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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE LAND USE PLANNING COMMISSION

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WALTER E. WHITCOMB
COMMISSIONER

PERMIT

AMENDMENT B TO BUILDING PERMIT BP 7912

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Federal Home Loan Mortgage Corporation for Amendment B to Building Permit BP 7912, finds the following facts:

1. Applicant: Federal Home Loan Mortgage Corporation
5000 Plano Parkway
Carrollton, TX 75010
2. Date of Completed Application: April 16, 2015
3. Location of Proposal: Sandy River Plantation, Franklin/ County
Tax Map 15, Lot #19
4. Zoning: (D-RS3) Residential Recreation Development Subdistrict
(P-SL2) Shoreland Protection Subdistrict
5. Lot Size: 4.09 Acres (owned)
6. Principal Building: Existing Single Family Dwelling (32 ft. by 40 ft.)
7. Accessory Structures: Existing Deck Attached to Dwelling (12 ft. by 16 ft.)
Existing Chicken Coop (4 ft. by 6 ft.) w/Run (4 ft. by 8 ft.)
8. Sewage Disposal: Existing Combined Sewage Disposal System
9. Affected Water body: Long Pond Stream

NICHOLAS LIVESAY, DIRECTOR

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Background

10. The applicant's lot is Lot #12 of a residential subdivision approved under Subdivision Permit SP 3170, and Amendments A and B, issued to Beaver Mountain Lake Development Associates in July of 1989, January of 1990, and July of 1995, respectively. A Conditional Certificate of Compliance was issued for the subdivision in January of 1990. Condition #2 of Amendment B to Subdivision Permit SP 3170 requires that an undisturbed 100 foot wide vegetative buffer be maintained along Long Pond Stream. The subject lot is located along Edelheid Road, a public road, Beaver Mountain Road, a private road, and Long Pond Stream.

11. Building Permit BP 7912, issued to Larry A. Washington in October of 1991, authorized the construction of a 30 foot by 64 foot permanent home with a 10 foot by 64 foot deck, and the installation of a combined sewage disposal system to serve the home. The proposed driveway to access the home was to enter onto Beaver Mountain Road.

Condition #2 of Building Permit BP 7912 incorporated the "Standard Clearing Conditions," as revised August 1990. Standard Clearing Condition #1 required that a vegetative buffer strip be maintained within 50 feet of any public or private road.

12. Amendment A to Building Permit BP 7912, issued to Mr. Washington in May of 1992, changed the dimensions of the previously permitted home to 32 foot by 40 foot permanent home with no deck.

13. According to Sandy River Plantation's records, the permitted home was constructed in 1992.

14. The applicant acquired the subject lot in March of 2014. The applicant requested a Certificate of Compliance for the lot in March of 2015.

15. Commission staff conducted site inspections of the subject lot on April 7, 2015 and April 17, 2015. During the site inspections, staff observed the following:

- a. The lot is developed with a 32 foot by 40 foot permanent home, as permitted under Amendment A to Building Permit BP 7912.
- b. A 12 foot by 16 foot deck is constructed onto the home.
- c. A 4 foot by 6 foot chicken coop with a 4 foot by 8 foot run is constructed on the subject lot.
- d. All buildings are set back more than 100 feet from Long Pond Stream, more than 50 feet from Edelheid Road and Beaver Mountain Road, and more than 15 feet from all other property boundary lines. The driveway is set back more than 100 feet from Long Pond Stream and more than 15 feet from all other property boundary lines.
- e. The driveway was constructed to enter onto Edelheid Road, rather than onto Beaver Mountain Road as permitted under Building Permit BP 7912. The first approximately 250 feet of the driveway parallels Beaver Mountain Road, and is located approximately 30 to 40 feet from Beaver Mountain Road. The area between Beaver Mountain Road and this relocated section of driveway has been cleared. This clearing is not in

compliance with the Standard Clearing Conditions under Condition #2 of Building Permit BP 7912. The remaining approximately 300 feet of the driveway to the house site is located as originally permitted under Building Permit BP 7912.

- f. There is a vegetative buffer, at least 100 feet wide, along Long Pond Stream on the subject lot.
- g. There is a vegetative buffer, greater than 50 feet wide, along Edelheid Road on the subject lot.
- h. There is a vegetative buffer, greater than 50 feet wide, between the buildings on the lot and Beaver Mountain Road, located on the opposite of the driveway from the road.
- i. The vegetative buffer along a portion of the north property line in the vicinity of the home is less than 15 feet wide.

