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 15446
BY SPECIAL EXCEPTION

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Adam Carofano for Building Permit BP 15446, finds the following facts:

1. Applicant: Adam Carofano
   27 Buchanan Street
   South Portland, Maine 04106

2. Date of Completed Application: August 25, 2015

3. Location: Orneville Township, Piscataquis County, Maine
   Maine Revenue Service Map PI082; Plan 06; Lots 14 & 14.2
   Piscataquis County Registry of Deeds: Book 2224; Page 231

4. Zoning: (D-RS) Residential Development Subdistrict
   (P-FP) Flood Prone Area Protection Subdistrict by Virtue of Section 10.23,C,2 of the Commission's Land Use Districts and Standards

5. Lot Size: 0.34 Acres (owned)

6. Principal Building: Existing Residential Dwelling (30 ft. by 24 ft. by 20 ft.) with
   Existing Attached Lakeside Deck (22 ft. by 24 ft.) and
   Existing Attached Side Deck (8 ft. by 20 ft.)
   Proposed Residential Dwelling (28 ft. by 32 ft. by 25 ft.)
   With Attached Lakeside Deck (28 ft. by 9 ft.)

7. Accessory Structures: After-the-Fact Bunkhouse (14 ft. by 12 ft. by 10 ft.)

8. Sewage Disposal: Proposed Complete Non-engineered System with Replacement System Variance

9. Affected Waterbody: Boyd Lake

   The Commission has identified Boyd Lake as a management class 5, resource class 1B, accessible, developed lake with the following resource ratings: significant fisheries resources, significant cultural resources, outstanding physical resources.

Background and Existing Conditions

10. The applicant's lot was historically developed with a 30 foot by 24 foot pre-Commission seasonal camp on a post foundation, an attached 8 foot by 20 foot side deck, an attached 22 foot by 24 foot lakeside deck, and a primitive wastewater disposal system. The seasonal camp is located 15 feet from the normal high water mark of Boyd Lake, 80 feet from Lake Road South, 8 feet from the side property boundary line, and with the attached lakeside deck located 7 feet out over the normal high water mark of the lake.

Proposal

11. The applicant now proposes to construct a 28 foot by 32 foot residential dwelling on a permanent foundation with an attached 28 foot by 9 foot lakeside deck to be set back 50 feet from the normal high water mark of Boyd Lake, approximately 50 feet from Lake Road North, and at least 10 feet from the side property boundary lines. The applicant further seeks after-the-fact approval for a 14 foot by 12 foot bunkhouse with no plumbing fixtures located 170 feet from the normal high water mark of the lake, 50 feet from the access road, and 8 feet from the side property boundary line. The dwelling is to be served by a proposed combined subsurface wastewater disposal system with variance request and having a design flow capacity of 200 gallons per day.

12. Although the Commission's Land Use Guidance Map for Orneville Township identifies the applicants' property as being within a (D-RS) Residential Development Subdistrict, according to the Federal Emergency Management Agency's effective Flood Insurance Rate Map for Orneville Township, Piscataquis County, the applicants' property is located entirely within an area of 100 year flood. The Base Flood Elevation for Big Boyd Lake has been determined to be 303 feet. State of Maine, Licensed Surveyor Donald E. McLaughlin has determined that the elevation of the lowest grade immediately adjacent to the proposed dwelling is 314.3 feet NGVD 1929 and that the top of the bottom floor (including basement, crawlspace, or enclosure floor) would be elevated to 313.9 feet NGVD 1929.

Commission Review Criteria

13. Pursuant to Section 10.23,C,2 of the Commission's Land Use Districts and Standards, the Flood Prone Protection Subdistrict is described as: "Areas located within the 100-year frequency floodplain, also known as areas of special flood hazard, as identified by the Commission after consideration of relevant data including, without limitation, areas determined to be flood prone by state or federal agencies, including the Flood Insurance Studies and accompanying Flood Insurance Rate Maps or Flood Hazard Boundary Maps prepared by the Federal Emergency Management Agency, historical data, and the National Cooperative Soil Survey.

