STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
194 MAIN STREET
EAST MILLINOCKET, MAINE 04430

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

BUILDING PERMIT BP 15439

The Staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Eric Bailey for Building Permit BP 15439, finds the following facts:

1. Applicant: Eric Bailey
   22 North Road
   Medford, ME 04463

2. Date of Completed Application: August 18, 2015

3. Location of Proposal: Cedar Lake Township, Penobscot County
   Lots #92, 93, & 94 on Plan 03, Map PE006

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

5. Lot Size: 1.65 Acres (owned)

6. Principal Building: Existing One Story Dwelling, including Porch (20 ft. by 36 ft. by 16 ft.)
   Proposed Expansion in Height of Portion of Dwelling (20 ft. by 26 ft. by 22 ft)
   Proposed Decrease in Height of Lakeside Porch (20 ft. by 10 ft. by 14 ft)

7. Sewage Disposal: Existing Pit Privy
   Proposed Primitive Wastewater Disposal System (Graywater & Pit Privy)

8. Affected Waterbody: Cedar Lake

   The Commission has identified Cedar Lake as a management class 5, resource class 2 lake with significant fisheries resources.

Background

9. The applicant's lot has historically been developed with a pre-Commission 20 foot by 36 foot one-story seasonal dwelling, including enclosed lakeside porch. The dwelling with enclosed porch is set back approximately 22 feet from the normal high water mark of Cedar Lake and approximately 190 feet from the Cedar Lake Road. The dwelling is served by an existing pit privy.

10. On July 14, 1982, Commission staff issued a Letter of Exemption to Vaughn Peters, a former landowner of the property, to extend electrical service to the dwelling.

Proposal

11. The applicant now proposes to change the pitch of the roof and increase the height of the main portion of the dwelling to 22 feet and to add a loft in the portion of the dwelling located greater than 25 feet from the normal high water mark of Cedar Lake. The applicant further proposes to change the roofline angle and decrease the 10 foot enclosed porch portion of the dwelling from 16 feet in height to 14 feet. The proposed 1 ½ story dwelling with enclosed porch will be set back 22 feet from the normal high water mark of Cedar Lake, 190 feet from the Cedar Lake Road, 100 feet from other property boundary lines, and will be less than 25 feet in height. The dwelling will be served by a proposed primitive wastewater disposal system (graywater & reconstructed pit privy).

Commission Review Criteria

12. Pursuant to 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. §685-B(4) and demonstrate that:

    a. the project will not adversely affect surrounding uses and resources; and

    b. there is no increase in the extent of nonconformance, except as provided in Section 10.11,B,9 or in instances where a road setback is waived by the Commission in order to increase the extent of conformance with a water body setback.

13. Pursuant to Section 10.11,C,1,a of the Commission's Land Use Districts and Standards, an expansion to a legally existing, nonconforming structure where the expansion is located within 25 feet, horizontal distance, of the normal high water mark of a water body, expansion of that poriton of the structure, which includes an increase in height or an increase in floor area, is prohibited. That portion beyond 25 feet may be expanded provided the size limitations in Section 10.11,C,1,b, are met.

14. Pursuant to 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 of the normal high water mark of bodies of standing water 10 acres or greater in size, such as Cedar 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 these areas may not exceed the limits in Table 10.11,C-1.

Closest Distance of Expansion from Water Body	Maximum Combined Footprint* for all Structures not Meeting Water Body Setbacks
Greater than 25 and less than 50 feet.	750 square feet.
Between 50 and 75 feet.	1,000 square feet.
Greater than 75 and less than 100 feet (if applicable setback is more than 75 feet).	1,500 square feet.

Table 10.11,C-1. Limitations on size of structures near water bodies.

*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.

15. The facts are otherwise as represented in Building Permit application BP 15439 and supporting documents.

Based upon the above Findings, the staff Concludes that:

1. In accordance with Section Section 10.11, B, 1 of the Commission's Land Use Districts and Standards, the proposal would not have an adverse effect on the surrounding uses and resources in that the dwelling is existing and the increase in height will be 25 feet or less on the main portion of the camp (an increase of 6 feet) and will be decreased in height on the portion within 25 feet, horizontal distance, of the normal high water mark of Cedar Lake, and would present no visible increase toward the lake. There would be no increase in the extent of non-conformance in that the dwelling with enclosed porch will be no closer to the lake than the existing structure.

2. In accordance with Section 10.11,C,1,a of the Commission's Land Use Districts and Standards, the portion of the dwelling located within 25 feet, horizontal distance, of the normal high water mark of Cedar Lake will not be increased in height, but will be decreased in height to 15 feet.

