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

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

BUILDING PERMIT BP 15533

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Jacob Emery and Alexandra Drummond for Building Permit BP 15533, finds the following facts:

1. Applicants: Jacob Emery and Alexandra Drummond
   15 New York Street
   Millinocket, ME 04462

2. Date of Completed Application: March XX, 2016

3. Location of Proposal: Indian Purchase #4 Township, Penobscot County
   Maine Revenue Service Plan 15, Lot 10 on Map PE033

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

5. Lot Size: 0.49 Acres (owned)

6. Principal Building: Existing Single Family Residence (22 ft. by 32 ft.) with Addition (9 ft. x 12 ft.) [To be converted to storage building]
   Proposed Single Family Residence (36 ft. by 36 ft.)
   with Proposed Attached Garage (20 ft. by 36 ft.)

7. Accessory Structures: Existing Shed (6 ft. by 8 ft.)
   Existing Shed (12 ft. by 10 ft.) [To be removed]

8. Sewage Disposal: Existing Malfunctioning Septic System
   Proposed Combined Wastewater Disposal System with Variance

9. Affected Water: South Twin Lake

The Commission has identified South Twin Lake as a management class 3,5, resource class 1B, accessible, developed lake with the following resource ratings: outstanding fisheries resources, outstanding scenic resources, significant fisheries, shore character, cultural and

physical resources.

Background

10. The applicants' 0.49 acre lot has 85 feet of frontage on Turkey Tail Road, and 103 feet of shoreline frontage on South Twin Lake. The lot is currently developed with a pre-Commission 22 foot by 32 foot single family residence with a 9 foot by 12 foot addition , a 6 foot by 8 foot shed, and a 12 foot by 10 foot shed. The existing residence is located 26.5 feet from the lake and 8 inches from the side property boundary line, the 6 foot by 8 foot shed is located 56 feet from the lake, and the 12 foot by 10 foot shed is located 114 feet from the lake. All structures are located over 50 feet from Turkey Tail Road and, with the exception of the existing dwelling, over 15 feet from the nearest property boundary line.

11. On May 4, 1995, Commission staff issued Great Ponds Permit GP 622 to Philip L. and Anne G. Lyons, former lessees, authorizing the reconstruction of a 45 linear foot timber crib retaining wall faced with riprap located along the shoreline of the subject property.

Proposal

12. The applicants propose to convert the existing 22 foot by 32 foot single family residence with a 9 foot by 12 foot addition to a storage building by disconnecting and removing all plumbing, kitchen, and bath facilities. The applicants also propose to construct a new 36 foot by 36 foot single family residence, with a 20 foot by 36 foot attached garage. The proposed residence with attached garage will be located at least 50 feet from Turkey Tail Road, at least 100 feet from South Twin Lake, and at least 15 feet from the nearest property boundary line. The residence will be served by a proposed combined subsurface wastewater disposal replacement system. The applicants also propose to remove the existing 12 foot by 10 foot shed from the property. The applicants propose site preparation work which includes filling and grading approximately 2,566 square feet of the lot, approaching within 100 feet of the lake; construction of two (2) eight to twelve-inch high earthen water diversion berms within 50 feet of the lake; and discontinuance of the portion of the existing driveway within 100 feet of the lake by seeding with grass and planting native shrubs. The proposed earthen water diversion berms will utilize topsoil removed during site preparation for the proposed new dwelling and will be seeded and hay mulched. The applicants state the water diversion berms will direct surface run-off to a vegetative buffer along the side property lines and is needed due to the sustained 9% slopes on the property and continued erosion problems. The applicants further propose to install an approximately 2-4 foot wide by 75 foot long stone walkway to be located 25 feet from the normal high water mark of the lake for access to the shoreline and to prevent footpath erosion on the bank between the new dwelling and shorefront. The stone walkway will have at least one bend in its path to divert channelized runoff. All filled, graded, and areas of disturbed soils will be stabilized by seeding and hay/straw mulching.

Review Criteria

1. Under the provisions of Section 10.21, J, 3,c,(14) of the Commission's Land Use Districts and Standards, residential, single family dwellings may be allowed within D-RS subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III

2. Under the provisions of Section 10.26, A, 1, of the Commission's Land Use Districts and Standards, the minimum lot size for residential uses is 40,000 square feet per dwelling unit.