    The areas identified by FEMA as areas of special flood hazard (Zones A, AE, A1-30, VE) on Flood Insurance Rate Maps or Flood Hazard Boundary Maps for townships, plantations, or towns qualify as flood prone areas appropriate for protection within this subdistrict. The Commission adopts the FEMA maps as listed in Appendix E, and a note on the Official Land Use Guidance Map shall refer to maps so adopted. In any case where the boundaries of the P-FP subdistrict on the Commission map differ from the boundaries of the FEMA zones, the FEMA boundaries shall apply. The FEMA zones shall be regulated according to the provisions of the P-FP subdistrict."

14. Pursuant to Section 10.23,C,3,d,(4) of the Commission's Land Use Districts and Standards, single family residential dwellings or accessory structures may be allowed within FEMA zones A as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan.

15. Pursuant to Sub-Chapter III, Section 10.26 of the Commission's Land Use Districts and Standards, the minimum setback requirements for residential structures include: 100 feet from the normal high water mark of a body of standing water 10 acres or greater in size; 50 feet from the traveled portion of roads; and 15 feet from the side and rear property lines.

16. 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 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.

17. 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, horizontal distance, of the normal high water mark of bodies of standing water 10 acres or greater in size, such as Boyd 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 between 50 and 75 feet from the lake may not exceed 1,000 square feet and between 75 and 100 feet from the lake the maximum combined footprint for all structures may not exceed 1,500 square feet.

18. Pursuant to Section 10.11,C,2 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; the structure was in regular active use within a two year period immediately preceding the damage, destruction, or removal; and if the reconstruction or replacement involves expansion, the structure meets the requirements of Section 10.11,C,1.

    a. **Meeting Setbacks to the Maximum Extent Possible.** Reconstruction or replacement must comply with current minimum setback requirements to the maximum possible extent. In determining whether the proposed reconstruction or replacement meets the setback to the maximum 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 water body,
    - location of other legally existing structures on the property at the time of the damage, destruction or removal,
    - location of the septic system and other on-site soils suitable for septic systems at the time of the damage, destruction or removal,
    - type and amount of vegetation to be removed to accomplish the relocation, and

- physical condition and type of existing foundation, if any.

19. Pursuant to Section 10.25,T,2 of the Commission's Land Use Districts and Standards, development in flood prone areas, including areas of special flood hazard, shall: (1) be designed or modified and adequately anchored to prevent flotation (excluding floating piers and docks), collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; (2) use construction materials that are resistant to flood damage; (3) use construction methods and practices that will minimize flood damage; and, (4) use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

20. Pursuant to Section 10.25,T,2,f of the Commission's Land Use Districts and Standards, all new structures within a Flood Prone Area shall have the lowest floor of each structure (the reference level floor), including the basement floor, elevated to at least one foot above the Base Flood Elevation at that location.

21. The facts are otherwise as represented in Building Permit application BP 15443 and supporting documents.

Based upon the above Findings, the staff Concludes that:

1. In accordance with the provisions of Section 10.23,C,3,d,(4) of the Commission's Land Use Districts and Standards, the proposed dwelling and bunkhouse would be allowed in the FEMA Zone A as a special exception in that: the applicants' entire lot is located in the FEMA Zone A so no alternative site is reasonably available to the applicants, there are other residential uses in the area with which the structures are compatible, and other conditions, such as the development requirements of Section 10.25,T,2 and the elevation requirements of Section 10.25,T,2,f are proposed to be met.

2. In accordance with Section 10.25,T,2,f of the Commission's Land Use Districts and Standards, the lowest floor of the proposed structures would be elevated to at least 1 foot above the Base Flood Elevation of Boyd Lake. The proposal would meet all the applicable requirements set forth in Section 10.25,T.