3. In accordance with Section 10.11,C,1,b of the Commission's Land Use Districts and Standards, the maximum combined footprint of all existing and proposed structures not meeting the 100 foot waterbody setback is 720 square feet and the maximum height of all structures located greater than 25 feet of the normal high water mark is proposed to be 25 feet or less; no expasion in height is proposed less than 25 feet of the normal high water mark.

4. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of Brian & Aldina Cote 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. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. **To protect the scenic quality of Cedar Lake, the increase in height of the portion of the existing dwelling located beyond 25 feet from the normal high water mark of the lake and approved under this permit shall 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. No expansion in height of the existing dwelling shall occur within 25 feet, horizontal distance, of the normal high water mark of the lake.**

9. Once construction is complete, the permittees 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.

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 19th DAY OF AUGUST, 2015.

By: Debra A. Kaczynski

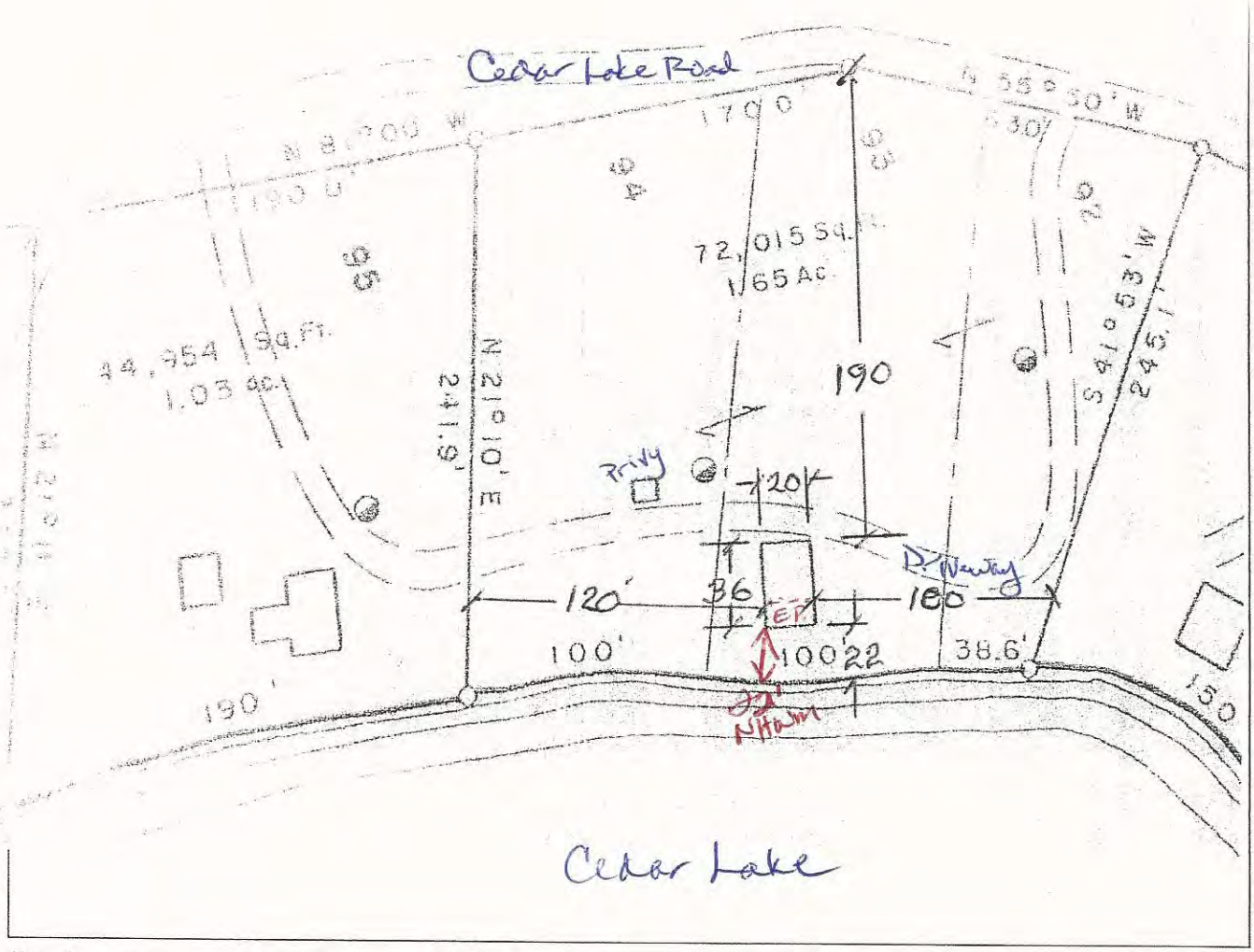
for Nicholas Livesay, Executive Director