3. Under the provisions of Section 10.11, A, of the Commission's Land Use Districts and Standards, and in accordance with 12 M.R.S.A. §685-A (5), legally existing nonconforming structures, uses and lots will be allowed to continue.

4. Under the provisions of 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 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.

5. Under the provisions of Section 10.11, B, 7, of the Commission's Land Use Districts and Standards, all changes to legally existing nonconforming structures, structures for nonconforming uses or structures on nonconforming lots must comply with the Maine State Subsurface Waste Water Disposal Rules (144A CMR 24), including changes that do not require a permit under this rule.

6. Under the provisions of Section 10.11, C, 4, of the Commission's Land Use Districts and Standards, the use of a nonconforming structure shall not be changed without permit approval.

7. Under the provisions of Section 10.21, J, 3,c,(8), of the Commission's Land Use Districts and Standards, filling and grading which is not in conformance with the standards of Section 10.27,F may be allowed within D-RS subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III.

Based upon the above Findings, the staff concludes that

8. The applicants' lot does not conform to the dimensional requirements of Section 10.26, A, 1, of the Commission's Land Use Districts and Standards.

9. The proposed dwelling and the proposed discontinuance of the use of the existing structure as a dwelling would not adversely affect surrounding uses and resources in that there would be no change in use from the current situation. The proposed dwelling would not increase the extent of nonconformance as there would still be only one dwelling unit on the lot.

10. The proposed earthen water diversion berms and stone walkway would not adversely affect surrounding uses and resources in that it would serve to reduce erosion issues currently associated with the property by effectively controlling water, would reduce footpath erosion on the existing bank between the new dwelling and shoreline, and would be properly stabilized so that the potential for unreasonable erosion does not exist. The water diversion berms would be located and constructed to provide an unscarified filter strip of at least 50 feet between the outflow point of the berm and the normal high water mark of South Twin Lake and the stone walkway would have at least one bend in its path to divert channelized runoff.

11. The facts are otherwise as represented in Building Permit application BP 15533 and supporting documents.

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. and the provisions of Section 10.11, B, 1 of the Commission's Land Use Districts and Standards.

Therefore, the staff approves the application of Jacob Emery and Alexandra Drummond 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. 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.

4. 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.

5. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to catch sediment from runoff water before it leaves the construction site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands or adjacent properties. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning.

6. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.

7. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.

8. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.

9. Unless otherwise proposed in Question 8.4 and by the submittal of **Exhibit G, Erosion and Sediment Control Plan**, and approved by this permit, soil disturbance must not occur when the ground is frozen or saturated.

10. 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.

11. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and conditions of approval. The new owner or lessee should then contact the Land Use Planning Commission to have the permit transferred into his/her name. If there are no additional changes the transfer can be accomplished on a Minor Change Form.

12. 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.

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. 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.

15. Structures authorized under this permit must not be sited on a ridge or knoll such that they are visible above the tree line from any water body. All authorized structures must be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.

16. **In order to prevent surface drainage from directly entering South Twin Lake, the water diversion berms authorized under this permit shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least 50 feet between the outflow end of the berm and the normal high water mark of the lake or the upland edge of a wetland and shall be properly stabilized so that the potential for unreasonable erosion does not exist.**

17. **The dwelling with attached garage authorized under this permit, as well as filling/grading/ soil disturbance and cleared openings created as part of construction activities, shall be set back a minimum of 50 feet from Turkey Tail Road, 100 feet from South Twin Lake, and 15 feet from other property boundary lines.**

18. **To protect the scenic quality of South Twin Lake, the permitted dwelling with attached garage must not exceed 30 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.**

19. **Prior to occupancy of the dwelling authorized under this permit, all plumbing, kitchen, and bath facilities shall be disconnected and removed from the existing pre-Commission dwelling for conversion to a storage building.** ***The permittee must contact the Commission staff to schedule an inspection by staff to verify compliance of the the above requirements.***

20. Normal maintenance and repair of the converted storage building is allowed; however, should 50% or more of the structure become removed, damaged or destroyed, for whatever reason, the structure shall not be repaired or replaced unless such repairs or replacement structure fully complies with Commission standards applicable at the time of repair and replacement, including, if applicable, waterbody setback requirements, and then, if required, only after receiving permit approval from the Commission.