Proposal

16. The applicant seeks amendment approval to:

- a. reflect its ownership of the property;
- b. change the location of the driveway entrance and first 250 feet of driveway as constructed; and
- c. replace the Standard Clearing Conditions of Building Permit BP 7912 with the Commission's current vegetative clearing and buffering standards, as discussed under Findings of Fact #17 and #18, below.

17. Under the provisions of Section 10.25,B,2 of the Commission's Land Use Districts and Standards, all principal and accessory buildings in the D-RS3 subdistricts shall be visually screened by a vegetative buffer made up of native trees and shrubs, except as provided in Section 10.25,B,2,c. Wooded buffers shall be comprised of both under- and overstory material that can be either maintained using existing vegetation or established where no such buffer exists. The minimum required widths for the vegetated buffer in the D-RS3 zone are 50 feet between buildings and roads (private and public) and 15 feet between buildings and property boundary lines.

Under the provisions of Section 10.25,B,2,c(2) exceptions to the buffering requirements are allowed for existing development where extensive clearing already exists at the time of adoption of these rules January 1, 2001.

18. Under the provisions of Section 10.27,B of the Commission's Land Use Districts and Standards, specifies standards for clearing of vegetation for development. These standards require that vegetative buffer strips be maintained within 50 feet of the rights-of-way of public roads and within 75 feet of the normal high water mark of streams. Section 10.27,B specifies the requirements that apply to the vegetative buffer strips.

19. Under the provisions of Section 10.26,D,1 of the Commission's Land Use Districts and Standards, the minimum required setbacks for residential structures are 50 feet from public and private roads, 75 feet from the normal high water mark of streams and 15 feet from property boundary lines.

20. Under the provisions of Section 10.27,H of the Commission's Land Use Districts and Standards, the minimum required setbacks for residential driveways from streams and property boundary lines are 50 feet and 15 feet, respectively.
21. Under the provisions of Section 10.21,L,3,b(1) of the Commission's Land Use Districts and Standards, accessory structures for legally existing principal structures and uses within the (D-RS3) Residential Recreation Development Subdistrict are allowed without a permit, up to 750 square feet in a 2-year period, provided that the accessory structures meet the provisions of Section 10.27,P of the Commission's Standards.
22. The provisions of Section 10.27,P of the Commission's Land Use Districts and Standards, specifies, among other requirements, that exempt accessory structures:
 - a. Conform with any applicable permit conditions, and/or deed restrictions recorded for the property;
 - b. Meet applicable dimensional requirements;
 - c. Have unfinished interiors and not be used for human habitation;
 - d. Have no plumbing; and
 - e. Not be used for a home occupation.
23. The facts are otherwise as represented in Building Permit Application BP 7912, Amendment Requests A and B, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The lot meets the vegetative buffering standards of Section 10.25,B,2 in regards to Beaver Mountain Road in that there is an existing vegetated buffer, more than 50 feet wide on the opposite side of the driveway from Beaver Mountain Road that visually screens the existing buildings from that road. Since the home was built prior to January 1, 2001, and the area cleared near the north property line at that time, the clearing in this area is exempt from the buffering requirements of Section 10.25,B under the provisions of Section 10.25,B,2,c(2).
3. The subject lot complies with the provisions of Section 10.27,B of the Commission's Land Use Districts and Standards regarding clearing of vegetation for development in that the vegetated buffers along Long Pond Stream and Edelheid Road are greater than 75 feet wide and 50 feet wide, respectively. Section 10.27,B does not apply to Beaver Mountain Road since it is a private road.
4. The driveway complies with the setback requirements of Section 10.27,H of the Commission's Land Use Districts and Standards.
5. The deck and chicken house and run described under Findings of Fact #7 and #15 are exempt from the requirement for a permit from the Commission under the provisions of Sections 10.21,L,3,b(1) and 10.27,P of the Commission's Land Use Districts and Standards.