For office use:

48412 Tracking No. BP 15439 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.



Notes/Legend:

10'x20' Enclosed Porch to be decreased in height to 14 feet + roof line changed.
Main portion of dwelling, beyond 25' from NHWM, to be expanded in height to 22 feet + loft added per applicant's agent/dk

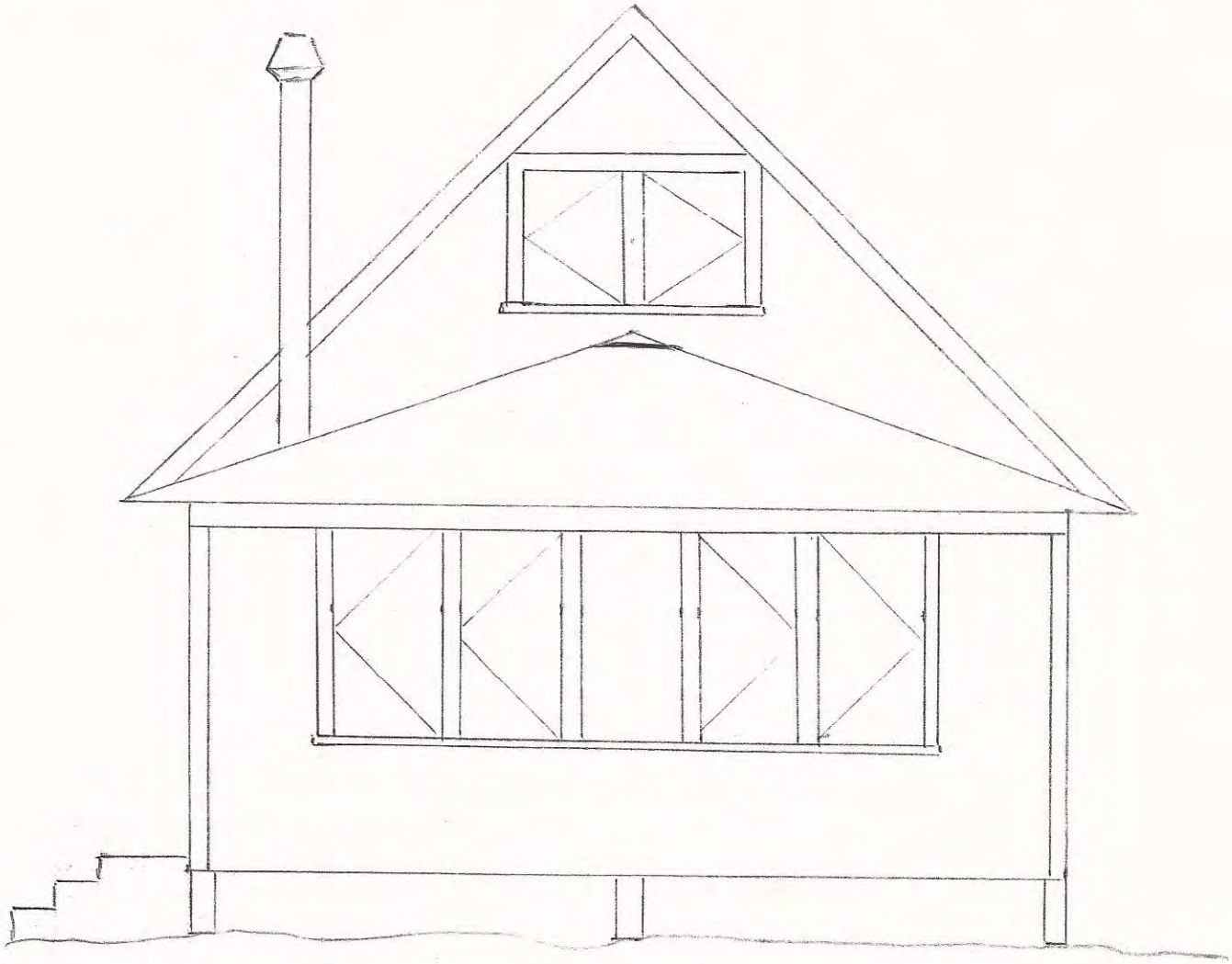
RECEIVED

AUG 18 2015

LUPC - MILLINOCKET

RECEIVED