21. Upon completion of the authorized structures within the terms of this permit, any existing structures authorized to be removed from the lot and other construction debris must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.

22. 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.

23. All conditions of previously issued Commission permits shall remain in effect, except as modified by 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 21st DAY OF MARCH, 2016.

By: Debra A. Kaczynski

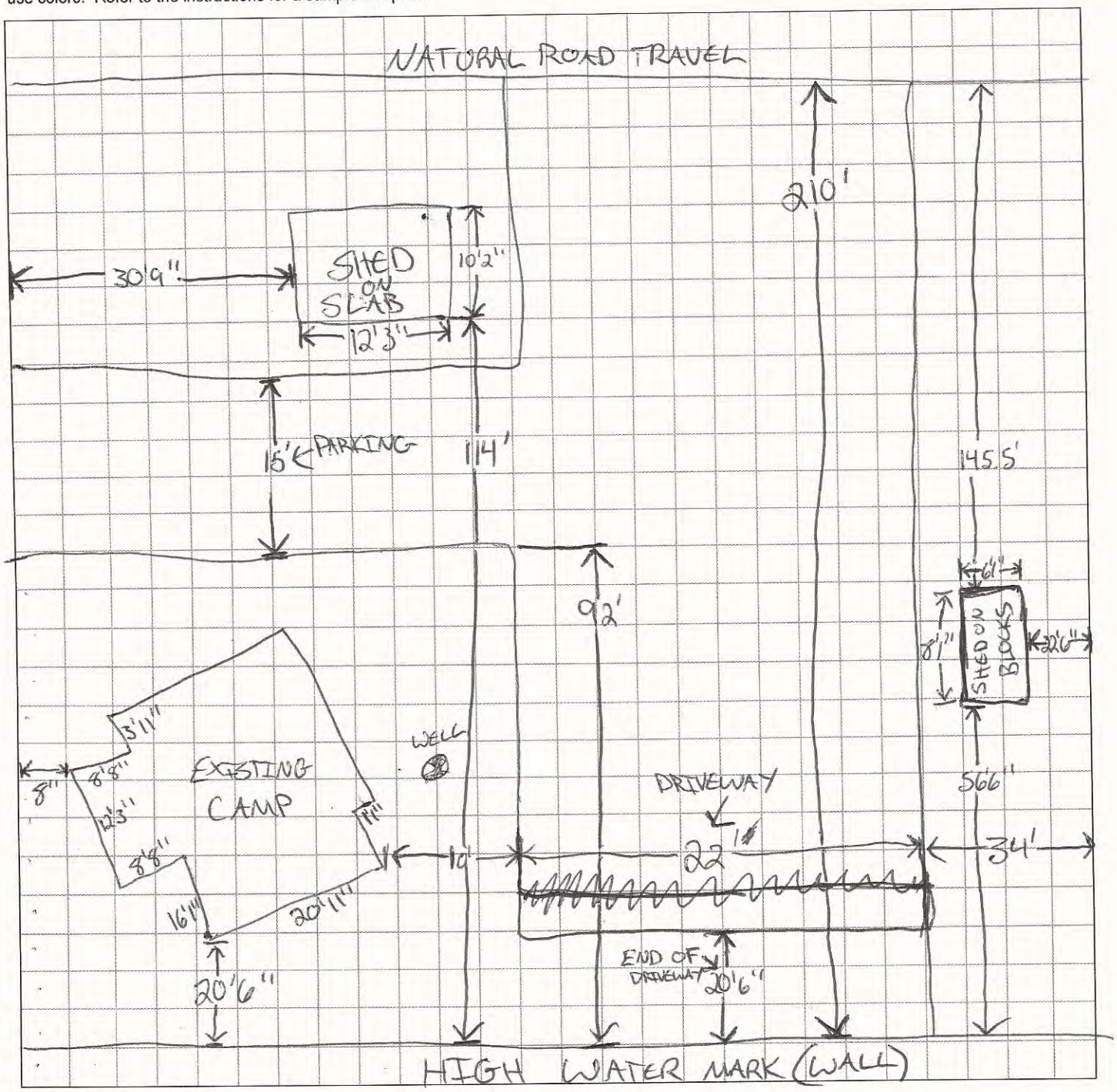
for Nicholas Livesay, Executive Director

For office use:
48739 BP 15533
Tracking No. Permit No.

