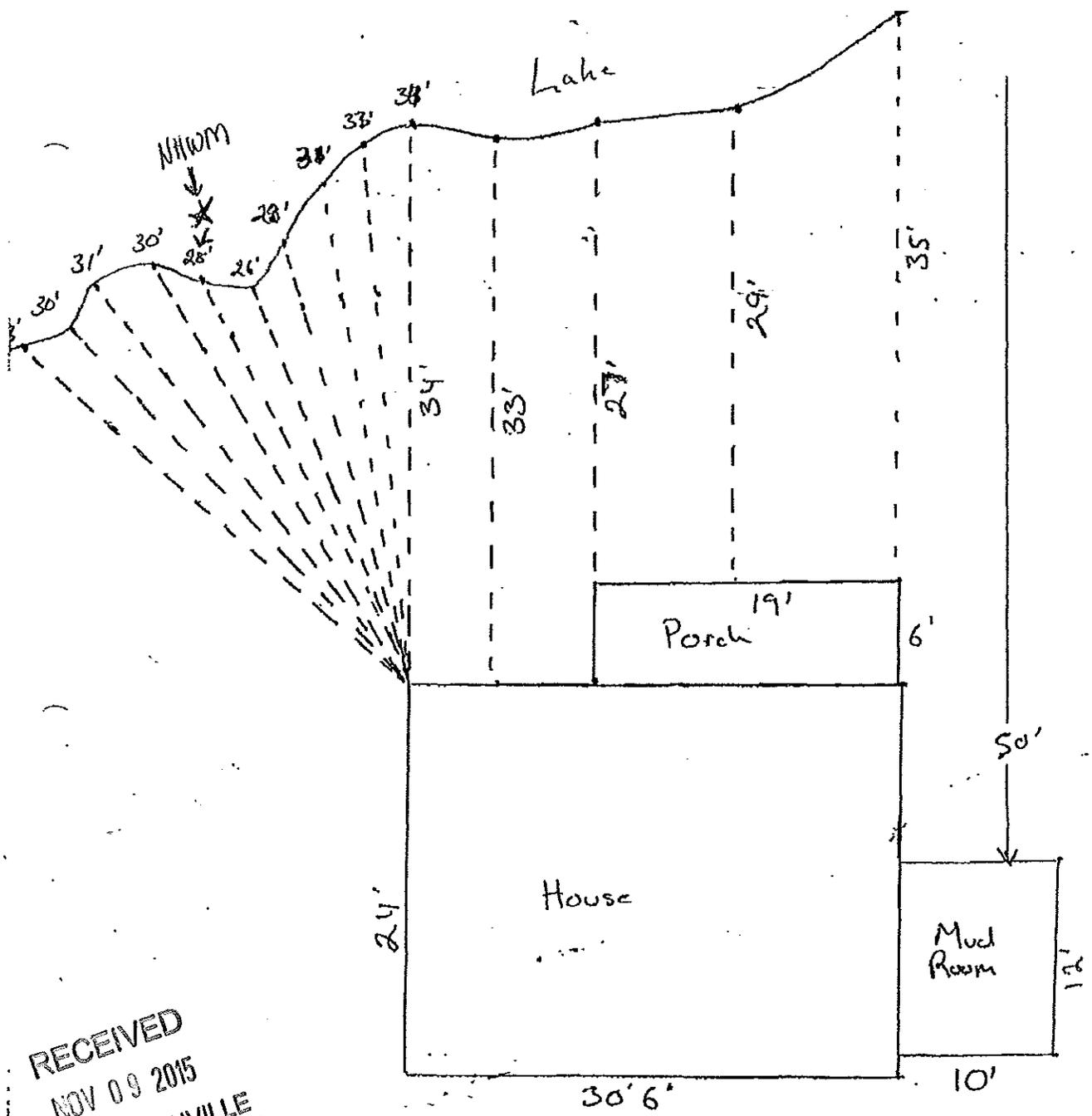
EXHIBIT C: SITE PLAN

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



RECEIVED
 NOV 09 2015
 LUPC - GREENVILLE

Notes/Legend: Permit to resolve foundation location after addition of basement to structure.