6. 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 Federal Home Loan Mortgage Corporation with the following conditions:

1. All structures must be set back a minimum of 100 feet from the normal high water mark of Long Pond Stream, 50 feet from Edelheid Road and Beaver Mountain Road, and 15 feet from other property boundary lines. The driveway must be set back a minimum of 100 feet from the normal high water mark of Long Pond Stream and 15 feet from other property boundary lines.
2. All clearing of vegetation on the lot must comply with the Commission's standards for vegetative clearing buffering within the D-RS3 Subdistrict, Sections 10.27, B and 10.25, B, 2, copies of which are attached, except that an undisturbed 100 foot wide vegetative buffer shall be maintained along Long Pond Stream.
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. All conditions of Subdivision Permit SP 3170 and Amendments A and B to that permit, as they pertain to Lot #12, shall apply.
6. All conditions of Building Permit BP 7912 and Amendment A to that permit remain in effect except for Conditions #2 and #3 of Building Permit BP 7912 which are superseded by Conditions #2 and #1 of this amendment, respectively; and Condition #2 of Amendment A which is superseded by Condition #6 of 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 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 WEST FARMINGTON, MAINE, THIS 22nd DAY OF APRIL, 2015.

By: *Sara J. Beville*
For Nicholas Livesay, Director

B. VEGETATION CLEARING

Vegetation clearing activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements shall apply to vegetation clearing activities for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

1. A vegetative buffer strip shall be retained within:
 - a. 50 feet of the right-of-way or similar boundary of any public roadway,
 - b. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any tidal water or flowing water draining less than 50 square miles, and
 - c. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
2. Within this buffer strip, vegetation shall be maintained as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - b. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other natural vegetation is maintained.

For the purposes of this section a “well-distributed stand of trees” adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 24 or more in a 25-foot by 50-foot rectangular area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a “well-distributed stand of trees” shall be defined as maintaining a rating score of 16 or more per 25-foot by 50-foot (1250 square feet) rectangular area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2.0 to < 4.0	1
4.0 to < 8.0	2
8.0 to < 12.0	4
12.0 +	8

Table 10.27,B-1. Rating system for a well-distributed stand of trees.

The following shall govern in applying this rating system:

- (1) The 25-foot x 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer;
- (2) Each successive plot shall be adjacent to but not overlap a previous plot;
- (3) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
- (4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules; and
- (5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section, "other natural vegetation" is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4½ feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot. In addition, the soil shall not be disturbed, except to provide for a footpath or other permitted use.

- c. In addition to Section 10.27,B,2,b above, no more than 40% of the total basal area of trees 4.0 inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period.
 - d. Pruning of live tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
 - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings shall be established with native tree species.
3. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a body of standing water greater than 10 acres, no more than 40% of the total basal area of trees four inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all bodies of standing water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
 4. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing water, body of standing water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

B. REVIEW STANDARDS FOR SUBDISTRICTS IN PROSPECTIVELY ZONED AREAS

These standards apply only in areas that have been prospectively zoned and for all the subdistricts listed. Prospectively zoned areas are identified in Section 10.08 of these rules.

1. Dimensional Standards.

- a. Road frontage requirements: See Section 10.26.C.
- b. Building setbacks from roads: See Section 10.26.D.
- c. Lot coverage requirements: See Section 10.26.E.
- d. Structure height: See Section 10.26.F.

2. Buffering Standards. These standards complement the existing standards for clearing contained in Section 10.27.B.

- a. All principal and accessory buildings in the D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, D-ES, and D-CI subdistricts shall be visually screened by a vegetative buffer made up of native trees and shrubs, except as provided in Section 10.25.B,2,c below. Wooded buffers shall be comprised of both under- and overstory material that can be either maintained using existing vegetation or established where no such buffer exists.
- b. Minimum widths for the vegetated buffer are as follows:

	Width of Vegetative Buffer (feet)							
	D-GN	D-GN2	D-GN3	D-RS	D-RS2	D-RS3	D-ES	D-CI
Roadway	25	25	25	50	50	50	75	75
Side & rear property lines	15	15	15	15	15	15	15	15
Subdistrict boundary	NA	NA	NA	NA	NA	NA	50	50

Table 10.25.B-1. Width of vegetative buffers

The Commission may require buffer widths exceeding the minimum width, along with other screening as necessary, in order to ensure that unsightly uses such as junkyards and automobile graveyards are completely screened from view.

c. Exceptions to the buffering requirements are allowed under the following circumstances:

- (1) Property line buffer from adjacent development that is of a similar type, use, and intensity where adjacent landowners provide written agreement that a property line buffer is not needed;
- (2) Existing development where extensive clearing already exists at the time of adoption of these rules January 1, 2001;
- (3) New development where the establishment of buffers would eliminate or interfere with existing scenic views;
- (4) In a "Main Street" setting, that is defined as an area where 80% of a street is developed with buildings, where side and rear property line buffers would interfere with pedestrian circulation or access; and

BP 7912-B
 39 Edelheid Rd
 Sandy River Plt.