Before

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. Do not use colors. Refer to the instructions for a sample site plan.



Notes/Legend:
WATER FOOTAGE & ROAD FOOTAGE TAKEN FROM LEASE DRAWINGS

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MAR 16 2016
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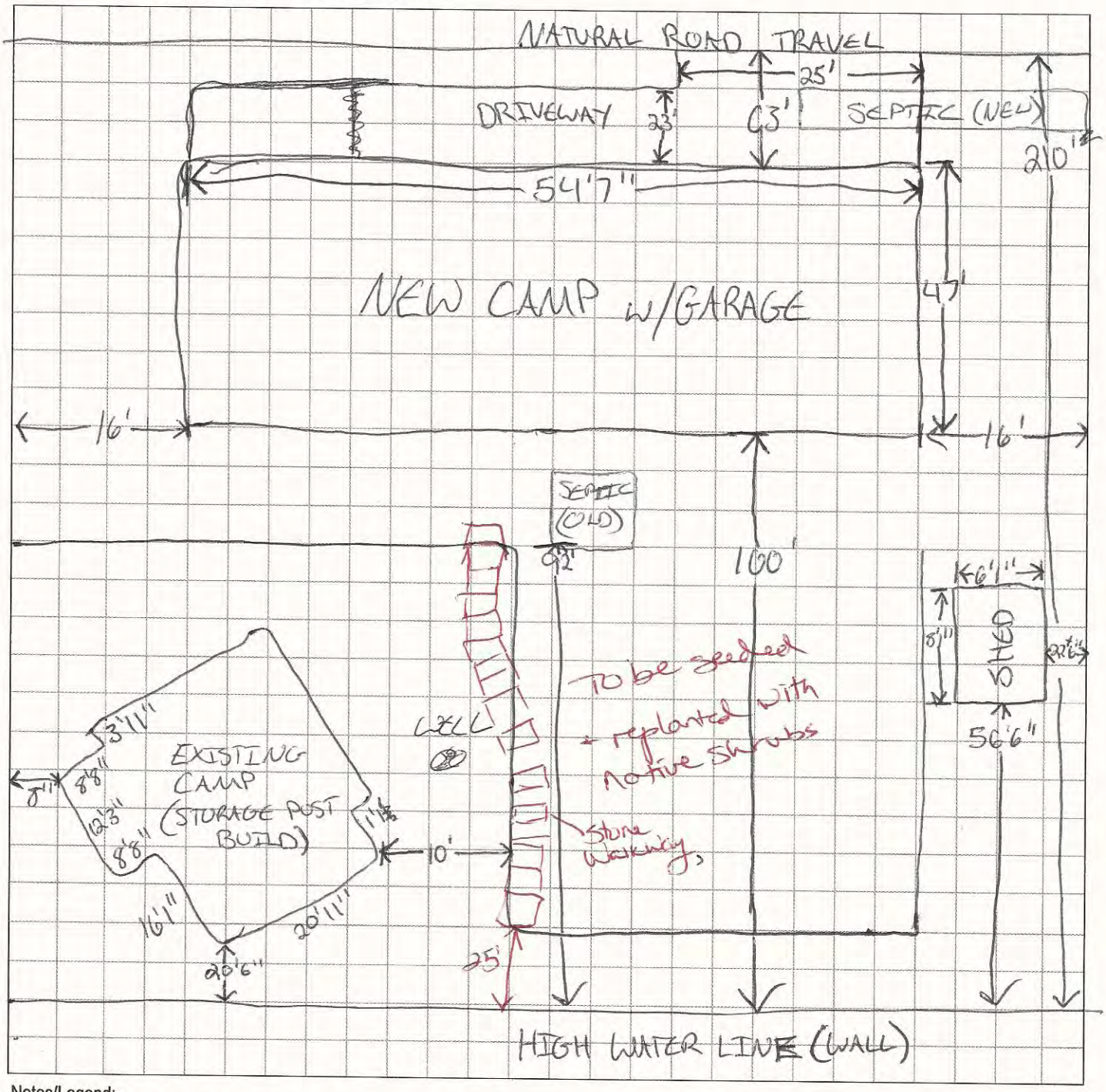
For office use:
Tracking No. 48739 BP Permit No. 15533

D-2. AFTER

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. Do not use colors. Refer to the instructions for a sample site plan.