3. In accordance with Section 10.26, Section 10.11,B,1, and Section 10.11,C,1,b of the Commission's Land Use Districts and Standards, the proposal would not adversely affect surrounding uses and resources, would not increase the combined footprint of structures within 100 feet of the lake and would not increase the extent of nonconformance in that the residential dwelling is proposed to be setback 59 feet from the normal high water mark of Boyd Lake, 50 feet from the access road, a minimum of 10 feet from other property boundary lines, and no higher than a maximum of 25 feet in height. The proposed bunkhouse would be located 170 feet from the lake, 50 feet from the road, and 8 feet from other property boundary lines with permission from the abutting landowner. The structures would be no closer to the property boundary line than the previously existing structures. The total square footage of all proposed structures within 100 feet of Boyd Lake is 1,148 square feet

4. In accordance with Section 10.11,C,2 of the Commission's Land Use Districts and Standards, the the proposed dwelling complies with current minimum setback requirements to the maximum possible

extent in that the size size of the lot and the location of the septic system prevents the dwelling from being located any further back from the lake and is no closer to side property boundary lines than the prior existing structure.

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 amendment request of Adam Carofano with the following Conditions:

1. ***At least one week prior to commencing the permitted activities****, the permittee or the designated agent must contact the Commission staff and notify them of the estimated date construction work will start. Notice may be provided in writing, in person, by email, or by calling. If you leave or send a message, please include your full name, telephone number, permit number, and the date 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. The enclosed permit certificate must be posted in a visible location on your property immediately after receipt and during development of the site and construction of the structures and activities approved by this permit.

4. 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.

5. 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. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.

6. 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.

7. 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.

8. Notwithstanding Condition 2, construction activities authorized within P-FP subdistricts, FEMA zones, and other areas prone to flooding must be substantially started within 180 days 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.

9. **The permitted residential dwelling and bunkhouse must be constructed in the location as proposed. The top of the lowest floor, including basement, must be elevated to at least one foot above the Base Flood Elevation of 303.0 feet NGVD 1929.**

10. The permitted structure(s) must be constructed according to the information submitted in the **Supplement S-4: Requirements for Development in Flood Prone Areas and associated Exhibits**

11. Structures authorized under this permit, as well as filling/grading/soil disturbance and cleared openings created as part of construction activities authorized under this permit, must be located to meet the road, property line, water and wetland setback distances, exterior dimensions and building heights listed in Sections 4, 7 and 8 and approved by this permit.

12. **The dwelling with attached lakeside deck authorized under this permit must be set back a minimum of 50 feet from the normal high water mark of Boyd Lake, a minimum of 50 feet from Lake Road South and a minimum of 10 feet from other property boundary lines.**

13. **The permitted dwelling must not exceed 25 feet in height as measured from the peak of the roof to the lowest point of the structure (including the foundation) at the original grade along the downhill side.**

14. The permitted structures must be designed or modified and adequately anchored to prevent flotation (excluding floating piers and docks), collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

15. The permittee must use construction materials that are resistant to flood damage; use construction methods and practices that will minimize flood damage; and use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

16. **Upon completion of the lowest floor of the permitted structures, a FEMA Elevation Certificate completed by a professional land surveyor or professional engineer must be submitted to the Commission for review and approval prior to any further construction activities.**

17. 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.

18. All conditions of Building Permit BP 9290 and Amendments A, B, and C shall remain in effect except as altered by this amendment.

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 26th DAY OF AUGUST, 2015.

By: Debra A. Kaczynski
for Nicholas Livesay, Executive Director

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For office use: 48406 (Tracking No.) BP 15446 (Permit No.) $ 229.20 (Fee Received)

MAINE LAND USE PLANNING COMMISSION
Department of Agriculture, Conservation and Forestry

Building Permit

For All Residential Development

1. APPLICANT INFORMATION

Applicant Name(s) Adam Carofano	Daytime Phone (207) 749-6391	FAX N/A	
Mailing Address 27 Buchanan St.		Email adam_carofano@yahoo.com	
Town So. Portland, ME 04106		State ME	Zip Code 04106

2. PROJECT LOCATION AND PROPERTY DETAILS

Township, Town or Plantation Orneville	County Piscataquis
Tax Information (check tax bill) Map: PI 082 Plan: 6 Lot: 14, 14.2	Deed or Lease Information (check deed or lease) Book: 02224 Page: 231 Lease #: N/A
Lot size (in acres, or in square feet if less than 1 acre)	Lot Coverage (in square feet)
All Zoning on Property (check the LUPC map) D-RS, P-FP by virtue of Section 10.23, 42	Zoning at Development Site D-RS

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: Lake Rd South Frontage 60 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: Big Boyd Lake Frontage 50 ft.
Waterbody #2: Frontage ft.