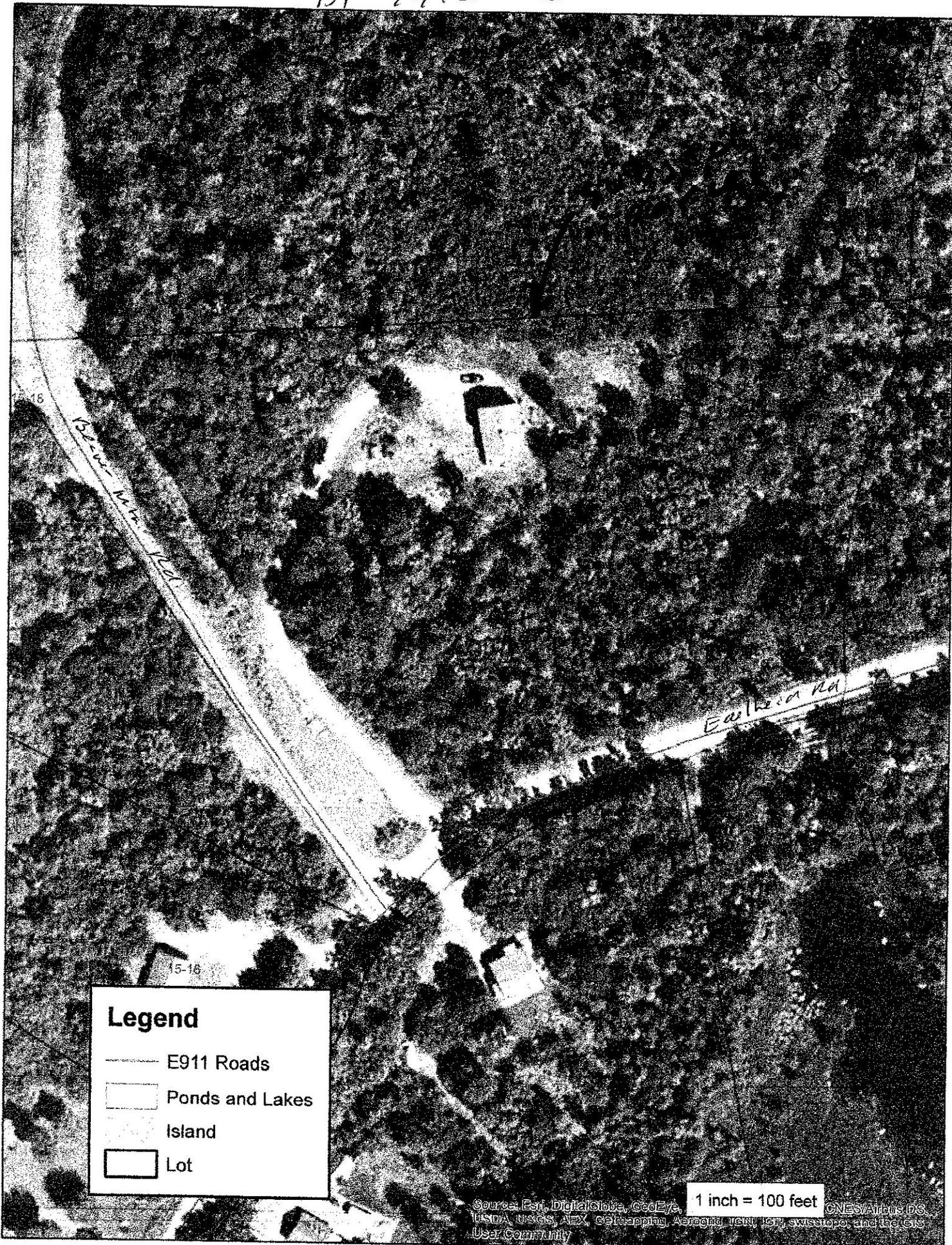
Maine Department of Agriculture, Conservation and Forestry - Land Use Planning Commission
 Zoning and Parcel Viewer

Map generated: Friday, April 17, 2015



Parcel number	Town/Geocode	Town Code	Plan	Lot	Zones Intersected	LUPC Region	Contact number
1	Sandy River Plt/07170	FRP04	15	19	d-rs3, p-sl2	RANGELEY	(207) 670-7492