Notes/Legend:

WOULD LIKE TO COVER NEW CAMP TO WATER W/ GRASS AND GARDENS WOULD LIKE TO ARRANGE THE NEW DRIVEWAY/ PARKING TO LIMIT TREE REMOVAL ALSO WANT TO PLANT BUSHES BETWEEN ROAD AND DRIVEWAY/PARKING AND HOUSE FOR PUST CONTROL.

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BP15533

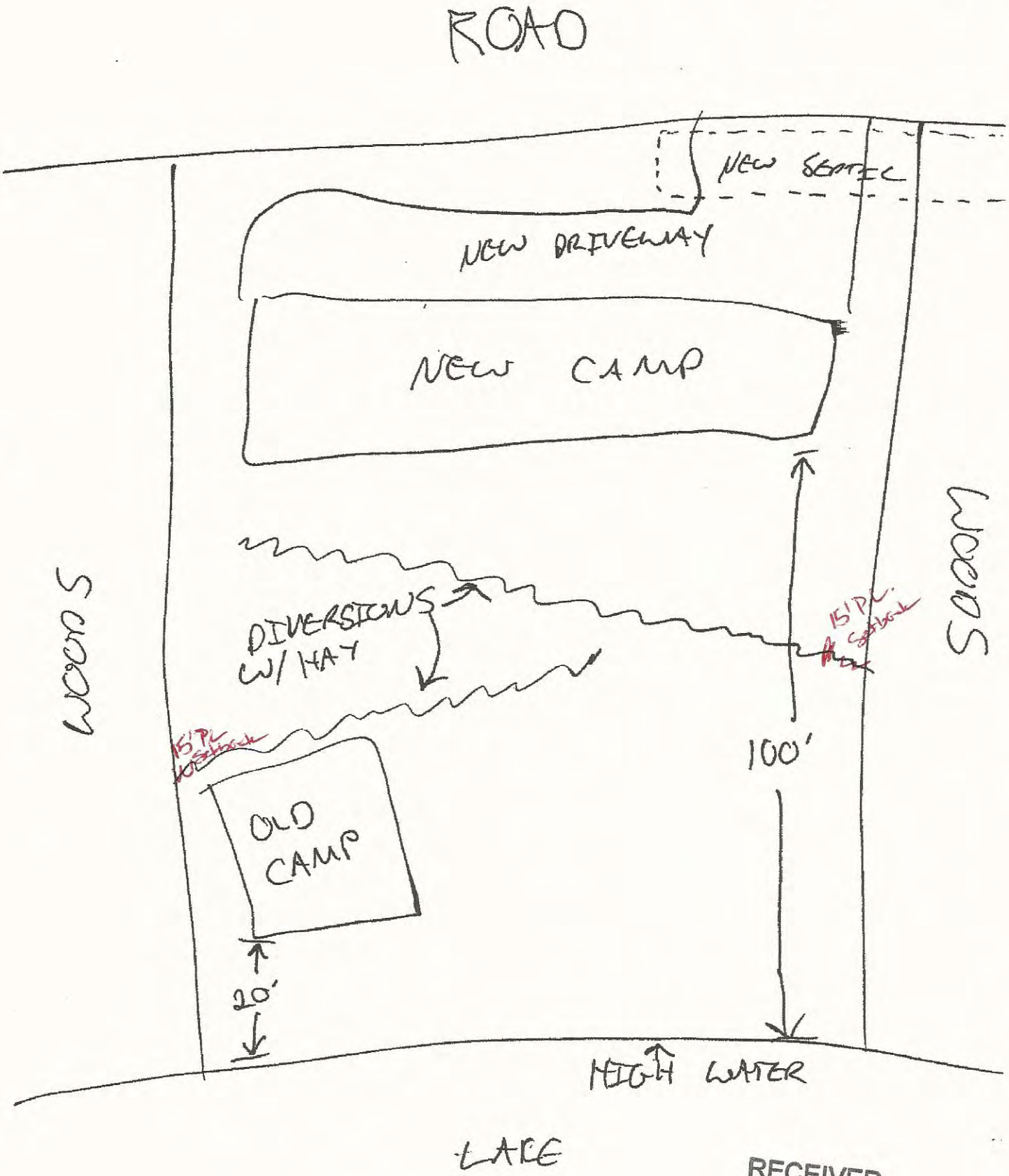

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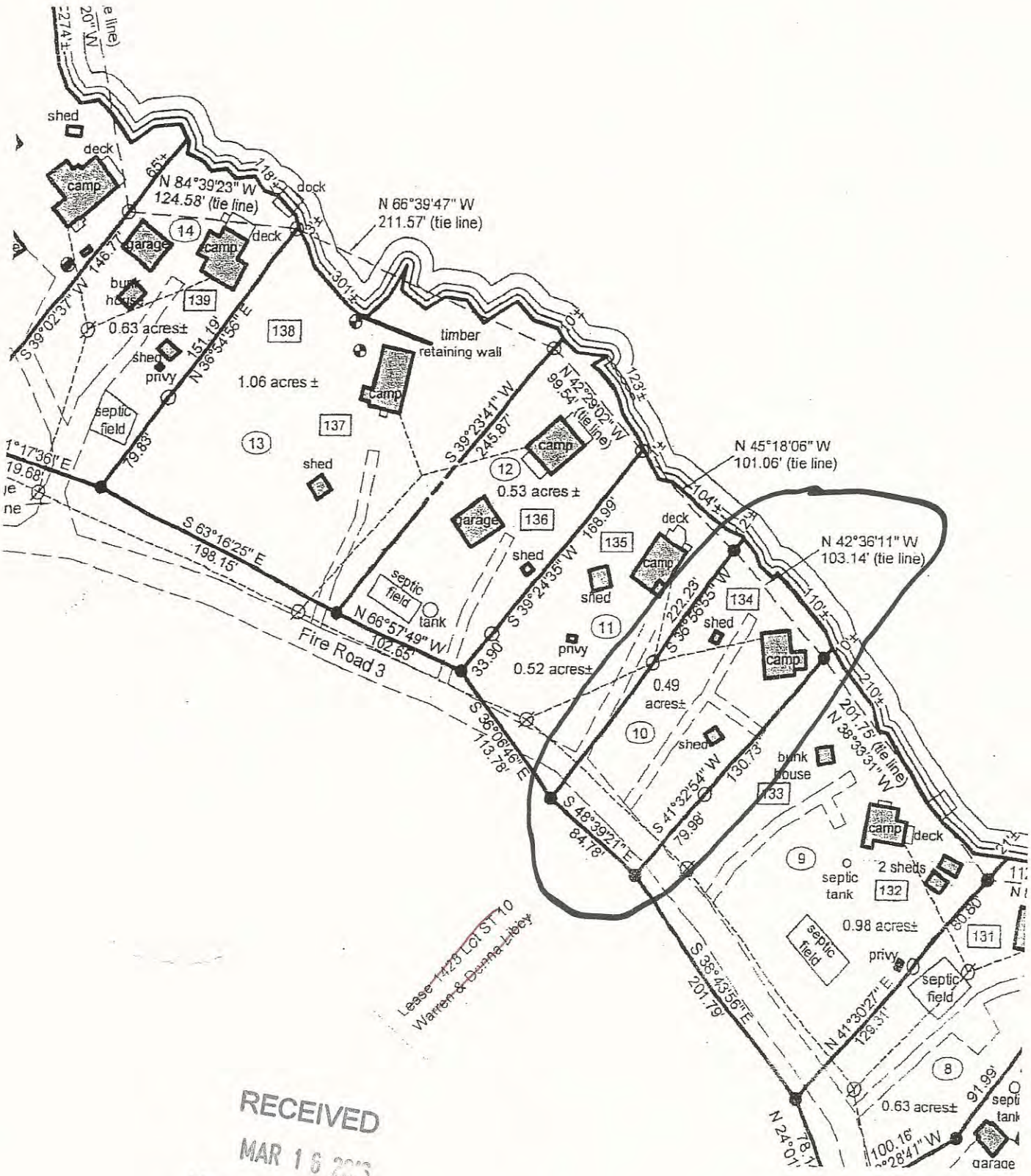
Exhibit B



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