LUPC Approved Subdivision. List the LUPC approved subdivision number: ..... SP ____ and SP Lot #: ____

If your property is not part of subdivision previously approved the Commission, please continue to Land Division History below. *(check your deed or contact the LUPC office that serves your area)*

Land Division History. Using your deed as a starting point, trace the ownership history and configuration changes of your property back 20 years from today. List any division of those lots from which your property originated (use additional sheet of paper if needed).

(example: Amy Adams to Rob Roberts 1/12/1997 10 acres)

Thomas Sullivan to Dec. '94
Jackie + Alan Manton to April '13
Adam Carofano

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

Previously issued Building Permit number (if applicable) ____

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	Property line	Lake or pond	River or stream	Wetland	Ocean/Tidal waters
Dwelling (To Be Removed)		28 x 24 x 20'	Post	80'	8'	15'		NA	NA
Driveway			NONE					NA	NA
ATF - Bunk house	2013	14' x 12' x 8'	NONE	50'	8'	170'		NA	NA
Deck - To be removed		22 x 24			8'	7' over NHWM		NA	NA

Bunkhouse on opposite side of Road on Lot 14A (owned by applicant)

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4. PROPOSED STRUCTURES OR USES (INCLUDING DRIVEWAYS AND PARKING AREAS) *(Use additional sheet if needed)*

4.1 What is the proposed use of your property? ☐ Residential only ☐ Residential with Home Occupation* ☐ Personal Campsite**

Type of structure (dwelling, garage, deck, porch, shed, driveway****, camper, RVs, parking lots, 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	Ocean/Tidal waters
Dwelling	☑	☐	☐	☐	☐	☐	☑	☑		28'x32'x25'	50'	10'	59'			
ATF-Bunkhouse	☑	☐	☐	☐	☐	☐	☐	☐		14x12x10	50'	8'	170'			
Existing Dwelling	☐	☐	☐	☐	☒	☐	☐	☐		To Be Removed						
Deck on shoreline	☐	☐	☐	☐	☒	☐	☐	☐		To be removed						
	☐	☐	☐	☐	☐	☐	☐	☐								
Attached Deck on Dwelling	☑	☐	☐	☐	☐	☐	☐	☐		28'x9'	50'	10'	50'			
	☐	☐	☐	☐	☐	☐	☐	☐								
	☐	☐	☐	☐	☐	☐	☐	☐								
	☐	☐	☐	☐	☐	☐	☐	☐								
	☐	☐	☐	☐	☐	☐	☐	☐								

* 4.2 **HOME OCCUPATIONS: If use of your property includes expanding or starting a home occupation,** you must complete Supplement S-1: Questions for Home Occupations. Contact the LUPC office serving your area or download at www.maine.gov/dacf/lupc/. *Please note additional fees apply to home occupations, see instructions for the appropriate fees.*

** 4.3 **CAMPSITES: If use of your property includes a campsite for your personal use (e.g., will not be rented):**

a. Will the tents, tent trailer(s), pickup camper(s), recreational vehicle(s), trailer(s) or similar devices be located on the lot for less than 120 days in a calendar year? ☐YES ☐NO

b. Will the camper(s), trailer(s), and/or recreational vehicle(s) be registered and road ready? ☐YES ☐NO

c. Will the campsite have access to an on-site pressurized water supply (and not a self-contained water tank with pump)? ☐YES ☐NO

d. Will the campsite have access to permanent structures other than an outhouse, fireplace, picnic table, or lean-tos? ☐YES ☐NO

