# BUILDING PERMIT BP-4518, AMENDMENT B

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

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 below, 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.

Debra A. Kaczynski — LUPC Authorized Signature

9/29/2016 — Effective Date

## CONDITIONS OF APPROVAL

**General 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. 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 and 5 and approved by this permit.
4. 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.
5. 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.
6. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.
7. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
8. 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.
9. 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.
10. 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.
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. **To protect the scenic quality of Smith Pond, the permitted 32 foot by 40 foot 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.**
17. 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.

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

# Building Permit Amendment

*SHORT FORM for Residential Development*

## 1. APPLICANT INFORMATION

| | | |
|---|---|---|
| Applicant Name(s): Caroline Preston & Shawn Smith | Daytime Phone: 2075705605 | FAX *(if applicable)* |
| Mailing Address: 742 Main Rd | | Email *(if applicable)* |
| Town: Carmel | State: ME | Zip Code: 04419 |

## 2. PROJECT LOCATION AND PROPERTY DETAILS

| | |
|---|---|
| Township, Town or Plantation: Indian Purchase No 3 TWP | County: Penobscot |
| Tax Information *(check Tax Bill)* Map: PE032 Plan: 06/08 Lot 116/117.1 | All Zoning at Development Site *(check the LUPC map)* |
| **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: SmithPond Rd Frontage 151 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: SmithPond Frontage 140 Waterbody #2: Frontage |

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

**Previously issued Building Permit BP**

| 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 | 1967 | 32x41 | full basement | 250' | >15' | 130' | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

## 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): New structure* | Reconstruct* | Expand | Relocate* | Remove | Enclose deck/porch | Permanent foundation* | Change dimensions or setbacks | Exterior Dimensions (in feet) (LxWxH) | Horizontal Distance (in feet) of structure from nearest: Road | Property line | Lake or pond | River or stream | Wetland | Ocean/Tidal waters |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| garage | ☑ | ☐ | ☐ | ☐ | ☐ | ☐ | ☑ | ☐ | 32x42' | 55' | 20' | 185' | N/A | N/A | N/A |
| | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | | | | | | | |
| | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | | | | | | | |
| | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | | | | | | | |

*** 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:

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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 | Wetland | Ocean/Coastal Wetlands |
| Cleared area | N/A - Previously cleared area | | | | | | |
| Filled/disturbed area | ~ 1344 sq ft | 50' | 15' | 170' | | | |

## 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. 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<br>50 feet in D-RS, D-RS2, D-RS3<br>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 "Accessing 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 below.**

**Signature(s)** Caroline K. Preston **Date** 9/28/2016

**Date**

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# 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:

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Preston/Smith
Site Location
Smith
Pond
Smith
Pond
Wadleigh
Pond Rd
W Smith
Pond Rd
E Smith
Pond Rd
Middle
Smith
Pond Rd
Golden Rd
Millinocket Lake Rd
Hemlock Pt
Tower Rd
01-1
01-2
01-3
D-RS
P-WL1
P-WL2
P-WL3
P-SL2
P-GP