RECEIVED
NOV 09 2015
LUPC - GREENVILLE

Drawn is to scale 1" = 10'

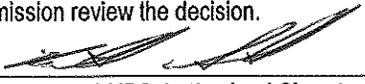
CONDITIONS OF APPROVAL FOR AMENDMENT B TO BUILDING PERMIT BP 15209

1. **At least one week prior to commencing the permitted activities**, the permittee must contact the Commission staff and notify them of the date construction will start. **If these activities include a permanent foundation**, the permittee must notify staff **of the date the forms will be set**. This will allow staff time to arrange a pre-construction site visit to review the applicable standards and requirements of the permit with the permittee. **(If you leave a telephone message**, please include your full name, telephone number, permit number, and the date/s the work will start.)
2. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
3. 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 to meet the road, property line, water and wetland setback distances, exterior dimensions and building heights listed in the tables in Sections 4 and 5 and approved by this permit.
4. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.
5. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
6. 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..
7. Soil disturbance must not occur when the ground is frozen or saturated. 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.
8. 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.
9. 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.
10. 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.
11. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
12. **In the event the permanent foundation is damaged or destroyed it will be required to be reconstructed at 31 feet from the Normal High Water Mark of Moosehead Lake.**
13. 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 and Enforcement Case EC 15-37.
14. 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.
15. All conditions of previously issued Commission permits shall remain in effect, except as specifically modified by this permit. In addition, all conditions of any Subdivision Permit authorizing the creation of the permittee's parcel as they pertain to said parcel shall remain in effect.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. Any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

LUPC AUTHORIZATION (for office use)

Based on the information you have submitted in the attached application and supporting documents, the staff of the Land Use Planning 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 and the provisions of the Commission's *Land Use Districts and Standards*. 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.


LUPC Authorized Signature

11/10/15
Effective Date



STATE OF MAINE
PAUL R. LEPAGE
GOVERNOR

DEPARTMENT OF AGRICULTURE, CONSERVATION, & FORESTRY
LAND USE PLANNING COMMISSION
LAKE VIEW DRIVE
P.O. BOX 1107
GREENVILLE, MAINE 04441

WALTER E. WHITCOMB
COMMISSIONER

Memorandum

To: Files BP15209 and EC 15-37

From: Keith Smith

Subject: Resolution of Enforcement Case EC 15-37

Date: 11/12/15

On 7/15/14 Bendrix Bailey was issued Building Permit BP 15209 for the reconstruction and relocation of an existing 24 foot by 30 foot dwelling with attached 6 foot by 16 foot deck. The waterbody setback on the existing structure was 15 feet from the deck and 21 feet from the structure. Building permit BP 15209 authorized the construction of a new 24 foot by 30 foot dwelling 20 feet in height with an attached 6 foot by 16 foot deck. The new dwelling was permitted to be 31 feet from the normal high water mark and the new deck was permitted to be 25 feet from the normal high water mark. On 7/9/15 I conducted a site visit during construction and found that the new dwelling had been constructed to the dimensions of 24 feet by 31 feet and was setback 25 feet from the normal high water mark. The new deck had been constructed to the dimensions of 6 feet by 19 feet and was setback 26 feet from the normal high water mark and, a new 10 foot by 12 foot deck had been constructed without a permit. The new dwelling also appeared to be over 20 feet in height. On 7/15/15 I met with Bailey and the contractor Scott Appaneal where we took more accurate measurements. The dwelling was setback 25 feet from the normal high water mark, the deck was setback 27 feet from the normal high water mark, and the new deck was setback 50 feet from the normal high water mark. On 7/22/15 I went back to the site to take an accurate measurement of the height of the dwelling and it was 24 feet in height. After reviewing the information, it was determined that both decks and the change in height and dimension of the new structure could be permitted under our current rules. On 8/17/15 Building Permit BP15209 Amendment A was issued After the Fact authorizing the change of dimensions for the reconstructed dwelling, authorizing the change of dimensions of the reconstructed front deck, and authorizing the new previously unpermitted back deck. Enforcement Case EC 15-37 remained open since the permitted setback for the dwelling of 31 feet from the normal high water mark had not been addressed and was still in violation at 25 feet from the normal high water mark. After much discussion with staff and management it was decided that even though Bailey had not met the 31 foot setback that indeed he had moved it back from the previously existing setback of 21 feet to a more conforming setback of 25 feet. It was decided that we could permit the new setback because in order for him to move it would cause more environmental damage than leaving the dwelling in place. On 11/10/15 Building Permit BP 15209 Amendment B was issued After the Fact to reflect the dwelling setback as 25 feet from the normal high water mark versus the previously authorized 31 feet. Therefore, EC 15-37 is resolved until such time that the currently existing foundation is extensively damaged or destroyed so that it requires replacement. At that time, should that time arise, the new foundation will be required to be setback 31 feet from the normal high water mark of Moosehead Lake.