*** 4.4 **RECONSTRUCTIONS OR NEW ACCESSORY STRUCTURES: If you are constructing a new accessory structure, reconstructing an existing structure, or adding a permanent foundation:**

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:
Location of septic system (See septic design)
Lot size

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: _____

**** 4.5 **DRIVEWAYS: If you are located on a public road:**

a. Are you constructing a new driveway or entrance or changing a current driveway in a way that will increase traffic volume, or create a safety or drainage concern regarding a State or State-Aid Highway? ☐YES ☑NO
If YES, *you must submit Exhibit H: Driveway/Entrance Permit. Note: If your property is located along a County or Town/Plantation Road, you should check with that office before submitting this application to see what is required.*

5. SUBSURFACE WASTEWATER DISPOSAL (SEPTIC SYSTEM) *(Note: Exhibit may be required. See instructions)*

5.1 Mark the existing type of system serving the property: ☑ **None** ☐ **Combined Subsurface System** (Tank, leach field)
☐ **Primitive Subsurface Disposal** (Privy, graywater – non-pressurized); ☐ **Common Sewer** (Connected to a sewer district)
☐ **Holding Tank** ☐ **Self-Contained Camper or RV** ☐ **Other** _____

5.2 Will any expanded, reconstructed, or new structures include new bedrooms or bathrooms; add plumbing, water fixtures, pressurized water, or the ability for human habitation; or otherwise generate additional wastewater? ☑YES ☐NO
If YES, *you may need to submit Exhibit E: Subsurface Wastewater Disposal. (see instructions on page iv)*

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6. DEVELOPMENT IN FLOOD PRONE AREAS *(Note: Supplement may be required. See instructions.)*

6.1 Is your proposed activity located within a mapped P-FP (Flood Prone Area Protection) Subdistrict, a mapped FEMA (Federal Emergency Management Agency) flood zone, or an unmapped area prone to flooding?

- P-FP Subdistrict ☐YES ☑NO
- FEMA Flood Zone ☑YES ☐NO
- Unmapped Area Prone to Flooding ☐YES ☑NO

If you answer YES to any of these questions, you must complete Supplement S-4: *Development in Flood Prone Areas.* Contact the LUPC office serving your area or download at www.maine.gov/dacf/lupc/application_forms/index.shtml.

7. VEGETATIVE CLEARING *(Note: Exhibit may be required. See instructions.)*

7.1 What is the total amount of proposed vegetative clearing not including the driveway and the footprint of proposed structures? ☑NA _____ sq. ft

If you answer NA *(not applicable) for 7.1 go to Section 8.*

7.2 Will the total amount of existing and proposed vegetative clearing within 250 feet of any lakes or rivers be less than 10,000 square feet? ☐YES ☐NO ☑NA **Total:** _____ sq. ft.

7.3 Will the proposed clearing be located at least 50 feet from the right-of-way or similar boundary of all public roadways? ☐YES ☐NO ☑NA **How Close?** _____ feet

7.4 Will the proposed clearing be located at least 75 feet from the normal high water mark of any body of standing water less than 10 acres in size, any tidal water, or flowing water draining less than 50 square miles? ☐YES ☐NO ☑NA **How Close?** _____ feet

7.5 Will the proposed clearing be located at least 100 feet from the normal high water mark of the lake or river? ☐YES ☐NO ☑NA **How Close?** _____ feet

7.6 **If you answer NO to any of these questions,** please explain why your vegetative clearing proposal is necessary and how it will not create an undue adverse impact on the resources and uses in the area: _____

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

Adamstown Twp.	Dallas Plt.	Lincoln Plt.	Magalloway Plt.
Rangeley Plt.	Richardsontown Twp.	Sandy River Plt.	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:

	Width of Vegetated Buffers			
	Road	Side Property Line	Rear Property Line	Subdistrict Boundary (If D-ES or D-CI)
Standard Minimum Required:	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 F: Documentation for Exceptions to Buffering Requirements. (See instructions on page iv)

8. SOIL DISTURBANCE, FILLING AND GRADING AND EROSION CONTROL *(Note: Exhibit may be required. See instructions.)*

8.1 Will your project involve disturbing soil or filling and grading? ☑YES ☐NO

If YES, *please answer the following questions.* ***If NO,*** *continue to Section 9.*

8.2 What is the total area of proposed soil disturbance or filling and grading? 2000 sq. ft.

8.3 Will the area of soil disturbance or filling and grading within 250 of a lake or river be less than 5,000 sq. ft.? ☐NA ☑YES ☐NO

a. **If NO**, what is the total square feet of soil disturbance or filling and grading within 250 feet? _____ sq. ft.