SP 7912-B



Legend

- E911 Roads
- Ponds and Lakes
- Island
- Lot

1 inch = 100 feet

Source: Esri, DigitalGlobe, GeoEye, USAF, USGS, AEX, GeoMapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

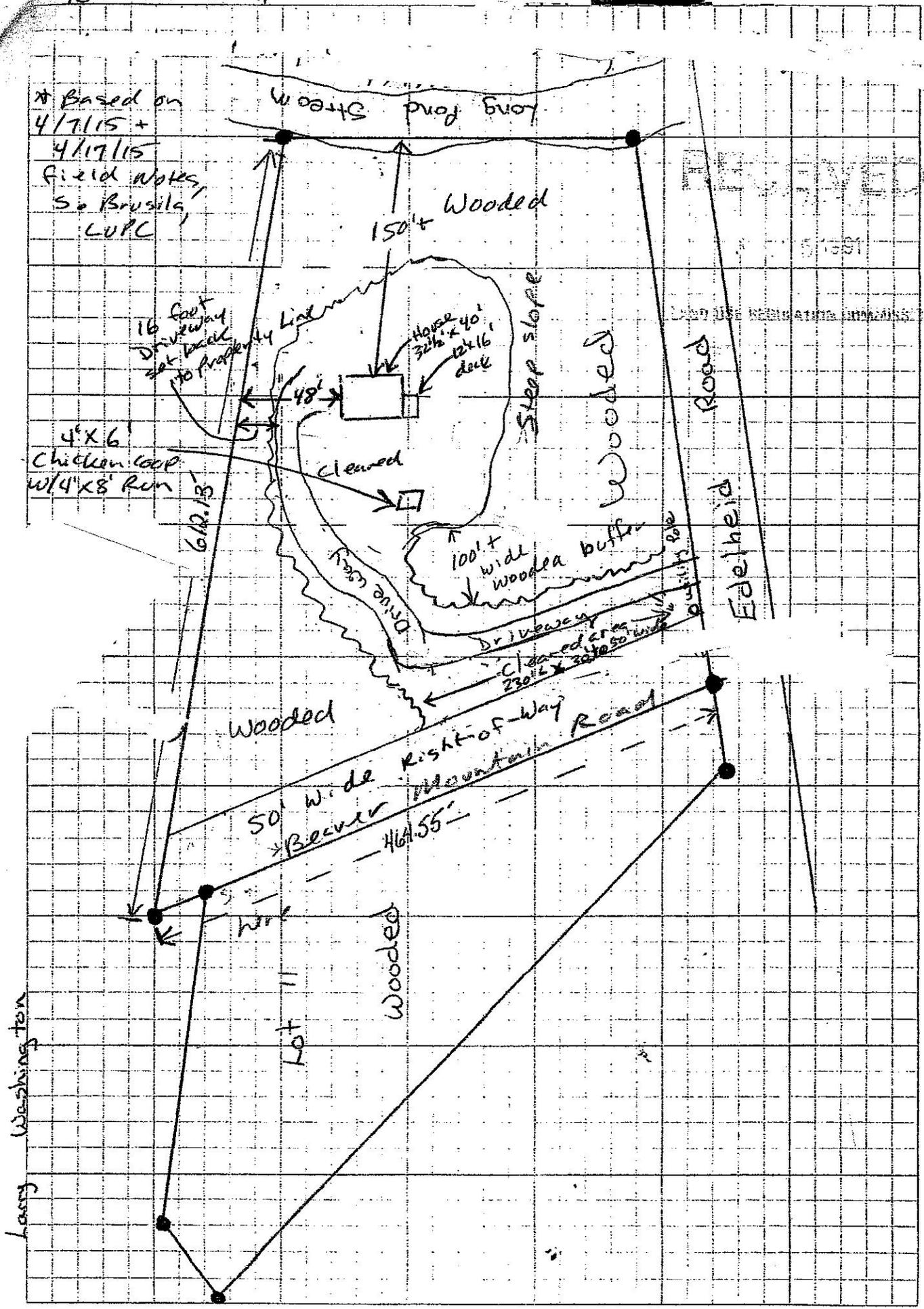
BP 7912-B Site Plan

* Based on
4/17/15 *

4/17/15
Field Notes,
So. Brusila,
LUPC

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