AUG 1 8 2015
LUPC MILLINOCKET

After

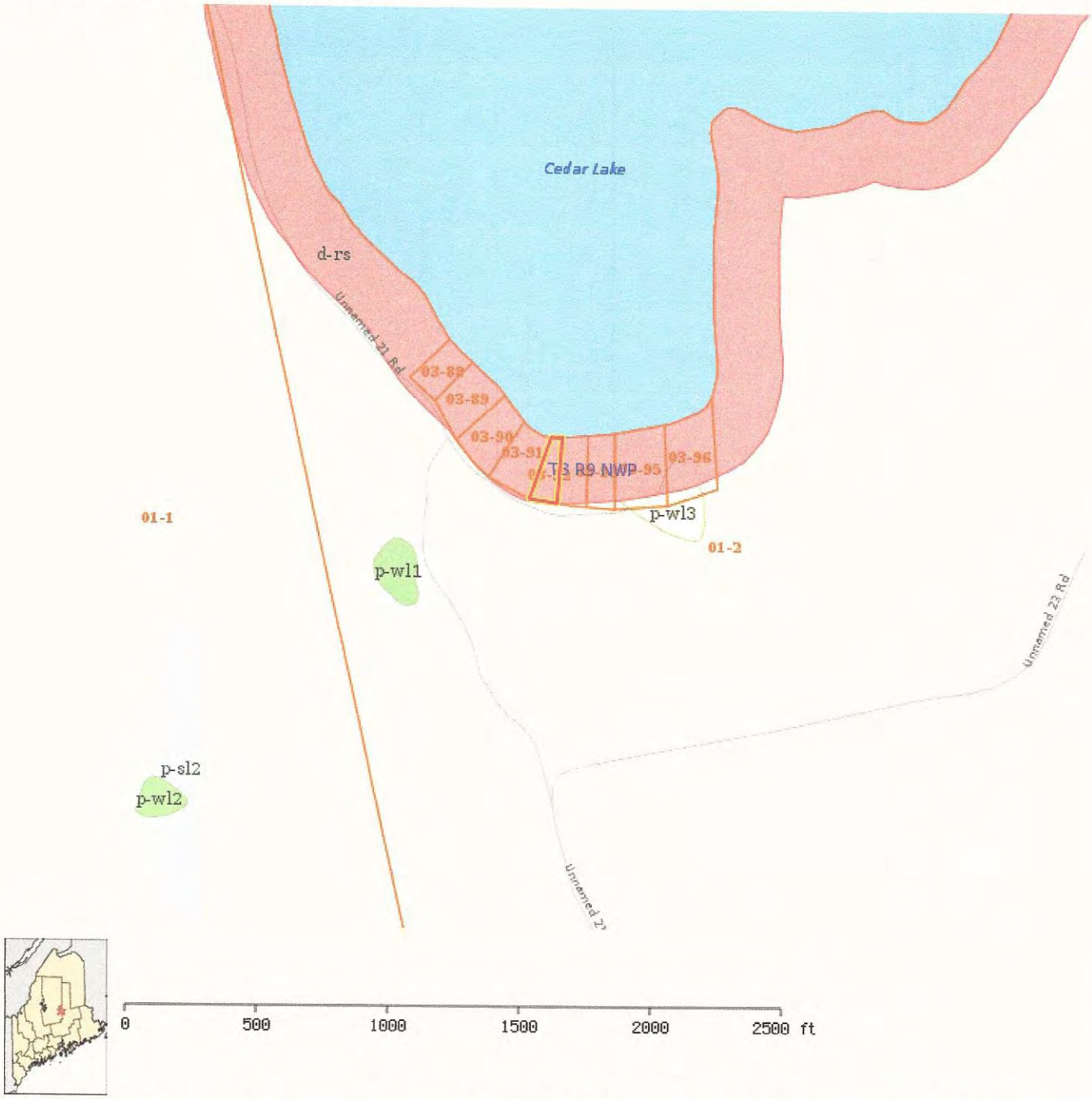


SCALE 1/4" = 1'-0"

Maine Department of Agriculture, Conservation and Forestry - Land Use Planning Commission

Zoning and Parcel Viewer

Map generated: Tuesday, August 11, 2015



Parcel number	Town/Geocode	Town Code	Plan	Lot	Zones Intersected	LUPC Region	Contact number
1	T3 R9 NWP/19823	PE006	03	92	d-rs	E MILLINOCKET	(207) 746-2244