8.4 Will all soil disturbance or filling and grading be done when the ground is NOT frozen or saturated? ☑YES ☐NO

If NO, *you will need to submit Exhibit G: Erosion and Sedimentation Control Plan*

8.5 What will be the closest distance from the area to be disturbed to the nearest waterbody or wetland? 25 feet

8.6 Will any removed topsoil be stockpiled at least 100 feet from water and wetlands? ☑YES ☐NO

8.7 Will any fill used be free of hazardous or toxic materials, trash and rubbish? ☑YES ☐NO

Question 8 continues onto the next page...

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8. SOIL DISTURBANCE, FILLING AND GRADING AND EROSION CONTROL *(continued from previous page)*

8.8 Will all disturbed or filled area (other than driveways or walkways) be properly seeded and mulched prior to September 15 OR be heavily mulched with hay that is tacked down and a minimum of 4 inches in depth to prevent sedimentation in the spring? ☑ YES ☐ NO

8.9 Will existing waterbodies, wetlands, and culverts in the area be protected by the use of hay bales, silt fence or other measures? ☑ YES ☐ NO

8.10 What is the average slope of land between the area to be disturbed and the nearest waterbody or wetland?

☑ **10% or Less** *(Requires minimum setback of 100')* ☐ **20%** *(Requires minimum setback of 130')*

*(**Note**: Between 10% and 20% average slope, an additional 3 foot setback is required for each additional 1% of slope (example: an average slope of 12% requires a minimum setback of 106 feet.))*

☐ **30%** *(Requires minimum setback of 170')* ☐ **40%** *(Requires minimum setback of 210')*

☐ **50%** *(Requires minimum setback of 250')* ☐ **60%** *(Requires minimum setback of 290')*

☐ **70%** *(Requires minimum setback of 330')*

*(**Note**: Between 21% and 70% average slope, an additional 4 foot setback is required for each additional 1% of slope (example: an average slope of 36% requires a minimum setback of 194 feet.))*

8.11 **If you answer NO to any of these questions, or your project will not meet the minimum setback for your slope in 8.10,** please explain how your project will not create an undue adverse impact on the resources and uses in the area. Include information about erosion control devices and other plans to stabilize the site: We will use erosion matt and seed grass.

9. LAND AND WETLAND ALTERATION *(Note: Exhibit or Supplement may be required. See instructions.)*

9.1 Will your proposal alter a total of one acre or more of land area, whether upland or wetland? ☐ YES ☑ NO

***If YES**, you must also complete Exhibit G: Erosion and Sedimentation Control Plan and Supplement S-3: Requirements for Wetland Alterations.*

9.2 Will your proposal alter any amount of land that is mapped P-WL Subdistrict, or any ground below the normal high water mark of any lake, pond, river, stream, or intertidal area? ☐ YES ☑ NO

***If YES**, you must also complete Supplement S-3: Requirements for Wetland Alterations.*

10. APPLICANT SIGNATURE (REQUIRED) AND AGENT AUTHORIZATION (*OPTIONAL*)

Agent Name	Daytime Phone	FAX	
Mailing Address		Email	
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 "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) _____ Date 6/9/15

