



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
45 RADAR ROAD
ASHLAND, MAINE 04732-3600

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT F BUILDING PERMIT BP 4036

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Michael Beaulieu for Amendment F to Building Permit BP 4036, finds the following facts:

1. Applicant: Michael Beaulieu
2127 St John Rd
St John Plt, ME 04743
2. Date of Completed Application: April 25, 2016
3. Location of Proposal: Saint John Plantation, Aroostook County
Lots #20, #21, #22, and #23 on Map16 for St John Plt.
4. Zoning: (D-RS) Residential Development Subdistrict
5. Lot Size: 3.5 Acres (owned)
6. Principal Structure(s): Existing Modular Home (28 ft. by 62 ft.)
w/ Existing Front Porch (approx. 8 ft. by 8 ft.)
w/ Previously Authorized Attached Garage (30 ft. by 30 ft.)
7. Accessory Structure(s): Existing Shed (20 ft. by 30 ft.)
Proposed Garage (40 ft. by 80 ft.)
8. Sewage Disposal: Existing Combined System
9. Soil Type: 6-C per the Maine State Plumbing Code.

History of Development:

10. The applicant's lot was originally developed in 1977 with a 14 foot by 70 foot mobile home and a combined sewage disposal system [Reference: Building Permit BP 4036]. In 1992, the mobile home was replaced with a 28 foot by 62 foot modular home. The petitioner's lot was approximately 1.77 acres in size at that time [Reference: Amendment A to Building Permit BP 4036].

11. In October of 1997, Amendment B to Building Permit BP 4036 was issued to the applicant granted after-the-fact approval of an existing 12 foot by 20 foot storage shed and approved the proposed construction of a 30 foot by 60 foot residential garage. In March of 2000, Amendment C to Building Permit BP 4036 allowed the applicant to also store and maintain his commercial logging trucks in the garage. In September of 2002, Amendment D to Building Permit BP 4036 permitted construction of a 40 foot by 60 foot addition to the existing garage. Also in 2002, Commission staff found that the applicant had constructed a deck addition to the home, and had altered more than one acre of land without the required delineation of wetlands [Reference: Enforcement Case EC 02-164].
12. Without approval from the Commission, the applicant has converted the previously permitted residential garage into a commercial inspection station and truck repair shop. In addition, the applicant improperly installed two above-ground fuel tanks, each 1000 gallons in size, without a permit from the Commission and in violation of state and federal fuel storage regulations [Reference: Enforcement Case EC 02-164].
13. In June of 2003, 3.0 acres of the applicant's lot was rezoned from (M-GN) General Management Subdistrict to (D-CI) Commercial Industrial Development Subdistrict by virtue of Zoning Petition ZP 674.
14. In October of 2003, Development Permit DP 4642 was issued to the applicant authorizing after-the-fact approval for a truck repair garage and commercial inspection station, a 35 foot by 50 foot deck addition to the existing home, and a 1000 gallon diesel fuel tank. The other existing fuel tank(s) would be removed from the lot. Development Permit DP 4642 also authorized the after-the-fact filling of less than 4,300 square feet of scrub-shrub or forested (P-WL2 or P-WL3) wetland on the lot.
15. In May of 2011, the truck repair garage was destroyed by fire. In June of 2011, Amendment A to Development Permit 4642 was issued to the applicant for reconstruction of a 40 foot by 80 foot garage with an attached 20 foot by 80 foot shed. The garage with attached shed was to be set back at least 75 feet from Route 161 and at least 25 feet from property boundary lines. The garage was to be located within the (D-CI) Commercial Industrial Development Subdistrict.
16. In September 2011, staff observed that the applicant was operating his trucking repair and inspection business at another location in Saint John Plt., owned by Christopher Lausier at the time. This lot had an existing 80 foot by 80 foot garage authorized in 2005 for storage and maintenance of Lausier's logging trucks [Reference: Amendment B to Development Permit DP 3416].
17. In December of 2012, staff-initiated Zoning Petition ZP 740 was approved by the Commission, officially rezoning the Lausier property from (M-GN) General Management Subdistrict to (D-CI) Commercial Industrial Development Subdistrict. This lot was subsequently purchased by the applicant. Under this same action, the 3.0 acre portion of the applicant's lot located in the (D-CI) Commercial Industrial Development Subdistrict was rezoned to the (D-RS) Residential Development Subdistrict.

18. In March of 2016, Amendment E to Building Permit 4036 was issued to the applicant for construction of a 30 foot by 30 foot residential garage to be attached to the existing dwelling. The garage was to be set back approximately 78 feet from Route 161 and 80 feet from the nearest property boundary line. The rear porch and 12 foot by 12 foot shed were to be removed. The applicant also noted in his application that most of the the attached deck has been removed as well as all fuel tanks, and a 20 foot by 30 foot exempt residential shed has been constructed on the property.

Proposal:

19. The applicant now seeks amendment approval to construct a 40 foot by foot 80 foot garage on an existing slab foundation to be used for private storage and maintenance of his personal vehicles. The garage would be set back approximately 80 feet from Route 161 and at least 100 feet from the nearest property boundary line. A Letter of Intent of Use signed by the applicant and notarized by a Notary Public has been submitted as part of the application for the proposed garage. The letter states that the applicant understands that he cannot conduct any vehicle inspections, work on any vehicles owned by someone else, or conduct any commercial activities at this location unless authorized by the Commission. By signed this letter the applicant also acknowledges that the construction and/or use of the proposed garage does not guarantee that the property will be rezoned or that the commercial use of it will be allowed in the future.

Review Criteria:

20. Under the provision of Section 10.21,J,3,c(14) of the Commission's Land Use Districts and Standards, residential uses are allowed with a permit in a (D-RS) Residential Development Subdistrict, subject to the applicable requirements set forth in Sub-Chapter III of the Commission's rules.
21. The proposed garage complies with Sub-Chapter III of the Commission's Land Use Districts and Standards.
22. The facts are otherwise as represented in Building Permit Application BP 4036, subsequent amendment requests, and supporting documents.

Based upon the above Findings, the staff concludes that 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 Michael Beaulieu with the following conditions:

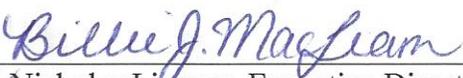
1. **At least one week prior to commencing the permitted activities**, the permittee or the designated agent must contact the Commission staff and notify them of the estimated date construction work will start. Notice may be provided in writing, in person, by email, or by calling. If you leave or send 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. The authorized garage must be set back a minimum of 75 feet from Route 161 and 25 feet from other property boundary lines.
5. The authorized garage is authorized for private residential use and storage of the applicant's vehicles only. Conducting vehicle inspections, working on a vehicle owned by anyone other than the applicant or a residence of the dwelling, or conducting any other commercial activities at this location is prohibited without prior permit approval from the Commission.
6. The applicant shall not fill or grade any additional areas (except those area previously filled) on the lot without prior permit approval from the Commission.
7. 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.
8. 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.
9. 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.
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. Upon completion of the authorized structure within the terms of this permit, the debris from the existing garage must be removed from the lot and all solid waste and other debris disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
12. The permittee shall not advertise Land Use Planning Commission approval without first obtaining approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.
13. 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.
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. All conditions of Building Permit BP 4036 and subsequent amendments shall remain in effect except as modified 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 permittee complies 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 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.

DONE AND DATED AT ASHLAND, MAINE, THIS 26TH DAY OF APRIL, 2016.

By: 
for Nicholas Livesay, Executive Director