_____ Date _____

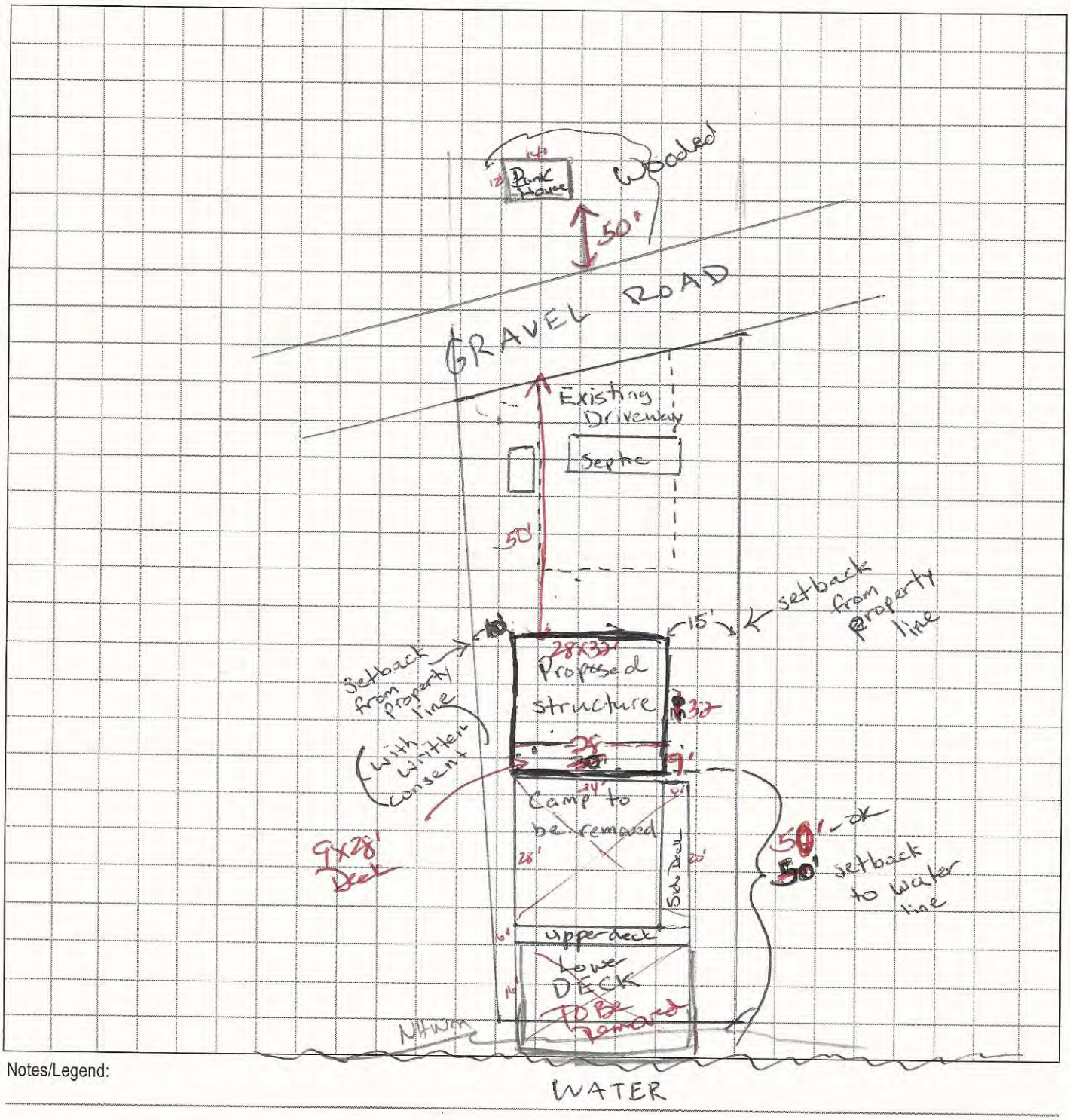
For office use: 48406 BP 15446
Tracking No. Permit No.

2.5cm = 30'
Scale 1" = 30'
1/8" = 3.75'

RECEIVED
AUG 17 2015
LUPC - MILLINOCKET

EXHIBIT D-1: 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 iv. Do not use colors. Refer to the instructions on page v for a sample site plan.



Notes/Legend: